

CITY OF CHEWELAH

ORDINANCE 933 (with designated corrections due to errors noted on 11-8-21)(pages 7-11)

AN ORDINANCE CHANGING THE NAME OF THE MUNICIPAL AIRPORT OF THE CITY.

WHEREAS, a motion to rename the city airport was made and approved during the regular council meeting held June 20, 2018; and

WHEREAS, WSDOT-Aviation has confirmed that the Federal Aviation Administration has changed the name of the city airport in its master records.

NOW THEREFORE, be it ordained by the City Council of Chewelah, Washington, as follows:

SECTION 1: **AMENDMENT** “10.16.010 General Rules And Regulations” of the City of Chewelah Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

10.16.010 General Rules And Regulations

Advertisements. No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at the airport on city owned property except with the approval of the city of Chewelah and in such a manner as may be prescribed by it.

Aerobatics Prohibited. No aircraft shall be flown within a five-mile radius of the airport in maneuvers other than those required in normal routine operation with the exception that a waiver may be obtained from the FAA for such activities as Air Fairs, Air Shows or such activities approved by the city of Chewelah.

Airport Property. All persons having entered on the Sand Canyon Airport shall be governed by the regulations herein prescribed.

Aviation Fuel. No aviation fuel shall be brought upon or stored upon the airport except by means and methods approved by the city of Chewelah. EXCEPTION: Five-gallon cans may be utilized to refuel aircraft; however quantity will not exceed that of the usable fuel capacity of the aircraft being refueled.

Business or Commercial Activities. No person shall engage in any business or commercial activity of any nature whatsoever on the airport except in conformance with the requirements of the city of Chewelah and under such terms as they may prescribe.

Damage to Airport Property. Any and all airport property destroyed, injured or damaged by accident or otherwise shall be paid for by the party or parties responsible for such destruction, injury or damage thereof.

Disabled Aircraft. Each aircraft owner or his pilot or agent, shall be responsible for the prompt removal and disposal of disabled aircraft and parts thereof from the landing area, unless required of the responsible person (owner, their pilot or agent) to delay such actions pending investigation of the accident.

Disorderly Conduct. No person shall commit any disorderly, obscene, indecent or unlawful act; or commit any nuisance, on the airport.

Dogs and Animals. No dogs or other animals shall be permitted on the airport area unless restrained by leash or otherwise confined in such a manner as to be under control, and no horses or other livestock shall be permitted on the airport property.

FAA Regulations. Those regulations as established by the FAA as currently in effect or as hereafter amended, are hereby adopted by reference and made part hereof as fully as if the same and each and all of them were set forth herein.

Fixed Base Operators (FBOs). Fixed base operators or other business firms using the airport shall not engage in any commercial activity on the airport other than that for which they have received official approval from the city of Chewelah.

Influence, Intoxicants, Drugs, Etc. No pilot or other member of the crew of an aircraft on the airport, or any person attending or assisting in said operation on the airport, shall be under the influence of intoxicating liquor or habit forming drugs; nor shall any person under the influence of intoxicating liquor or habit forming drugs be permitted to board any aircraft except a medical patient under proper care or in an emergency.

Hours of Operation. The airport landing areas, ramps and parking areas shall be open for public use at all hours of the day or night subject to these rules and regulations, and such additional conditions as may be determined by the city of Chewelah as necessary.

Model Airplanes/Drones. No model airplanes will be flown in the proximity of the landing area, aprons, ramps, taxiways or runways except by permission of and under such conditions as determined by the city of Chewelah.

Operation of Aircraft. No person shall navigate, land upon, fly from, service, move, maintain, repair any aircraft, or conduct any aircraft operation on or from the airport otherwise than in conformity with current FAA rules and regulation established under federal authority, and these regulations contained herein.

Pedestrian Traffic. No unauthorized pedestrian traffic will be allowed on airport grounds.

Securing of Unattended Aircraft

- No aircraft shall be left unattended on the airport unless properly secured, brakes set or within a hangar. The securing of aircraft shall be the sole responsibility of the owner or operator of the aircraft. The city of Chewelah, its employees or agents, shall in no way be held responsible therefore.

- The city of Chewelah will in no way be held responsible for the theft of any article left in the aircraft, any part or accessory of or for the aircraft, or for any damage done to the aircraft as a result of theft or attempted theft or vandalism of any nature.

Sale of Gasoline, Lubricating Oils or Grease. No person, firm or corporation shall sell gasoline, lubricating oils or grease on the airport, except by a holder of a written contract made with the city of Chewelah wherein the city of Chewelah shall charge a fee per gallon sold in the amount determined when a contract is agreed upon. Automotive gasoline sold for aviation usage will comply with the published FAA standards.

Sanitation. Garbage, papers and refuse or other material shall be placed in receptacles provided for that purpose.

Sports Events. No so-called drag races, hot-rod races, go-cart races or similar sports events will be held on the landing areas, aprons, ramps or taxiways or runways of the airport.

Storage of Gasoline. No gasoline shall be held in storage upon the airport unless it is contained in the fuel tank of a motor vehicle or aircraft, or in underground storage tanks that are not exposed. Exceptions to this requirement must be granted by the city council and any such waivers must be recertified annually.

Use of Airport. Any person, firm or corporation desiring to use the airport as a base for conducting a business or engaging any form of commercial activity, shall first make application in writing and secure permission from the city of Chewelah and shall pay such fees and charges as the city may determine for use of the airport or any of its facilities thereon, or for services rendered.

(Ord. No. 872, §§ 1, 2, 9-17-2014)

AFTER AMENDMENT

10.16.010 General Rules And Regulations

Advertisements. No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at the airport on city owned property except with the approval of the city of Chewelah and in such a manner as may be prescribed by it.

Aerobatics Prohibited. No aircraft shall be flown within a five-mile radius of the airport in maneuvers other than those required in normal routine operation with the exception that a waiver may be obtained from the FAA for such activities as Air Fairs, Air Shows or such activities approved by the city of Chewelah.

Airport Property. All persons having entered on the ~~Sand Canyon~~ Chewelah Municipal Airport shall be governed by the regulations herein prescribed.

Aviation Fuel. No aviation fuel shall be brought upon or stored upon the airport except by means and methods approved by the city of Chewelah. EXCEPTION: Five-gallon cans may be utilized to refuel aircraft; however quantity will not exceed that of the usable fuel capacity of the aircraft being refueled.

Business or Commercial Activities. No person shall engage in any business or commercial activity of any nature whatsoever on the airport except in conformance with the requirements of the city of Chewelah and under such terms as they may prescribe.

Damage to Airport Property. Any and all airport property destroyed, injured or damaged by accident or otherwise shall be paid for by the party or parties responsible for such destruction, injury or damage thereof.

Disabled Aircraft. Each aircraft owner or his pilot or agent, shall be responsible for the prompt removal and disposal of disabled aircraft and parts thereof from the landing area, unless required of the responsible person (owner, their pilot or agent) to delay such actions pending investigation of the accident.

Disorderly Conduct. No person shall commit any disorderly, obscene, indecent or unlawful act; or commit any nuisance, on the airport.

Dogs and Animals. No dogs or other animals shall be permitted on the airport area unless restrained by leash or otherwise confined in such a manner as to be under control, and no horses or other livestock shall be permitted on the airport property.

FAA Regulations. Those regulations as established by the FAA as currently in effect or as hereafter amended, are hereby adopted by reference and made part hereof as fully as if the same and each and all of them were set forth herein.

Fixed Base Operators (FBOs). Fixed base operators or other business firms using the airport shall not engage in any commercial activity on the airport other than that for which they have received official approval from the city of Chewelah.

Influence, Intoxicants, Drugs, Etc. No pilot or other member of the crew of an aircraft on the airport, or any person attending or assisting in said operation on the airport, shall be under the influence of intoxicating liquor or habit forming drugs; nor shall any person under the influence of intoxicating liquor or habit forming drugs be permitted to board any aircraft except a medical patient under proper care or in an emergency.

Hours of Operation. The airport landing areas, ramps and parking areas shall be open for public use at all hours of the day or night subject to these rules and regulations, and such additional conditions as may be determined by the city of Chewelah as necessary.

Model Airplanes/Drones. No model airplanes will be flown in the proximity of the landing area, aprons, ramps, taxiways or runways except by permission of and under such conditions as determined by the city of Chewelah.

Operation of Aircraft. No person shall navigate, land upon, fly from, service, move, maintain, repair any aircraft, or conduct any aircraft operation on or from the airport otherwise than in conformity with current FAA rules and regulation established under federal authority, and these regulations contained herein.

Pedestrian Traffic. No unauthorized pedestrian traffic will be allowed on airport grounds.

Securing of Unattended Aircraft

- No aircraft shall be left unattended on the airport unless properly secured, brakes set or within a hangar. The securing of aircraft shall be the sole responsibility of the owner or operator of the aircraft. The city of Chewelah, its employees or agents, shall in no way be held responsible therefore.
- The city of Chewelah will in no way be held responsible for the theft of any article left in the aircraft, any part or accessory of or for the aircraft, or for any damage done to the aircraft as a result of theft or attempted theft or vandalism of any nature.

Sale of Gasoline, Lubricating Oils or Grease. No person, firm or corporation shall sell gasoline, lubricating oils or grease on the airport, except by a holder of a written contract made with the city of Chewelah wherein the city of Chewelah shall charge a fee per gallon sold in the amount determined when a contract is agreed upon. Automotive gasoline sold for aviation usage will comply with the published FAA standards.

Sanitation. Garbage, papers and refuse or other material shall be placed in receptacles provided for that purpose.

Sports Events. No so-called drag races, hot-rod races, go-cart races or similar sports events will be held on the landing areas, aprons, ramps or taxiways or runways of the airport.

Storage of Gasoline. No gasoline shall be held in storage upon the airport unless it is contained in the fuel tank of a motor vehicle or aircraft, or in underground storage tanks that are not exposed. Exceptions to this requirement must be granted by the city council and any such waivers must be recertified annually.

Use of Airport. Any person, firm or corporation desiring to use the airport as a base for conducting a business or engaging any form of commercial activity, shall first make application in writing and secure permission from the city of Chewelah and shall pay such fees and charges as the city may determine for use of the airport or any of its facilities thereon, or for services rendered.

(Ord. No. 872, §§ 1, 2, 9-17-2014)

SECTION 2: **AMENDMENT** “10.16.060 Rental Charges, Fees For Use Of Airport” of the City of Chewelah Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.16.060 Rental Charges, Fees For Use Of Airport

Annual Airport Fees. Annual airport fees are adopted by council by resolution. These fees will be reviewed by the airport governing board in December of each year. Annual airport fees will be invoiced by the city of Chewelah in January of each year and will be due the twentieth day of February. Each year the airport governing board will forward to city administration a list of individuals or groups to be invoiced based on some or all of the following criteria: use of the Sand Canyon Airport; vested interest in the Sand Canyon Airport; leased spaces on the east side of the airport; or future investment in the Sand Canyon Airport.

Tiedown Fees. Tiedown fees are adopted by council by resolution. These fees will be reviewed by the airport governing board in December of each year. Tiedown fees will be submitted directly to the airport manager or left in a drop box in the pilot's lounge for subsequent collection by the airport manager.

Building. Building specifications as to size and construction and requirements shall be approved by the city of Chewelah.

Aerial Applicators. Any person, firm or corporation engaged in the business of, or known as aerial applicators and operating as such and desiring to fly commercially from the Sand Canyon Airport, other fixed base operators with permanent facilities, shall make application to the city of Chewelah and pay such fees and charges as established by said city.

(Ord. No. 872, §§ 1, 2, 9-17-2014)

AFTER AMENDMENT

10.16.060 Rental Charges, Fees For Use Of Airport

Annual Airport Fees. Annual airport fees are adopted by council by resolution. These fees will be reviewed by the airport governing board in December of each year. Annual airport fees will be invoiced by the city of Chewelah in January of each year and will be due the twentieth day of February. Each year the airport governing board will forward to city administration a list of individuals or groups to be invoiced based on some or all of the following criteria: use of the ~~Sand Canyon~~Chewelah Municipal Airport; vested interest in the ~~Sand Canyon~~Chewelah Municipal Airport; leased spaces on the east side of the airport; or future investment in the ~~Sand Canyon~~Chewelah Municipal Airport.

Tiedown Fees. Tiedown fees are adopted by council by resolution. These fees will be reviewed by the airport governing board in December of each year. Tiedown fees will be submitted directly to the airport manager or left in a drop box in the pilot's lounge for subsequent collection by the airport manager.

Building. Building specifications as to size and construction and requirements shall be approved by the city of Chewelah.

Aerial Applicators. Any person, firm or corporation engaged in the business of, or known as aerial applicators and operating as such and desiring to fly commercially from the ~~Sand Canyon~~Chewelah Municipal Airport, other fixed base operators with permanent facilities, shall make application to the city of Chewelah and pay such fees and charges as established by said city.

(Ord. No. 872, §§ 1, 2, 9-17-2014)

SECTION 3: AMENDMENT “18.08.135 Airport-Golf Course (APGC1), (APGC2), (APGC3) Zones” of the City of Chewelah Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

18.08.135 Airport-Golf Course (APGC1), (APGC2), (APGC3) Zones

A. Airport-Golf Course Zone 1 (APGC1).

1. Purpose and Intent. The purpose of the APGC1 zone is to ensure compatibility between the land use and activities generated by the Sand Canyon Airport and the existing single-family residential area adjacent to the airport. This zone will be governed by an additional set of regulations to be found in the airport overlay zone that specifically addresses airport safety considerations as they apply to adjacent land use. The APGC1 zone will accommodate single-family residences, hangars and other aviation oriented uses and the Sand Canyon Airport.
2. Uses. Table 18.02.020 describes uses that are permitted, conditionally permitted or prohibited within the APGC1 zone. Error noted 11-8-21: Change Table 18.02.020 to Table 18.08.020
3. Development Standards.
 - a. Minimum lot size: seven thousand two hundred square feet.
 - b. Minimum lot width: sixty feet.
 - c. Setback requirements:
 - (1) Minimum setbacks for a principal building shall be:
 - (A) Front yard: ten feet;
 - (B) Rear yard: one of the following, measured from the rear property line:
 - (a) Fifty-five feet where the rear of the lot abuts the golf course,
 - (b) Ten feet where the rear of the lot does not abut the golf course;
 - (C) Side yard: five feet, except fifteen feet on a side yard adjacent to a street.
 - (2) Minimum setbacks for an accessory building shall be:
 - (A) Front yard: ten feet;
 - (B) Rear yard: five feet;
 - (C) Side yard: five feet, except fifteen feet on a side yard adjacent to a street.

- d. Maximum building height: two stories, not exceed thirty feet, except in cases where the airport overlay zone imposes more restrictive limits.
- e. Maximum lot coverage: sixty percent.
- f. No structure shall be permitted to be newly built or newly placed at any point within thirty-nine and one-half feet from the centerline of Richmond Lane.

B. Airport-Golf Course Zone 2 (APGC2).

1. Purpose and Intent. The purpose of the APGC2 zone is to provide for single-family residences, low-density multi-family residences (no more than eight units/acre) and golf course. This district will also be governed by an additional set of regulations to be found in the airport overlay zone, specifically addressing airport safety considerations.
2. Uses. Table 18.02.020 describes uses that are permitted, conditionally permitted or prohibited within the APGC2 zone. [Error noted 11-8-21: Change Table 18.02.020 to Table 18.08.020](#)
3. Development Standards.
 - a. Minimum lot size (single-family): seven thousand two hundred square feet. Minimum lot size (multi-family, no more than eight units): forty-three thousand five hundred sixty square feet.
 - b. Minimum lot width (single-family): sixty feet. Minimum lot width (multi-family): one hundred feet.
 - c. Setback requirements:
 - (1) Minimum setbacks for a principal building shall be:
 - (A) Front yard: twenty feet (see Part B,3,f of this section);
 - (B) Rear yard: one of the following, measured from the rear property line:
 - (a) Fifty-five feet where the rear of the lot abuts the golf course,
 - (b) Ten feet where the rear of the lot does not abut the golf course;
 - (C) Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.
 - (2) Minimum setbacks for an accessory building shall be:
 - (A) Front yard: twenty feet;
 - (B) Rear yard: five feet;
 - (C) Side yard: five feet.
 - d. Maximum building height: two stories, not to exceed thirty feet.
 - e. Maximum lot coverage: forty percent.
 - f. The prescribed front yard setbacks may include the area included in Tract A, less any street or street right-of-way, but in no case shall the structure be closer than five feet from the property line.

C. Airport-Golf Course Zone 3 (APGC3).

1. Purpose and Intent. The purpose of the APGC3 zone is to provide for a lower density single family residential area, low density multi-family (no more than eight units/acre) and a golf course. Portions of this district will be governed by an additional set of regulations found in the airport overlay zone, specifically addressing airport safety considerations.

2. Uses. Table 18.02.020 describes uses that are permitted, conditionally permitted or prohibited within the APGC3 zone. [Error noted 11-8-21: Change Table 18.02.020 to Table 18.08.020](#)
3. Development Standards.
 - a. Minimum lot size (single-family): ten thousand square feet. Minimum lot size (multi-family): forty-three thousand five hundred sixty square feet (one acre).
 - b. Minimum lot width (single-family): sixty feet. Minimum lot width (multi-family): one hundred feet.
 - c. Setback requirements:
 - (1) Minimum setbacks for a principal building shall be:
 - (A) Front yard: twenty feet (see Part C,3,f of this section;
 - (B) Rear yard: One of the following, measured from the rear property line:
 - (a) Fifty-five feet where the rear of the lot abuts the golf course,
 - (b) Ten feet where the rear of the lot does not abut the golf course;
 - (C) Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.
 - (2) Minimum setbacks for an accessory building shall be:
 - (A) Front yard: twenty feet;
 - (B) Rear yard: five feet;
 - (C) Side yard: five feet.
 - d. Maximum building height: two stories, not to exceed thirty feet.
 - e. Maximum lot coverage: forty percent.
 - f. The prescribed front yard setbacks may include the area included in Tract A, less any street or street right-of-way, but in no case shall the structure be closer than five feet from the property line.

(Ord. No. 900, § 7, 8-3-2016; Ord. No. 923, §§ 1, 2, 5-16-2018)

A F T E R A M E N D M E N T

18.08.135 Airport-Golf Course (APGC1), (APGC2), (APGC3) Zones

A. Airport-Golf Course Zone 1 (APGC1).

1. Purpose and Intent. The purpose of the APGC1 zone is to ensure compatibility between the land use and activities generated by the ~~Sand Canyon~~[Chewelah Municipal](#) Airport and the existing single-family residential area adjacent to the airport. This zone will be governed by an additional set of regulations to be found in the airport overlay zone that specifically addresses airport safety considerations as they apply to adjacent land use. The APGC1 zone will accommodate single-family residences, hangars and other aviation oriented uses and the ~~Sand Canyon~~[Chewelah Municipal](#) Airport.
2. Uses. Table 18.02.020 describes uses that are permitted, conditionally permitted or prohibited within the APGC1 zone. [Error noted 11-8-21: Change Table 18.02.020 to Table 18.08.020](#)

3. Development Standards.

- a. Minimum lot size: seven thousand two hundred square feet.
- b. Minimum lot width: sixty feet.
- c. Setback requirements:
 - (1) Minimum setbacks for a principal building shall be:
 - (A) Front yard: ten feet;
 - (B) Rear yard: one of the following, measured from the rear property line:
 - (a) Fifty-five feet where the rear of the lot abuts the golf course,
 - (b) Ten feet where the rear of the lot does not abut the golf course;
 - (C) Side yard: five feet, except fifteen feet on a side yard adjacent to a street.
 - (2) Minimum setbacks for an accessory building shall be:
 - (A) Front yard: ten feet;
 - (B) Rear yard: five feet;
 - (C) Side yard: five feet, except fifteen feet on a side yard adjacent to a street.
- d. Maximum building height: two stories, not exceed thirty feet, except in cases where the airport overlay zone imposes more restrictive limits.
- e. Maximum lot coverage: sixty percent.
- f. No structure shall be permitted to be newly built or newly placed at any point within thirty-nine and one-half feet from the centerline of Richmond Lane.

B. Airport-Golf Course Zone 2 (APGC2).

1. Purpose and Intent. The purpose of the APGC2 zone is to provide for single-family residences, low-density multi-family residences (no more than eight units/acre) and golf course. This district will also be governed by an additional set of regulations to be found in the airport overlay zone, specifically addressing airport safety considerations.
2. Uses. Table 18.02.020 describes uses that are permitted, conditionally permitted or prohibited within the APGC2 zone. [Error noted 11-8-21: Change Table 18.02.020 to Table 18.08.020](#)
3. Development Standards.
 - a. Minimum lot size (single-family): seven thousand two hundred square feet. Minimum lot size (multi-family, no more than eight units): forty-three thousand five hundred sixty square feet.
 - b. Minimum lot width (single-family): sixty feet. Minimum lot width (multi-family): one hundred feet.
 - c. Setback requirements:
 - (1) Minimum setbacks for a principal building shall be:
 - (A) Front yard: twenty feet (see Part B,3,f of this section);
 - (B) Rear yard: one of the following, measured from the rear property line:
 - (a) Fifty-five feet where the rear of the lot abuts the golf course,

- (b) Ten feet where the rear of the lot does not abut the golf course;
 - (C) Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.
 - (2) Minimum setbacks for an accessory building shall be:
 - (A) Front yard: twenty feet;
 - (B) Rear yard: five feet;
 - (C) Side yard: five feet.
 - d. Maximum building height: two stories, not to exceed thirty feet.
 - e. Maximum lot coverage: forty percent.
 - f. The prescribed front yard setbacks may include the area included in Tract A, less any street or street right-of-way, but in no case shall the structure be closer than five feet from the property line.
- C. Airport-Golf Course Zone 3 (APGC3).
 1. Purpose and Intent. The purpose of the APGC3 zone is to provide for a lower density single family residential area, low density multi-family (no more than eight units/acre) and a golf course. Portions of this district will be governed by an additional set of regulations found in the airport overlay zone, specifically addressing airport safety considerations.
 2. Uses. Table 18.02.020 describes uses that are permitted, conditionally permitted or prohibited within the APGC3 zone. [Error noted 11-8-21: Change Table 18.02.020 to Table 18.08.020](#)
 3. Development Standards.
 - a. Minimum lot size (single-family): ten thousand square feet. Minimum lot size (multi-family): forty-three thousand five hundred sixty square feet (one acre).
 - b. Minimum lot width (single-family): sixty feet. Minimum lot width (multi-family): one hundred feet.
 - c. Setback requirements:
 - (1) Minimum setbacks for a principal building shall be:
 - (A) Front yard: twenty feet (see Part C,3,f of this section;
 - (B) Rear yard: One of the following, measured from the rear property line:
 - (a) Fifty-five feet where the rear of the lot abuts the golf course,
 - (b) Ten feet where the rear of the lot does not abut the golf course;
 - (C) Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.
 - (2) Minimum setbacks for an accessory building shall be:
 - (A) Front yard: twenty feet;
 - (B) Rear yard: five feet;
 - (C) Side yard: five feet.
 - d. Maximum building height: two stories, not to exceed thirty feet.
 - e. Maximum lot coverage: forty percent.

- f. The prescribed front yard setbacks may include the area included in Tract A, less any street or street right-of-way, but in no case shall the structure be closer than five feet from the property line.

(Ord. No. 900, § 7, 8-3-2016; Ord. No. 923, §§ 1, 2, 5-16-2018)

SECTION 4: AMENDMENT “18.08.170 Airport Overlay (AO) Zone” of the City of Chewelah Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

18.08.170 Airport Overlay (AO) Zone

A. Use Restrictions Within AO Zone.

- 1. No use may be made of land or water within any zone established by this chapter 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, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- 2. No non-native trees shall be allowed to grow over fifty feet high and no structures shall be built over thirty feet in height.

B. Nonconforming Uses.

- 1. Regulations Not Retroactive. These restrictions shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the restrictions laid out in the AO zone, as of the effective date of the adoption of the AO zone. Nothing contained in these regulations 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 zone adoption, and is diligently pursued.
- 2. Marking and Lighting. The owner of any existing nonconforming structure or tree is required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the city of Chewelah airport fund.

C. Avigation Easement. The city of Chewelah shall be provided a perpetual avigation easement providing for the right-of-way for the free and unobstructed passage and flight of aircraft prior to approval of any future plats, development permits, variances, and at such time property is purchased within the APGC-1, APGC-2 and APGC-3 zones. The avigation easement shall be recorded on the title of the subject property. The avigation easement shall incorporate the following language:

The APGC-1, APGC-2 and APGC-3 zones contain a perpetual public-use aviation/noise easement that provides for the right-of-way for the free and unobstructed passage and flight of aircraft, of any and all kinds now known or hereafter invented, of the class, size and category operationally compatible with the Sand Canyon Airport.

The avigation easement provides for the right to allow, make and emit such noise, light and vibrations, fumes, exhaust, smoke, air currents, dust, fuel particles, radio, television and other electromagnetic interferences, and all other effects as may be inherent to the lawful operation of aircraft for avigation or flight in the air.

The avigation easement precludes the right to sue due to noise, light and vibrations, fumes, exhaust, smoke, air currents, dust, fuel particles, radio, television and other electromagnetic interferences, and all other effects as may be inherent to the lawful operation of aircraft for avigation or flight in the air

The avigation easement protects the Sand Canyon Airport from being forced to set aside buffer lands, reroute air traffic, erect sound or other barriers, establish curfews, noise or other regulations, except to the extent, if any, that such actions are validly required by state or federal authorities.

(Ord. No. 900, § 7, 8-3-2016)

AFTER AMENDMENT

18.08.170 Airport Overlay (AO) Zone

A. Use Restrictions Within AO Zone.

1. No use may be made of land or water within any zone established by this chapter 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, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
2. No non-native trees shall be allowed to grow over fifty feet high and no structures shall be built over thirty feet in height.

B. Nonconforming Uses.

1. Regulations Not Retroactive. These restrictions shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the restrictions laid out in the AO zone, as of the effective date of the adoption of the AO zone. Nothing contained in these regulations 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 zone adoption, and is diligently pursued.
 2. Marking and Lighting. The owner of any existing nonconforming structure or tree is required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the city of Chewelah airport fund.
- C. Avigation Easement. The city of Chewelah shall be provided a perpetual avigation easement providing for the right-of-way for the free and unobstructed passage and flight of aircraft prior to approval of any future plats, development permits, variances, and at such time property is purchased within the APGC-1, APGC-2 and APGC-3 zones. The avigation easement shall be recorded on the title of the subject property. The avigation easement shall incorporate the following language:

The APGC-1, APGC-2 and APGC-3 zones contain a perpetual public-use aviation/noise easement that provides for the right-of-way for the free and unobstructed passage and flight of aircraft, of any and all kinds now known or hereafter invented, of the class, size and category operationally compatible with the ~~Sand Canyon~~Chewelah Municipal Airport.

The avigation easement provides for the right to allow, make and emit such noise, light and vibrations, fumes, exhaust, smoke, air currents, dust, fuel particles, radio, television and other electromagnetic interferences, and all other effects as may be inherent to the lawful operation of aircraft for avigation or flight in the air.

The avigation easement precludes the right to sue due to noise, light and vibrations, fumes, exhaust, smoke, air currents, dust, fuel particles, radio, television and other electromagnetic interferences, and all other effects as may be inherent to the lawful operation of aircraft for avigation or flight in the air

The avigation easement protects the ~~Sand Canyon~~Chewelah Municipal Airport from being forced to set aside buffer lands, reroute air traffic, erect sound or other barriers, establish curfews, noise or other regulations, except to the extent, if any, that such actions are validly required by state or federal authorities.

(Ord. No. 900, § 7, 8-3-2016)

SECTION 5: SEVERABILITY CLAUSE Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

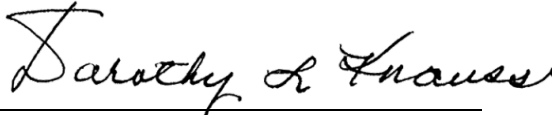
SECTION 6: EFFECTIVE DATE This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

PASSED AND ADOPTED BY THE CITY OF CHEWELAH COUNCIL JUNE 05, 2019.

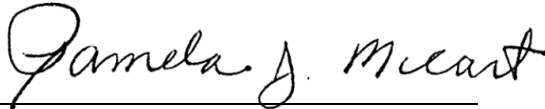
| | AYE | NAY | ABSENT | ABSTAIN |
|------------------------------|--------------|-----------------|-----------------|-----------------|
| Councilmember Nicole Norvell | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Cori Wuesthoff | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Payton Norvell | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember John May | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Carra Nupp | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Evan Schalock | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember John Wight | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |

Presiding Officer

Attest



 Dorothy L. Knauss, Mayor, City of
 Chewelah



 Pamela J. McCart, Clerk/Treasurer
 City of Chewelah