

Chapter 103. Aircraft, Airports and Heliports

HISTORY: Adopted by the Town Board of the Town of Webster 4-6-2006 by L.L. No. 1-2006 (Ch. 76 of the 1991 Code). Amendments noted where applicable.

Article I. General Provisions

§ 103-1. Title.

This chapter shall be known and may be cited as the "Operation of Helicopters and Other Aircraft, Private."

§ 103-2. Legislative authority.

The Town Board of the Town of Webster, Monroe County, New York, acting under the authority of the Town Law of the State of New York, hereby adopts and enacts this chapter as its Private Airport/Heliport Local Law.

§ 103-3. Legislative intent.

The purpose of this chapter is to address the operation of private airports and heliports and the operation of private aircraft in the Town of Webster and to provide for the protection of the health, safety, and welfare of the residents of the Town.

§ 103-4. Operation of private aircraft restricted.

Except as provided otherwise in this chapter, no private airplanes, private helicopters, private balloons, private hang-gliders, or private rotorcraft of any kind shall be permitted to take off or land or discharge or take on passengers within the boundaries of the Town of Webster.

§ 103-5. Private airports and heliports prohibited.

No private heliport or airport will be permitted to be built within the boundaries of the Town of Webster.

§ 103-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AIRCRAFT

A device that is used or intended to be used for flight in the air. For the purposes of this chapter, "aircraft" does not include model aircraft, rockets or balloons, with a maximum gross takeoff weight,

including fuel, of 55 pounds, or kites.

AIRPLANE

An engine-driven fixed-wing aircraft heavier than air that is supported in flight by the dynamic reaction of the air against its wings.

AIRPORT

An area of land or water that is used or intended to be used for the landing and/or takeoff of aircraft, and includes its buildings and facilities, if any.

BALLOON

A lighter-than-air aircraft that is not engine driven and that sustains flight through the use of either gas buoyancy or an airborne heater.

GLIDER

A heavier-than-air aircraft that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

HELICOPTER

A rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.

HELIPORT

An area of land, water, or a structure used or intended to be used for the landing and/or takeoff of helicopters.

KITE

A framework, covered with paper, cloth, metal or other material, intended to be flown at the end of a rope or cable, and having as its only support the force of the wind moving past its surfaces.

LIGHTER-THAN-AIR AIRCRAFT

An aircraft that can rise and remain suspended by using contained gas weighing less than the air that is displaced by the gas.

NYSDOT

New York State Department of Transportation.

OBSTRUCTION

As defined in Subpart C of Part 77 of Title 14 of the US Code of Federal Regulation (14 CFR 77 Subpart C, Obstruction Standards).

ROTORCRAFT

A heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

TOWN BOARD

The Town Board of the Town of Webster.

ULTRALIGHT AIRCRAFT

An aircraft that:

- A. Is used or intended to be used for manned operation in the air by a single occupant;
- B. Is used or intended to be used for recreation or sport purposes only;
- C. Does not have any US or foreign airworthiness certificate; and
- D. If unpowered, weighs less than 155 pounds; or
- E. If powered:

- (1) Weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation;
- (2) Has a fuel capacity not exceeding five US gallons;
- (3) Is not capable of more than 55 knots calibrated airspeed at full power in level flight; and
- (4) Has a power-off stall speed which does not exceed 24 knots calibrated airspeed.

§ 103-7. Applicability.

- A. No aircraft shall land upon or take off from any place within the Town of Webster, except under the circumstances as set forth herein. This prohibition shall not apply to the landing of ultralight aircraft or the airports solely servicing such aircraft, nor to the landing of emergency helicopters in the normal course of their duties or in the event that emergency conditions exist in the Town as declared by the Town Board, the Supervisor of the Town or his duly authorized agent, nor shall this prohibition apply to aircraft used for the limited purpose of construction on approved construction projects in the Town as approved by the Department of Public Works, with written notification to the Supervisor, Town Board, Chief of Police and the appropriate Fire Department at least five days prior to the event occurring.
- B. No person, firm, company, corporation, or any other business entity shall establish or operate, at any time, an airport or heliport within the Town of Webster.

§ 103-8. Exemptions.

The following are exempt from the application of this chapter:

- A. Aircraft landing or taking off from airports owned and operated by the Town of Webster, County of Monroe, State of New York, or the United States.
- B. Any airport operated by the Town of Webster, County of Monroe, State of New York, or the United States.

Article II. Administration and Enforcement

§ 103-9. Enforcement; penalties for offenses.

- A. Any violation of this chapter or of any order, requirement decision or determination issued by the Commissioner of Public Works or his/her division head, agent or designee pursuant to this chapter is hereby declared to be an offense punishable by a fine not exceeding \$500 or imprisonment for a period not to exceed six months, or both, upon conviction for a first offense; upon conviction for a second offense, both of which offenses were committed within a period of five years, punishable by a fine not less than \$500 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon a conviction for a third or subsequent offense, all of which offenses were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any order, requirement, decision or determination issued by the Commissioner of Public Works or his/her division head, agent or designee pursuant to this chapter shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day (twenty-four-hour period) of violation shall constitute a separate violation of this chapter.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- B. In addition to the penalties provided above, the Town Board may also institute any appropriate action or proceeding to prevent, correct or restrain any violation of this chapter.

§ 103-10. Severability.

Should any section, paragraph, sentence, clause, word, part or provision of this chapter be declared void, invalid or unenforceable for any reason, such declaration shall not affect the validity of any other part of this chapter which can be given effect without the part(s) declared void, invalid or unenforceable.

§ 103-11. When effective.

This chapter shall take effect immediately upon completion of publication, posting and filing as required by law.