

Chapter 3

AIRPORTS AND AVIATION*

Article I. In General

- Sec. 3-1. Certificates required for operation of aircraft.
- Sec. 3-2. Operation of aircraft in violation of federal regulations prohibited.
- Sec. 3-3. Landing within city limits prohibited; exception.
- Sec. 3-4. Height at which aircraft to be flown; acrobatic flying.
- Sec. 3-5. Violations.
- Secs. 3-6—3-20. Reserved.

Article II. Reserved

- Secs. 3-21—3-45. Reserved.

Article III. Gainesville Regional Airport

Division 1. Generally

- Sec. 3-46. Authority of city manager; enforcement.
- Sec. 3-47. Conduct of aeronautical activities.
- Sec. 3-48. Administrative regulations.
- Sec. 3-49. Rentals and fees for scheduled airlines.
- Sec. 3-50. Landing and parking fees for commercial charter flights.
- Sec. 3-51. Restricted areas.
- Sec. 3-52. Conduct of business.
- Sec. 3-53. Preservation of property.
- Sec. 3-54. Liability for damage to airport property.
- Sec. 3-55. Cargo or other storage.
- Sec. 3-56. Advertisements; signs.
- Sec. 3-57. Trash containers.
- Sec. 3-58. Firearms, explosives and inflammable material.
- Sec. 3-59. Gambling prohibited.
- Sec. 3-60. Disorderly conduct.
- Sec. 3-61. Picketing or unlawful assembly.
- Sec. 3-62. Solicitation.
- Sec. 3-63. Penalty for violation.
- Secs. 3-64—3-75. Reserved.

Division 2. Aircraft Flight Operations

- Sec. 3-76. Conformance with Federal Aviation Administration rules and regulations.
- Sec. 3-77. City manager's authority to restrict landings and departures.
- Sec. 3-78. Careless or reckless operations prohibited.
- Sec. 3-79. Operation of aircraft while under influence of alcoholic beverages, controlled substances, or other chemical substances.
- Sec. 3-80. Parachute jumping.
- Sec. 3-81. Traffic pattern.
- Sec. 3-82. Banner towing.
- Sec. 3-83. Apron.
- Secs. 3-84—3-95. Reserved.

*Cross references—Miscellaneous business regulations, Ch. 14.5; streets, sidewalks and other public places, Ch. 23.
State law reference—Aeronautics, F.S. Ch. 329 et seq.

GAINESVILLE CODE

Division 3. Aircraft Ground Operations

- Sec. 3-96. Starting aircraft engine.
- Sec. 3-97. Taxiing and moving aircraft on the ground.
- Sec. 3-98. Parking aircraft.
- Secs. 3-99–3-110. Reserved.

Division 4. Motor Vehicles and Motorized Equipment

- Sec. 3-111. On aprons or landing area.
- Sec. 3-112. Restrictions as to operation.
- Sec. 3-113. Yielding rights-of-way.
- Sec. 3-114. Speed limits.
- Sec. 3-115. Taxicabs, limousines, buses, and rental cars.
- Sec. 3-116. Authority to remove vehicles.
- Secs. 3-117–3-125. Reserved.

Division 5. Motor Vehicles at Airport for Rent or For Transport

- Sec. 3-126. Contract to operate motor vehicle rental service, deliver rental motor vehicles—Required.
- Sec. 3-127. Same—Application.
- Sec. 3-128. Contract to transport passengers—Required.
- Sec. 3-129. Same—Application.
- Sec. 3-130. Violation; penalty.
- Secs. 3-131–3-145. Reserved.

Division 6. Safety Regulations

- Sec. 3-146. Generally.
- Sec. 3-147. Fire hazards and explosives generally.
- Sec. 3-148. Handling of fuel.
- Secs. 3-149–3-165. Reserved.

Article IV. Airport Hazard Zoning

- Sec. 3-166. Definitions.
- Sec. 3-167. Findings and purposes.
- Sec. 3-168. Zones—Created.
- Sec. 3-169. Same—Height limitations.
- Sec. 3-170. Use restrictions.
- Sec. 3-171. Nonconforming uses.
- Sec. 3-172. Administration and enforcement.
- Sec. 3-173. Permits.
- Sec. 3-174. Board of adjustment to hear and decide appeals.
- Sec. 3-175. Conflicting regulations.

ARTICLE I. IN GENERAL

Sec. 3-1. Certificates required for operation of aircraft.

It shall be unlawful for any person to operate any aircraft over the territory within the city limits without first having then in effect, a pilot's certificate issued by the United States Department of Transportation and a valid certificate of airworthiness for such aircraft issued by the United States Department of Transportation. (Code 1960, § 3-1)

Sec. 3-2. Operation of aircraft in violation of federal regulations prohibited.

It shall be unlawful for any person to operate any aircraft over the territory within the city limits in violation of any regulation of the United States Department of Transportation or any other authorized department governing the operation of aircraft. (Code 1960, § 3-2)

Sec. 3-3. Landing within city limits prohibited; exception.

It shall be unlawful for any person to land any aircraft within the city limits at any time except at established airports or heliports; provided nothing in this section shall be construed to prohibit aircraft on forced or emergency landings from landing within the corporate limits of the city. (Code 1960, § 3-3)

Sec. 3-4. Height at which aircraft to be flown; acrobatic flying.

(a) It shall be unlawful for any person to operate any aircraft over any building within the city limits at a height of less than one thousand (1,000) feet above the ground. Acrobatics shall not be performed over the territory within the city limits.

(b) The provisions of this section shall be construed to mean all aircraft except those taking off or landing and cases of emergency. (Code 1960, § 3-4)

Sec. 3-5. Violations.

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter shall be subject to the penalties of section 1-9.

Secs. 3-6—3-20. Reserved.

ARTICLE II. RESERVED

Secs. 3-21—3-45. Reserved.

ARTICLE III. GAINESVILLE REGIONAL AIRPORT*

DIVISION 1. GENERALLY

Sec. 3-46. Authority of city manager; enforcement.

(a) *Authority.* It shall be the duty of the director of aviation to administer and enforce the regulations prescribed in this article. The city manager shall at all times have authority to take such action as may be necessary in the handling, conduct, and management of the public using the facilities of the airport. In any instance not specifically covered by this article the director of aviation is authorized to make such rules and regulations and render such decisions as are necessary to protect the public health, welfare, and safety and the airport facilities.

(b) *Enforcement.* The director of aviation is charged with the enforcement of this article under the general police powers of the city. (Code 1960, § 3-25)

Sec. 3-47. Conduct of aeronautical activities.

All aeronautical activities at the airport are to be conducted in conformance with current and pertinent Federal Aviation Administration rules and regulations and city ordinances, unless exceptions not in conflict with Federal Aviation Administra-

*State law reference—Airport Law of 1945, F.S. Ch. 332.

tion regulations or city ordinances are authorized by the city manager.
(Code 1960, § 3-27)

Sec. 3-48. Administrative regulations.

(a) *Accident reports.* The pilot of any aircraft involved in any accident causing personal injury or property damage at the airport shall make a prompt and complete report of the accident to the director of aviation. Other persons employed at the airport who witness or participate in any aircraft accident shall also promptly render a detailed report to the office of the city manager, giving names and addresses of all witnesses thereto.

(b) *Disposal of wrecked aircraft.* The owner of any wrecked aircraft at the airport shall be responsible for the prompt removal and disposal of wrecked or disabled aircraft after same has been released by the National Transportation Safety Board or the Federal Aviation Administration. In the event of failure to comply promptly with this provision, the wrecked or disabled aircraft may be removed by the director of aviation at the owner's expense and without liability for damage which may result in the course of the removal.

(c) *Payment of charges.* All sales, service, and use charges due the airport shall be payable in cash unless satisfactory credit arrangements have been made in advance or permission has been secured for payment by check.

(d) *Authority to deny use of airfield to aircraft or pilot guilty of violations.* The director of aviation shall have authority to deny use of the airport to any aircraft or pilot repeatedly violating provisions of this article or Federal Aviation Administration regulations.

(e) *Applications.* Applications for permits and variances shall be made to the director of aviation in a format furnished by the director. Applications required by this article to be submitted to the director of aviation shall be promptly considered and granted or denied.
(Code 1960, § 3-39)

Sec. 3-49. Rentals and fees for scheduled airlines.

(a) *Imposition.* There are hereby imposed rentals with respect to exclusive and nonexclu-

sive air terminal space and landing fees. Exclusive and nonexclusive rentals shall be designated, for the use of the air terminal premises, facilities, rights, licenses, services and privileges, by the airport authority. Landing fees shall be designated, based upon the Federal Aviation Administration approved maximum landing weight of each aircraft used in regular scheduled trip arrivals at the airport, as determined by the airport authority. A minimum landing fee for aircraft weighing less than twelve thousand five hundred (12,500) pounds shall also be designated by the airport authority. These fees shall apply to each scheduled airline or scheduled commuter airline or scheduled air taxi. Payment for this charge shall be made monthly.

(b) *Setting payment regulations.* The city manager is authorized to make such reasonable rules and regulations as are necessary in order to see that the proper payments are made to the city by the appropriate persons and in order to enforce the payment of the sums in the proper amount and at the proper time as provided for by this section.

(c) *Penalty for failure to pay.* Any person who fails to make the payments at the time and in the manner prescribed by this section, or who fails to comply with and abide by the rules and regulations promulgated pursuant to this section, in addition to any penalty prescribed in section 1-9, as appropriate, be prohibited from further use of the airport until there is full compliance with the provisions of this section and the reasonable rules and regulations promulgated pursuant hereto.
(Code 1960, § 3-39.1)

Sec. 3-50. Landing and parking fees for commercial charter flights.

(a) Commercial charter flight landing fees are imposed as determined and published by the airport authority and/or the city manager. All commercial charter flight operations shall have the prior approval of the director of aviation.

(b) The landing fees shall apply to all landings at the Gainesville Regional Airport even if either the arrival or departure of the aircraft is not for charge by the carrier.

(c) The approved maximum gross landing weight shall be that weight for aircraft as approved by the Federal Aviation Administration. Copies of a list of weights shall be furnished each operator at the Gainesville Regional Airport.

(d) All charges made by this section are to be collected by the operator providing ground service handling the landing aircraft, which charges shall be added to and included with the invoice to the operator of the aircraft. The operator shall be entitled to retain five (5) percent of the amount of the charges and fees that are collected to cover its costs. The balance thereof shall be remitted to the city together with a monthly report in such form as may be prescribed by the city, all of which shall be transmitted to the city on or before the tenth day of each month following the month of the collections and report.

(Code 1960, § 3-39.2)

Sec. 3-51. Restricted areas.

All persons are prohibited from entering the runways, taxiways, ramp apron, utility and service areas, or other areas as may be designated as restricted except:

- (1) Persons assigned to duty thereon;
- (2) Bona fide airmen in the course of their business;
- (3) Passengers under appropriate supervision enplaning or deplaning;
- (4) Other persons as authorized by the director of aviation.

(Code 1960, § 3-28)

Sec. 3-52. Conduct of business.

No business or commercial operations shall be permitted at the airport without a fully executed lease agreement with the airport authority containing provisions for strict compliance with this article. Other relevant standards, containing such other special provisions under such lease which may be applicable to a particular operation, may be required as determined by the city manager.

(Code 1960, § 3-29)

Sec. 3-53. Preservation of property.

No person shall destroy, injure, deface, or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn, or other public property at the airport. No person shall trespass on lawns and seeded areas at the airport.

(Code 1960, § 3-33)

Sec. 3-54. Liability for damage to airport property.

Any person causing or responsible for any damage to airport property shall be required to pay the city for the full amount of damage.

(Code 1960, § 3-34)

Sec. 3-55. Cargo or other storage.

Unless otherwise provided in a lease or other agreement, no person shall use any area of the airport for the storage of property without permission of the city manager.

(Code 1960, § 3-30)

Sec. 3-56. Advertisements; signs.

(a) No person shall post, distribute, or display signs, advertisements, circulars, or written or printed matter of any kind on the property of the airport without written permission of the director of aviation, and the permission may be rescinded at any time if the display or distribution ceases to conform to airport policy or city ordinance requirements.

(b) Any signs advertising the business covered by the lease, any modification, painting or repairs to any building or appurtenances, any expansion of electrical or plumbing facilities, etc., which are not specifically covered in the lease must be requested in writing and have prior written clearance and approval of the city manager.

(Code 1960, § 3-31)

Cross references—Affixing signs or advertising matter to poles, § 17-2; sign regulations generally, § 30-315 et seq.

Sec. 3-57. Trash containers.

(a) No person shall keep uncovered trash containers in any area. No vehicle used for hauling trash, dirt, or other materials shall be operated at

the airport unless the vehicle is constructed so as to prevent the contents thereof from dropping, sifting, leaking, or otherwise escaping therefrom. Areas to be used for trash or garbage containers shall be designated by the director of aviation and no other area shall be so used.

(b) No person shall place, dump, or otherwise dispose of any refuse or debris upon, on, at, or about the airport, or burn the refuse or debris without written permission of the director of aviation.

(Code 1960, § 3-32)

Cross reference—Garbage and refuse disposal, § 27-71 et seq.

Sec. 3-58. Firearms, explosives and inflammable material.

No person, except authorized peace officers, post office employees, customs employees and members of the Armed Forces on official duty shall carry any weapons, explosives or inflammable material at the airport without the written permission of the city manager.

(Code 1960, § 3-36)

Cross references—Fire prevention and protection, Ch. 10; discharging firearms in city, § 17-6.

Sec. 3-59. Gambling prohibited.

No person shall conduct gambling in any form or operate gambling devices anywhere at the airport.

(Code 1960, § 3-35)

State law reference—Gambling, F.S. Ch. 849.

Sec. 3-60. Disorderly conduct.

No person shall commit any disorderly, obscene, indecent, or unlawful act, or commit any nuisance at the airport.

(Code 1960, § 3-37)

Cross reference—Disorderly conduct generally, § 17-4.

Sec. 3-61. Picketing or unlawful assembly.

No person shall conduct or participate in picketing or other demonstrations or assemblies which in any manner obstruct buildings, grounds, roads, walks, approaches, or any other property of the

airport, or tend to incite violence, breach of the peace, or other unlawful conduct.

(Code 1960, § 3-38)

State law reference—Unlawful assemblies, F.S. § 870.02.

Sec. 3-62. Solicitation.

(a) No person shall solicit funds for any purpose at an air terminal without permission.

(b) No person, unless duly authorized by the airport authority, shall, in or upon any area, platform, station, waiting room or any other appurtenance of an air terminal:

- (1) Sell, or offer for sale any article of merchandise; or
- (2) Solicit any business or trade, including the carrying of baggage for hire, the shining of shoes or bootblacking; or
- (3) Entertain any persons by singing, dancing or playing any musical instrument; or
- (4) Solicit alms.

Sec. 3-63. Penalty for violation.

Any person who violates the provisions of this article shall be punished as provided in section 1-9.

(Code 1960, § 3-26)

Secs. 3-64—3-75. Reserved.

DIVISION 2. AIRCRAFT FLIGHT OPERATIONS*

Sec. 3-76. Conformance with Federal Aviation Administration rules and regulations.

Applicable rules and regulations of the Federal Aviation Administration as now established and as the same may be hereafter supplemented and modified, are hereby adopted by reference and made a part hereof as fully as if the same, and each and all of them were set forth herein.

(Code 1960, § 3-41)

*State law reference—Regulation of aircraft and pilots, F.S. Ch. 330.

Sec. 3-77. City manager's authority to restrict landings and departures.

The city manager may prohibit aircraft landings and departures at the airport at any time when and under any circumstances under which the city manager deems the landings and departures likely to endanger persons or property.

Sec. 3-78. Careless or reckless operations prohibited.

No person shall operate any aircraft in the air or on the ground in a careless or reckless manner so as to endanger the life or property of another. (Code 1960, § 3-42)

State law reference—Similar provisions, F.S. § 860.13.

Sec. 3-79. Operation of aircraft while under influence of alcoholic beverages, controlled substances, or other chemical substances.

No person who is an habitual user of controlled substances or who is under the influence of alcoholic beverages, controlled substances, controlled under F.S. Ch. 893 or any chemical substance set forth in F.S. § 877.111, shall operate any aircraft at or near the airport. (Code 1960, § 3-43)

State law reference—Similar provisions, F.S. § 860.13.

Sec. 3-80. Parachute jumping.

Parachute jumping is prohibited except certain experimental and exhibition parachute jumping at the airport may be permitted only by previous arrangement with the Federal Aviation Administration and with the written approval of the city manager. (Code 1960, § 3-44)

Sec. 3-81. Traffic pattern.

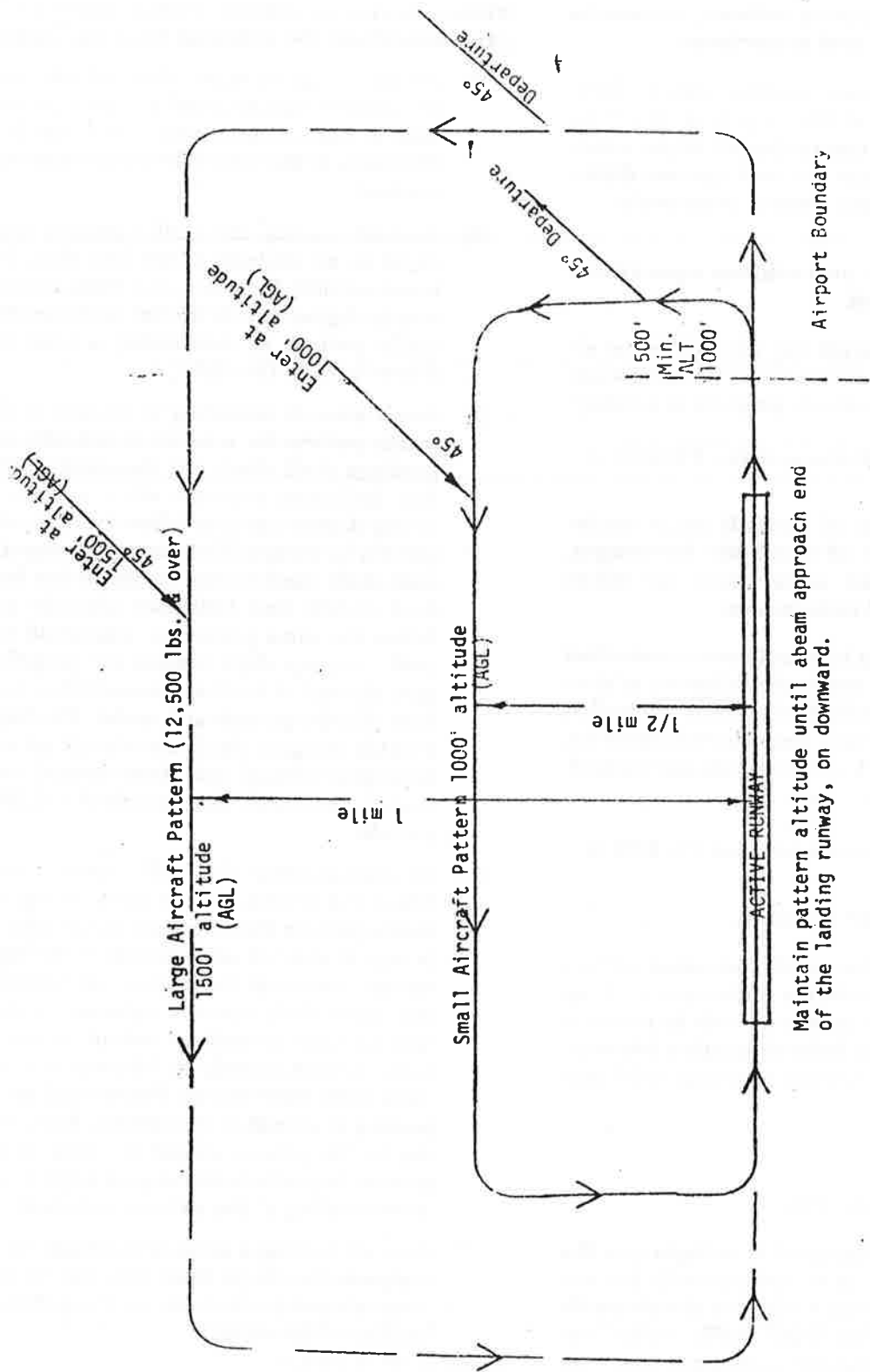
Aircraft landing, taking off, or in flight over the airport will be flown in accordance with the airport traffic pattern, or as advised by the air traffic control tower, or other legal traffic control authority. Unless emergency conditions exist, no person shall deviate from the traffic pattern

without lawful permission. Unless otherwise legally authorized, the following rules shall apply:

- (1) No turn shall be made after takeoff until the aircraft has attained a minimum altitude of five hundred (500) feet above field elevation, or the airport boundary has been reached.
- (2) Aircraft leaving the traffic pattern shall climb to an altitude of not less than five hundred (500) feet above the field, make a ninety-degree turn to the left and leave the traffic pattern by performing a forty-five degree turn to the right.
- (3) Small aircraft intending to remain in the traffic pattern for a series of takeoffs and landings shall climb one thousand (1,000) feet indicated altitude after making a ninety-degree turn and follow the air traffic pattern for the specified runways. Large aircraft shall climb to one thousand five hundred (1,500) feet indicated altitude and follow the same procedure. The small aircraft category shall include all propeller-type aircraft of twelve thousand five hundred (12,500) pounds and under. The large aircraft category shall include all jet and turbo-prop aircraft and those aircraft over twelve thousand five hundred (12,500) pounds.
- (4) Aircraft entering the traffic pattern shall follow the procedures set forth in the air traffic pattern then in effect at the airport (a copy of which shall be posted at the flight service station at the airport) and aircraft operators shall exercise extreme caution and courtesy to such an extent as not to cause aircraft already in the pattern to deviate from their course. There shall be no passing of aircraft in the pattern. Entry into the traffic pattern should be made at approximately a forty-five-degree angle to the downwind leg of the pattern rectangle.
- (5) Aircraft making a series of uncertain or incomplete landings shall give way to itinerant aircraft in the interest of expeditious landing of the aircraft.

(Code 1960, § 3-44.1)

GAINESVILLE CODE



GAINESVILLE REGIONAL AIRPORT
Gainesville Florida
AIR TRAFFIC PATTERN 11/83

Sec. 3-82. Banner towing.

Banner towing operations from the airport shall be prohibited. A waiver of this section may be obtained by application to the airport authority.

Sec. 3-83. Apron.

No loading apron or taxi strip shall be used for landing or takeoff.
(Code 1960, § 3-44.2)

Secs. 3-84—3-95. Reserved.

DIVISION 3. AIRCRAFT GROUND OPERATIONS*

Sec. 3-96. Starting aircraft engine.

(a) No aircraft engine shall be started or run unless a qualified pilot, or mechanic is in the aircraft and attending the control. Main landing wheels shall be blocked or other equally safe means employed to prevent inadvertent movement of the aircraft.

(b) No person shall run an engine at any location on the airport in such a manner as to cause damage to, or in such a manner as to blow debris across the apron, ramp, taxiways, or runways or to endanger property or the safety of operation on the airport.
(Code 1960, § 3-44.3)

Sec. 3-97. Taxiing and moving aircraft on the ground.

No aircraft shall be taxied except at safe, and reasonable speeds. Aircraft not equipped with adequate brakes shall not be taxied unless an attendant is at the wing to assist the pilot. When aircraft with defective brakes must be moved, it shall be towed.

Aircraft being taxied, towed, or otherwise moved between sunset and sunrise shall have running lights operating.
(Code 1960, § 3-44.4)

*State law reference—Regulation of aircraft and pilots, F.S. Ch. 330.

Sec. 3-98. Parking aircraft.

Aircraft shall not be parked except in areas so designated. All aircraft shall be parked in an orderly manner. All movements of aircraft shall be confined to the hard surfaces unless otherwise authorized by the city manager.
(Code 1960, § 3-44.5)

Secs. 3-99—3-110. Reserved.

DIVISION 4. MOTOR VEHICLES AND MOTORIZED EQUIPMENT†

Sec. 3-111. On aprons or landing area.

(a) No motor vehicle or motorized equipment shall be operated on any apron, taxiway, or runway except:

- (1) By persons assigned to duty thereon and authorized by the city manager;
- (2) By persons specifically authorized by the city manager.

(b) Drivers of authorized vehicles shall coordinate activities at the airport with the air traffic control tower during control tower hours of operation and with the flight service station at all other times.
(Code 1960, § 3-44.6)

Sec. 3-112. Restrictions as to operation.

No motor vehicle or motorized equipment shall be operated in any area of the airport in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution as to circumstances, or at a speed, or in a manner which unreasonably endangers, or is likely to unreasonably endanger persons or property, or if the vehicle is so constructed, equipped, or loaded as to unreasonably endanger or be likely to unreasonably endanger persons or property. No person shall operate any motor vehicle or motorized equipment at the airport who is an habitual user of narcotic drugs or who is under the influence of alcoholic beverages, controlled substances con-

†Cross reference—Traffic and motor vehicles, Ch. 26.

trolled under F.S. Ch. 893 or any chemical substance set forth in F.S. § 877.111.
(Code 1960, § 3-44.7)

Sec. 3-113. Yielding rights-of-way.

All vehicles, except emergency equipment responding to an alarm, shall yield the right-of-way to any and all aircraft in motion. Aircraft shall be held in their positions or clear of runways during an emergency unless otherwise directed by the air traffic control tower or other lawful authority.
(Code 1960, § 3-44.8)

Sec. 3-114. Speed limits.

All vehicles shall be operated in strict compliance with speed limits as indicated by posted traffic signs. In no case, other than an emergency vehicle on call, will a vehicle exceed fifteen (15) miles per hour on aircraft ramps.
(Code 1960, § 3-44.9)

Sec. 3-115. Taxicabs, limousines, buses, and rental cars.

(a) *Parking.* All taxicabs, limousines, buses, and rental cars authorized to do business at the airport by written agreement shall be parked in such manner and in such areas as may be designated from time to time by the city manager.

(b) *Loading and unloading.* Operators of taxicabs, limousines, buses, and rental cars authorized to do business at the airport passenger terminal by specific written agreements may load and unload in designated loading zones. Vehicles shall not be parked in the zones longer than is reasonably necessary for the specific purpose of loading and unloading.
(Code 1960, § 3-44.11)

Sec. 3-116. Authority to remove vehicles.

The city manager may remove from any area of the airport any vehicle that is disabled, abandoned, parked in violation of the provisions of this article, or which presents an operational problem on the airport. Such removal shall be at the owner's expense and without liability for damage which may result in the course of such action.
(Code 1960, § 3-44.10)

Secs. 3-117–3-125. Reserved.

DIVISION 5. MOTOR VEHICLES AT AIRPORT FOR RENT OR FOR TRANSPORT*

Sec. 3-126. Contract to operate motor vehicle rental service, deliver rental motor vehicles—Required.

(a) No person shall engage in a motor vehicle rental service on any part of the airport grounds without having in force an executed, written contract with the airport authority specifically permitting such service.

(b) No person shall deliver rental motor vehicles to incoming air passengers at the airport or enter the airport grounds for the purpose of conducting any part of a motor vehicle rental service without having in force an executed, written contract with the airport authority specifically permitting such service,
(Code 1960, §§ 3-17, 3-18)

Sec. 3-127. Same—Application.

All persons, prior to delivering rental motor vehicles to incoming air passengers at the airport, and prior to entering the airport grounds for the purpose of conducting any part of a motor vehicle rental service, shall make application in writing to the director of aviation for the negotiation of a contract. The application shall state the name of the applicant, the applicant's business address, the names and addresses of all persons in the applicant's employ who shall be entering the airport grounds for business purposes, and the number and type of vehicles to be used for rental to incoming passengers.
(Code 1960, § 3-19)

Sec. 3-128. Contract to transport passengers—Required.

No person shall enter the airport grounds for the purpose of transporting passengers for hire to or from the airport without having in force an

*Cross references—Traffic and motor vehicles, Ch. 26; vehicles for hire, Ch. 28.

executed, written contract with the airport authority specifically permitting such business. (Code 1960, § 3-20)

Sec. 3-129. Same—Application.

All persons, prior to entering the airport grounds for the purpose of transporting passengers for hire to or from the airport, shall make application in writing to the director of aviation for the negotiation of a contract. The application shall state the name of the applicant, the applicant's business address, the names and addresses of all persons in the applicant's employ who shall be entering the airport grounds for business purposes, and the number and type of vehicles to be used for transporting passengers for hire to or from the airport. (Code 1960, § 3-21)

Sec. 3-130. Violation; penalty.

Any person who violates the provisions of this division shall be punished as provided in section 1-9. (Code 1960, § 3-22)

Secs. 3-131—3-145. Reserved.

DIVISION 6. SAFETY REGULATIONS

Sec. 3-146. Generally.

No person in or upon the airport shall do or omit to do any act if the doing or omission thereof endangers or is likely to unreasonably endanger persons or property. (Code 1960, § 3-14.12)

Sec. 3-147. Fire hazards and explosives generally.

(a) *Smoking.* No person shall smoke or carry lighted cigars, cigarettes, pipes, matches, or any naked flames or fire in, on, or near any fuel storage area, public landing area ramp, apron, or aircraft parking area, or in any place where smoking is prohibited by signs or within fifty (50) feet of any fuel carrier which is not in motion.

(b) *Fire extinguishing equipment.* Fire extinguishing equipment at the airport shall not be tampered with at any time or used for any pur-

pose other than firefighting or fire prevention. All such equipment shall be inspected in conformity with the Standard Fire Prevention Code. Tags showing the date of the last inspection shall be attached to each unit.

(c) *Storage of flammable material.* No person shall keep or store any flammable liquids, gases, signal flares, or other similar material in the hangars, in any building, or at any place on the airport except in rooms or areas specifically approved for such storage by the city manager.

(d) *Care of apron areas.* Any person, including the operators of aircraft, causing overflowing or spilling of excess oil or grease on any apron area shall be responsible for cleaning and/or repairing such areas.

(Code 1960, § 3-44.113)

Cross reference—Fire prevention and protection, Ch. 10.

Sec. 3-148. Handling of fuel.

(a) *Fueling prohibited while aircraft engine running.* Aircraft fueling is prohibited while an engine of the aircraft being fueled is running or is being heated.

(b) *Grounding equipment during fueling operations.* During all fuel handling operations in connection with any aircraft at the airport the aircraft and fuel dispensing equipment shall be grounded to prevent the possibility of static ignition of volatile liquids. Grounding will be accomplished by attaching a ground conductor on the fuel dispensing vehicle to a proper grounding rod and to the aircraft by use of either a Y connector or second grounding cable device, thereby grounding the aircraft and fuel dispensing equipment one to another and to the grounding rod.

(c) *Availability of fire extinguishers.* During fuel handling operations with any aircraft at least two (2) fifteen-pound CO₂ or other acceptable type of fire extinguishers shall be kept immediately available.

(d) *Operation of radio, radar or electrical equipment prohibited.* During fueling operations in connection with any aircraft, no person shall operate any radio transmitter or receiver or any electrical switches or equipment in such aircraft, or do any

act or use any material which is likely to cause a spark within fifty (50) feet of such aircraft.

(Code 1960, § 3-14.14)

Cross reference—Fire prevention and protection, Ch. 10.

Secs. 3-149—3-165. Reserved.

ARTICLE IV. AIRPORT HAZARD ZONING*

Sec. 3-166. Definitions.

As used in this article, unless the context otherwise requires:

Aircraft shall mean any motor vehicle or contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

Airport shall mean the Gainesville Regional Airport.

Airport authority shall mean the Gainesville-Alachua County Regional Airport Authority.

Airport elevation shall mean the highest point of an airport's usable landing area measured in feet from mean sea level.

Airport hazard shall mean any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to the landing or takeoff of aircraft.

Approach, transitional, horizontal and conical zones shall mean zones that apply to the area under the approach, transitional, horizontal, and conical surfaces defined in Part 77 of the Federal Aviation Regulations (FAR).

Board of adjustment shall mean a board consisting of five (5) members appointed by the city commission as provided in Section 38 of the Charter [section no longer exists], the same being Chapter 12760, Laws of Florida 1927, as amended.

**Cross references*—Land development code, Ch. 30; airport facility district, § 30-76.

State law references—Airport zoning, F.S. Ch. 333; authority to adopt airport zoning regulations, F.S. § 333.03.

Height shall mean, for the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, mean sea level elevation unless otherwise specified.

Nonconforming use shall mean any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or an amendment thereto.

Nonprecision instrument runway shall mean a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration (FAA) planning document or military service's military airport planning document.

Person shall mean an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

Precision instrument runway shall mean a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, any other FAA planning document or military service's military airport planning document.

Primary surface shall mean a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in FAR Part 77 for the most precise approach existing or planned for either end of that runway. The elevation of any point on the pri-

mary surface is the same as the elevation of the nearest point on the runway center line.

Runway shall mean a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure shall mean an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.

Tree shall mean an object of natural growth.

Utility runway shall mean a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Visual runway shall mean a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA airport layout plan, or by any planning document submitted to the FAA by competent authority.

(Code 1960, § 3-7)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 3-167. Findings and purposes.

(a) It is hereby found that an airport hazard endangers the lives and property of users of the Gainesville Regional Airport, and property or occupants of land in its vicinity, and also if the obstruction type, in effect reduces the size of the area available for the landing, take-off, and maneuvering of aircraft, it tends to destroy or impair the utility of the Gainesville Regional Airport and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Gainesville Regional Airport;
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- (3) That the prevention of these hazards should be accomplished, to the extent legally pos-

sible, by the exercise of the police power without compensation.

(b) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivision may raise and expend public funds and acquire land or interests in land. (Code 1960, § 3-5)

Sec. 3-168. Zones—Created.

In order to carry out the provisions of this article, there are hereby created and established certain zones, which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport. Such zones are shown on the zoning map consisting of one (1) sheet which is on file and available for inspection in the city clerk's office and hereby made a part of this article. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (1) *Utility runway visual approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (2) *Runway larger than utility visual approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (3) *Runway larger than utility with a visibility minimum greater than three-fourths mile*

nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.

- (4) *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (5) *Transitional zones.* These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach zones and at ninety-degree angles to the extended runway center line.
- (6) *Horizontal zone.* The horizontal zone is hereby established by swinging arcs with radii of five thousand (5,000) feet (for utility or visual runway ends) and ten thousand (10,000) feet (all other runway ends) from the center line of the end of the primary surface of the appropriate runway ends, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

- (7) *Conical zone.* The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

(Code 1960, § 3-8)

Sec. 3-169. Same—Height limitations.

(a) Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this article to a height in excess of the applicable height limits established in this section for such zone. The applicable height limitations are hereby established for each of the zones in question as follows:

- (1) *Utility runway visual approach zone.* Slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line;
- (2) *Runway larger than utility visual approach zone.* Slopes upward twenty (20) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line;
- (3) *Runway larger than utility with visibility minimum greater than three-fourths mile nonprecision instrument approach zone.* Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line;
- (4) *Precision instrument runway approach zone.* Slopes upward fifty (50) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal dis-

tance of ten thousand (10,000) feet along the extended runway center line; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway center line;

- (5) *Transitional zones.* Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty (150) feet above the airport elevation which is one hundred fifty-five (155) feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as the precision instrument runway approach surface, and extending to a horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway center line;
- (6) *Horizontal zone.* One hundred fifty (150) feet above the airport elevation or a height of three hundred five (305) feet above mean sea level;
- (7) *Conical zone.* Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation;

Nothing in this article shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to forty-five (45) feet above the surface of the land.

- (b) Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.
(Code 1960, § 3-9)

Sec. 3-170. Use restrictions.

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.
(Code 1960, § 3-10)

Sec. 3-171. Nonconforming uses.

- (a) *Regulations not retroactive.* The regulations prescribed in this article shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of December 5, 1974, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to December 5, 1974, and is diligently prosecuted.

- (b) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport authority and/or director of aviation to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. The markers and lights shall be installed, operated, and maintained at the expense of the owner.
(Code 1960, § 3-11)

State law reference—Nonconforming uses for airport zoning, F.S. § 333.06(2).

Sec. 3-172. Administration and enforcement.

It shall be the duty of the city manager to administer and enforce the regulations prescribed in this article. Applications for permits and variances shall be made to the city manager upon a form furnished by the manager. Applications re-

quired by this article to be submitted to the city manager shall be promptly considered and granted or denied by the manager. Application for action by the board of adjustment shall be forthwith transmitted by the city manager.

(Code 1960, § 3-13)

State law reference—Enforcement and remedies of airport zoning, F.S. § 333.13.

Sec. 3-173. Permits.

(a) *Future uses.* No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone created by this article unless a permit therefor shall have been applied for and granted:

- (1) However, a permit for a tree or structure of less than seventy-five (75) feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred (4,200) feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for in the respective zone.
- (2) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations prescribed in this article. If such determination is in the affirmative, the permit shall be granted.

(b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on December 5, 1974, or the effective date of any amendments to this article or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) *Nonconforming uses abandoned or destroyed.* Whenever the airport authority determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down,

physically deteriorated, or decayed, no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his/her property not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this article.

(e) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned that the owner of the structure or tree in question may be required at his/her own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(Code 1960, § 3-12)

State law reference—Permits and variances for airport zoning, F.S. § 333.07.

Sec. 3-174. Board of adjustment to hear and decide appeals.

The board of adjustment created by section 20-61 shall have jurisdiction to hear and decide appeals from any order, requirement, decision or determination made by the city manager or anyone acting on behalf of the city in the enforcement of this article, to hear and decide upon the granting or denial of any special exceptions that may now or hereafter be permitted under this article or any amendment thereto, and to hear and decide upon the granting or denial of variances from the provisions of this article. The jurisdiction of the board of adjustment shall be exercised in the manner provided for in section 30-354.

(Code 1960, § 3-14)

State law references—Board of adjustment for airport zoning, F.S. § 333.10; similar provisions, F.S. § 333.04(2).

Sec. 3-175. Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.
(Code 1960, § 3-16)

