

TOWN OF NORRIDGEWOCK

NORRIDGEWOCK REGIONAL AIRPORT ZONING ORDINANCE

ADOPTED JANUARY 18, 1990

SECTION 1: PURPOSE

An obstruction in the vicinity of the Norridgewock Regional Airport has the potential for endangering lives and the users of the airport, and property or occupants of land in its vicinity. An obstruction may effect existing and future instrument approach minimums of the airport and such an obstruction may reduce the size of areas available for the landing, taking off, and the maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

It is in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and that the prevention of these obstructions should be accomplished to the extent legally possible through the adoption of airport zoning regulations pursuant to 6 MRSA Section 241.

SECTION 2: DEFINITIONS:

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

1. AIRPORT-Means Norridgewock Regional Airport.
2. AIRPORT ELEVATION-270 feet above sea level.
3. APPROACH SURFACE-A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope set forth in Section V of this Ordinance. In plan the perimeter of the approach zone.
4. APPROACH, TRANSITIONAL, HORIZONTAL ZONES-These zones are set forth in Section IV of this Ordinance.
5. HAZARD TO AIR NAVIGATION-An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
6. HEIGHT-For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
7. HORIZONTAL SURFACE-A horizontal plane 150 feet above the established airport elevation, the perimeter of which plan coincides with the perimeter of the horizontal zone.
8. NONCONFORMING USE-Any pre-existing structure, object or natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
9. OBSTRUCTION-Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
10. PERSON-An individual, firm, partnership, corporation, company association, joint stock association, or governmental entity; including a trustee, a receiver, an assignee, or a similar representative of any of them.
11. PRIMARY SURFACE-A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. 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 is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.
12. RUNWAY-A defined area on an airport prepared for landing and taking off of aircraft along its length.

13. STRUCTURE-An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.
14. TRANSITIONAL SURFACES-These surfaces extend outward at 90 degree angles to 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 surfaces.
15. TREE-Any object of natural growth.
16. UTILITY RUNWAY-A runway that is constructed for and intended to be used by propeller driven aircraft of 2500 pounds maximum gross weight and less.
17. VISUAL RUNWAY-A runway intended solely for the operation of aircraft using visual approach procedures.
18. INSTRUMENT RUNWAY-A runway intended for the operation of aircraft using precision instrument approach procedures.

SECTION III: AUTHORITY AND ADMINISTRATION

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and 30 MRSA Section 2151-A and 6 MRSA Section 241 et. seq.
2. This Ordinance shall be known as the “Norridgewock Airport Zoning Ordinance” of the Town of Norridgewock, Maine adopted and effective by vote of the Town Meeting on January 18, 1990.

SECTION IV: AIRPORT ZONES

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable limitations are hereby established for each of the zones in question as follows:

1. Utility Runway-Non-Precision Instrument Approach Zone-Slopes thirty-four feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5000 feet along the extended runway center line.
2. Utility Runway-Visual Approach Zone-Slopes twenty feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5000 feet along the extended runway center line.
3. Transitional Zones-Slopes seven (7) feet outward for each foot upward, at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation or 420 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward, at the sides of and at the same elevation as the approach surface.
4. Horizontal Zone-Established at 150 feet above the airport elevation or 420 feet above mean sea level.
5. Excepted Height Limitations-Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 40 feet above the surface of the land.

SECTION VI: USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals of radio communication between the airport and aircraft, making it difficult for pilots to distinguish between

airport lights and others, resulting in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or other wise in anyway endangering or interfering with the landing, the taking off, or the maneuvering of aircraft intending to use the airport.

SECTION VII: NON-CONFORMING USES

Regulations Not Retroactive-The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, 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 the effective date of this Ordinance, and is diligently prosecuted.

SECTION VIII: PERMITS

1. Future Uses-Except as specifically provided in Section V, Paragraph 5 (Accepted Height Limitations), no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section VIII-4 (Variances).
2. Existing Uses-No permit shall be granted that would allow the establishment or creation of an obstruction or permit a conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit was made. Except as indicated, all applications for such permit shall be granted.
3. Nonconforming Uses-Abandoned or Destroyed-Whenever the Code Enforcement Officer for the Town of Norridgewock determines that a nonconforming tree or structure has been abandoned or more than eighty percent is torn down, physically deteriorated, or destroyed, or decayed no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances-Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Norridgewock Planning Board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Planning Board unless a copy of the application has been furnished to the Norridgewock Regional Airport Authority for advice as to

the aeronautical effects of the variance. If the Airport Authority does not respond to the application within fifteen days after receipt, the Planning Board may act on its own to grant or deny said application.

5. Obstructing Marking and Lighting-Any Permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense such markings and lights as may be necessary. If deemed proper by the Planning Board, this condition may be modified to require the owner to permit the Norridgewock Regional Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION IX: ENFORCEMENT

It shall be the duty of the Code Enforcement Officer and the Municipal Officials of the Town of Norridgewock to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Norridgewock Planning Board upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Planning Board shall be promptly considered and granted or denied.

SECTION X: APPEALS

If the Planning Board disapproves an application for permit or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party; the applicant, an abutting landowner, or the Norridgewock Regional Airport Authority may appeal the decision of the Planning Board through the Norridgewock Board of Appeals. When errors in administrative procedures or interpretations are found, the matter shall be remanded to the Planning Board with instructions explaining proper procedures or interpretation of this Ordinance. The Board of Appeals does not have the authority to issue a variance of the requirements of this Ordinance. The Planning Board shall have thirty days to revise their decision in accordance with the instructions of the Board of Appeals and notify the applicant of their decision. A decision of the Board of Appeals or the Planning Board may be appealed to court as provided for by 30 MRSA Section 2411.

SECTION XI: PENALTIES

Each violation is a class E crime and each day a violation continues to exist shall constitute a separate offense. In addition, the Town of Norridgewock may institute in any court of competent jurisdiction an action an action to prevent, restrain, correct, or failure to obey any violation of this Ordinance and the court shall adjudge to the Plaintiff such relief, by way of injunction, which may be mandatory or otherwise as may be proper under all the facts and circumstances of the case in order to fully effectuate purposes of this Ordinance.

SECTION XII: CONFLICTING REGULATIONS

When there exists a conflict between any of the regulations or limitations PRESCRIBED IN THIS Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIII: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severed.

SECTION XIV: AMENDMENTS

This Ordinance may be amended by a majority vote at the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of ten percent of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a Public Hearing on any proposed amendment.

SECTION XV: EFFECTIVE DATE

Whereas, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and publication and posting as required by law. Adopted by the Inhabitants of the Town of Norridgewock this January 18, 1990.

