

# **ARTICLE 21**

## **HELISTOPS**

### CHAPTER

- 1 Regulation of Helistop Facilities

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#### CHAPTER 1 REGULATION OF HELISTOP FACILITIES

##### SECTION

21-1-1	Definitions
21-1-2	Permit Required
21-1-3	Application for Permit; Issuance
21-1-4	Standards for Application; Approval
21-1-5	Abandonment, Alteration or Change of Status
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#### 21-1-1 DEFINITIONS

**HELICOPTER:** Any vehicle whose support in the air is normally derived from the vertical component of force produced by airfoils mechanically rotated about an approximately vertical axis.

**HELISTOP:** Any area used or to be used for the landing or take-off of helicopters or other steep gradient aircraft capable of hovering, but does not afford re-fueling, maintenance or repair facilities and is for the accommodation of a single helicopter.

- A. **Public Helistop:** Any helistop which is open for use to any helicopter capable of using such helistop regardless of ownership or control.

- B. Private Helistop: Any helistop which is owned or controlled by the owner or occupant of the premises for the exclusive use of said owner, occupant, his guest or patrons.

**21-1-2 PERMIT REQUIRED**

It shall be unlawful and an offense for any person to construct, establish, maintain or operate a helistop within the corporate limits of the City without first having obtained a permit to do so. The annual fee for a helistop permit shall be one hundred dollars (\$100.00).

**21-1-3 APPLICATION FOR PERMIT; ISSUANCE**

Application for a helistop permit shall be made in writing to the City Manager on forms prescribed therefor. The City Manager shall make an investigation as to the financial responsibility and general fitness of the applicant and shall make strict inquiry and investigation of the proposed helistop as to whether or not it will jeopardize the public welfare and safety because of its location, layout or proposed method of operation and whether or not there is a public need for it and if it is in the public interest if it is proposed as a public facility. Within sixty (60) days after an application has been submitted or as soon as FAA airspace approval is received, whichever is later, the City Manager shall make a determination approving or disapproving the same. No permit shall be issued unless the application therefor shall be approved by the City Manager and any disapproval shall contain a statement of the reasons for such disapproval. All applications for the issuance of a renewal permit hereunder shall likewise be submitted to the City Manager for approval. Helistop permits shall not be transferable and shall expire on April 30 next after their issuance.

**21-1-4 STANDARDS FOR APPLICATION; APPROVAL**

The City Manager shall not issue a permit to an applicant unless:

- A. The applicant provides evidence satisfactory to the City Attorney that the premises on which the helistop is located or proposed to be located is not subject to enforceable deed restrictions that would prohibit its use for such purpose; and
- B. The applicant presents written airspace approval of the Federal Aviation Administration for the operation of the proposed or established helistop.

In determining whether an application shall be approved for a permit for the use and operation of any proposed helistop, the City Manager shall take into consideration whether the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public in the safe and efficient operation of the helistop. The City Manager shall further take into consideration the location, size and layout of the proposed helistop; the relationship of the same to established airports, heliports and helistops and/or to a nation-wide, state-wide or City-wide plan for airports, heliports or helistops; whether there are safe areas available for expansion purposes if expansion is anticipated; whether the adjoining area is free from obstruction based on a proper glide ratio; the nature of the terrain; the nature of the uses to which the proposed helistop will be put, and if there is a public need and it is in the public interest if it is proposed as a public facility.

**21-1-5 ABANDONMENT, ALTERATION OR CHANGE OF STATUS**

It shall be unlawful and an offense to abandon, alter or change the status of any helistop for which a permit has been issued without prior written approval of the City Manager and written airspace approval of the Federal Aviation Administration. Application to enlarge, modify, activate, deactivate or reline or otherwise substantially change the surface of that part of a helistop that is used or intended to be used for the landing or take-off of helicopters shall be submitted in writing to the City Manager thirty (30) days prior to the intended commencement of such alteration and shall not be commenced until written airspace approval has been obtained from the Federal Aviation Administration and the City Manager has been provided with a true copy thereof.

**21-1-6 APPLICATION MISREPRESENTATION**

It shall be unlawful and an offense for any person to misrepresent the kind and character of any helistop to be operated or any other fact or statement made in an application for a permit hereunder. Any misrepresentation made for the purpose of avoiding the provisions of this Chapter shall be cause for revocation of permit in the mode and manner prescribed in Section 21-1-11 hereof.

**21-1-7 LANDINGS AND TAKE-OFFS OF HELICOPTER; EXCEPTIONS**

It shall be unlawful and an offense for any person to take off in or land any aircraft within the City at any point, except at helistops for which a permit has been issued.

**21-1-8 RULES AND REGULATIONS**

The City Manager is hereby authorized to establish and promulgate rules and regulations in connection with the granting of permits and the design, construction, establishment, maintenance and operation of helistops as may be necessary to safeguard the public upon or beyond the limits of helistops, which rules and regulations may include, but not be limited to, provisions as to size and minimum operating requirements and standards, provisions for control and prevention of fire hazards, prevention of traffic congestion at helistops, and elimination, control and prevention of all other hazards on helistops which may endanger the lives and property of neighboring residents and airport users. Provided, such rules and regulations shall be subject to approval by the City Council and shall not be in conflict with any rules or regulations of the Federal Aviation Administration. At no time shall any approach, landing or take-off be made in such a direction as to pass over any property used for residential purposes with the City.

**21-1-9 PUBLICATION OF REGULATIONS**

Whenever the City Manager shall have promulgated rules and regulations, and the same have been placed in effect as in this Chapter provided, the said City Manager shall have the authority and it shall be his duty within the limits of budgeted funds available to distribute copies of said regulations to holders of licenses issued hereunder as well as other interested persons. Provided,

that a copy of such rules and regulations, with the date of promulgation and approval noted thereon, must be filed with the City Clerk.

#### **21-1-10 INSPECTION**

For the purpose of insuring compliance with the terms and provisions of this Chapter and any rules and regulations adopted pursuant thereto, the City Manager or his designated assistants or employees may enter upon, inspect and examine at reasonable hours the premises of any helistop for which a permit has been issued under the provisions hereof, or which is subject to the provisions hereof.

#### **21-1-11 SUSPENSION OR REVOCATION**

The City Manager shall have authority to order the suspension or revocation of any permit issued hereunder for failure to comply with the terms of this Chapter; or failure within the time prescribed, or if no time has been prescribed, within a reasonable time, to develop a proposed site as a helistop; failure to comply with the rules and regulations promulgated hereunder; or for the violation by permit holder of any laws of the State of Illinois or other ordinances of the City. Such order of revocation or suspension shall be accomplished in the following manner: A written notice shall be served upon the permit holder specifying the causes of the contemplated order of suspension or revocation and requiring him to appear before the city Manager at a time and place therein specified not less than five (5) days after service of such notice and show cause why such permit should not be ordered suspended or revoked. At such hearing the permit holder shall be confronted with the evidence supporting the charges against him and he, or his counsel, may introduce evidence relating to such charges; after the hearing the City Manager may within ten (10) days issue his order suspending or revoking such permit. Provided, however, should cited permit holder or his counsel fail to appear for the hearing as provided herein, the order suspending or revoking his permit shall become final upon its issuance.

#### **21-1-12 APPEAL TO CITY COUNCIL**

The following orders of the City Manager shall be final ten (10) days after the date thereof; any order revoking or suspending any permit issued hereunder; any order disapproving the application for a permit. Prior to the expiration of said ten (10) day period, but not thereafter, any person aggrieved by such order may appeal therefrom to the City Council by filing written notice with the City Clerk. Upon the filing of such notice, the City Manager shall forthwith transmit to the City Clerk a copy of all his records and orders pertaining thereto. The action of the City Council reversing, sustaining or modifying the order of the City Manager shall be final. Upon any order of the City Manager becoming final, the City Manager shall make appropriate notation on the subject permit, suspension or revocation shall thereupon take effect and it shall be the duty of the City Manager to so notify the interested permit holder.

**21-1-13 PENALTY**

Any person who shall violate any of the provisions of this Chapter or rules and regulations promulgated hereunder shall be guilty of an offense and upon conviction shall be punished by a fine not to exceed one hundred dollars (\$100.00); and a separate offense shall be deemed committed for each day such violation shall be permitted to exist, and shall be punishable as such.

**21-1-14 INJUNCTION, RELIEF**

Any person violating any of the provisions of this Chapter may be enjoined by a suit filed by the City in a court of competent jurisdiction, and this remedy shall be in addition to other penalty provisions.

**21-1-15 NONLIABILITY OF CITY**

The City in no event shall be liable for any personal injuries or property damages occasioned in any way in connection with construction, establishment, maintenance or operation of any helistop for which a permit is issued under the provisions of this Chapter.

**21-1-16 SEVERABILITY**

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

**21-1-17 NONAPPLICATION OF PROVISIONS**

None of the provisions of this Chapter shall be construed to apply to activities conducted by Federal, State or municipal governments or agencies.

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