

Aircraft Take-Off and Landing Facilities Ordinance

The Village of Manchester has, by authority granted in 24 V.S.A. §§ 1971 et seq., 2246 and 2291, the powers to adopt, amend, repeal and enforce ordinances.

PURPOSE

To protect the public health, safety and wellbeing, to promote the responsible use of resources and protection of the environment, and to protect and maintain the quiet rural atmosphere of the Village as identified in the Village Plan of Development. The Board of Trustees of the Village hereby adopts this ordinance to regulate the construction and operation of aircraft takeoff and landing facilities within the Village of Manchester.

SECTION I. Definitions for the purposes of this ordinance means

1. *Aviation*: includes the activities surrounding mechanical flight and the aircraft industry.
2. *Authorized Enforcement Officer*: a certified individual with law enforcement authority, including State Police, sheriffs, certified constables, municipal officers, game wardens, and certain state agency employees (DMV, Liquor Control, etc.) , who have completed training through the Vermont Criminal Justice Council (VCJC) and are authorized to enforce laws, direct traffic, and make arrests, with specific powers varying by agency and certification level.
3. *Aircraft*: manned or unmanned airplanes, helicopters, autogyros, amphibious airplanes, ultra-lights, drones, competition model aircraft powered with glow plug or electric or any other motorized craft with fixed-wing, rotary-wing, or morphable-wing types used for navigation through the air, excluding hot-air balloons, hang gliders, and radio-controlled non-commercial, non-competitive model hobby aircraft, no larger than 1/72 scale of full size aircraft.
4. *Operation*: take-off or landing of an aircraft, including helicopter hover testing where contact with the ground is involved but no distance is traveled. Operation does not include helicopter over-flights where landing or takeoff is not involved.
5. *Take-off*: the process by which an aircraft becomes airborne.
6. *Landing*: the process by which an aircraft returns to the ground.
7. *Facilities*: the infrastructure necessary for the proper take-off and landing of aircraft, including but not limited to runways, taxiways, helipads, and support buildings such as hangars.
8. *Helipad*: a specific take-off and landing area for helicopters.
9. *Heliport*: a facility for helicopters with one or more helipads.

SECTION II. Aircraft Operations Prohibited

Any Aircraft Operations as defined herein and the use of land within the boundaries of the Village of Manchester for the construction or operation of aircraft landing or takeoff facilities are prohibited within the Village of Manchester limits, except as expressly stated below:

1. In the case of a declared emergency landing as per the Federal Aviation Administration Regulations, Section 7110.10, Chapter 3 Emergency Services and Pilot/Controller Glossary or
2. As part of the emergency response of a medical, wildfire, search and rescue, or law enforcement aircraft, or aircraft owned and operated by the state or a political subdivision of the state for emergency disaster response purposes or law enforcement purposes; or
3. In the case of special events allowing the use of aircraft for educational or charity events and fund raisers, if the use is specifically approved in advance by special permit issued by the Village Board of Trustees, and which expressly authorizes the use of the aircraft along with any special conditions that may be imposed by the Village Board of Trustees appointed authorized enforcement officer; or
4. Aircraft operations for construction, civil engineering, or commercial real estate activities, if the use is approved in advance by the authorized enforcement officer with the authority to expressly authorize the use of a particular aircraft and particular landing spot, and with any special conditions as may be reasonably imposed by the Village.

Village approvals referred to in subsections 3 and 4 above specifically do not grant or imply approvals for any aspect of operations which require approval by state and federal aviation authorities.

SECTION III. Enforcement and Penalties

1. A violation of the ordinance shall be a civil matter enforced in the Vermont Judicial Bureau or in the Bennington County Superior Court, at the election of the Village Board of Trustees.
2. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977et seq. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. For purposes of enforcement in Superior Court, the Board of Trustees may pursue all equitable relief. For purposes of enforcement in either the Judicial Bureau or the Superior Court, a civil penalty of \$800 shall be imposed for the violation of this civil ordinance.
3. Each landing or take-off shall constitute a separate violation of this ordinance.
4. A municipal warning will be issued 15 days after written notification of the violation is mailed or delivered by the Board of Trustees authorized authority if the violation has not been corrected in accordance with this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.

5. For the purposes of enforcement in the Judicial Bureau, as per Section 1. Item 2, the authorized enforcement officer(s) shall issue the fine(s) and may be the appearing officer at any hearing.

SECTION IV. Severability

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION V. Pre-Existing Facilities

Any aircraft landing or takeoff facility, as herein defined, which is in existence and permitted by the State of Vermont prior to the effective date of this ordinance shall be considered pre-existent and not subject to the restrictions of this ordinance. In the event that such pre-existing landing or takeoff facility so “grandfathered” is to cease aeronautic operations and change to non-aviation use, then this ordinance shall apply, and the “grandfather” clause will be extinguished.

SECTION VI. Jurisdiction

This ordinance is a municipal ordinance affecting the Village of Manchester, Vermont only. It specifically does not supersede or supplant any Federal or State of Vermont aviation related law or regulation.

SECTION VII. Effective Date

This ordinance shall become effective 60 days after its adoption by the Village of Manchester Board of Trustees. If a petition for a vote on this ordinance is filed under 24 V.S.A. §§ 1973, that statute shall govern the taking effect of this ordinance.