

**CHAPTER 3**  
**AIRPORT OF THE CITY OF SEARCY**

**Art. I** City of Searcy Municipal Airport Commission, Sections 3-1--3-17

**Art. II** Zoning, Sections 3-18--3-31

**ARTICLE I. City of Searcy Municipal Airport Commission**

**Sec. 3-1. Commission Created.**

There is hereby created a Municipal Airport Commission for the City of Searcy, Arkansas, to consist of seven (7) members. Said members shall be qualified electors of the City and shall not hold any other elective or appointive office in the City, County or Federal government. (*Ord. No. 378, § 1, 5-16-57; Ord. No. 97-22, §1, 7-8-97*)

**Sec. 3-2. Appointment; Terms; Oath.**

Said commissioners shall be appointed by the Mayor and confirmed by a three-fourths (3/4) vote of the duly elected and qualified members of the City Council, and shall each hold office for a term of five (5) years. The commissioners shall file the oath required by law in the State of Arkansas. The respective terms of office of each member of the Searcy Airport Commission shall expire on the December 31st which occurs nearest to that date which is five years (5) from the date of the respective appointments of the members of the said Commission. (*Ord. No. 378, § 2, 5-16-57; Ord. No. 90-03, § 1, 1-9-90*)

**Sec. 3-3. Removal of Commissioner.**

Any commissioner appointed under the provisions of this article may be removed upon a three-fourths (3/4) vote of the duly elected and qualified members of the City Council. (*Ord. No. 378, § 3, 5-16-57*)

**Sec. 3-4. Powers and Duties.**

The commissioners hereunder appointed shall have full and complete authority to manage, operate, improve, extend and maintain the municipal airport, its related properties and facilities, and shall have full and complete charge of said airport, properties and facilities, including the right to employ or remove any and all employees of whatever nature of kind and to fix, regulate and pay their salaries. The commissioners shall have in addition to the above enumerated powers such other powers as are now by law given to the City Council. (*Ord. No. 378, § 4, 5-16-57*)

**Sec. 3-5. Rules and Regulations; Compliance with State and Federal Regulations.**

The commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation and management of the said airport, and shall have the power to alter, change or amend such rules at their discretion. Said commissioners shall comply or cause to be complied with, all civil air regulations of the federal and state government. They shall protect all the aerial approaches to the airport insofar as it comes within their jurisdiction. *(Ord. No. 378, § 5, 5-16-57)*

**Sec. 3-6. Records and Reports.**

Said commissioners shall keep a record of all revenues and expenditures of the airport, its related properties and facilities, and shall submit a monthly report to the Mayor and City Council and shall submit an annual financial report by the first Monday in February. The report shall set out a full, detailed, complete and correct statement of all receipts of every kind since the last preceding report, showing the source thereof, and all disbursements of every kind. Said report shall show the full financial status and condition of the airport, its related properties and facilities necessary to a full and thorough understanding of the actual financial condition of the airport. The report shall be verified by the commissioners. The commissioners shall furnish such other and further reports, data and information as may be requested by the Mayor or City Council. *(Ord. No. 378, § 6, 5-16-57)*

**Sec. 3-7. Annual Budget.**

The commissioners shall submit to the City annually before the City prepares its budget, the amount of funds necessary for maintenance, operation and management of the municipal airport, its related properties and facilities, above the estimated revenue and the funds remaining on hand. *(Ord. No. 378, § 7, 5-16-57)*

**Sec. 3-8. Meetings.**

The said commissioners shall meet at least monthly, but other meetings may be held at any time by the board or upon the call of the Mayor and City Council. *(Ord. No. 378, § 7, 5-16-57)*

**Sec. 3-9--3-17. Reserved.**

**ARTICLE II. Airport Zoning**

**Sec. 3-18. Short Title.**

This article shall be known and may be cited as the "Airport Zoning Ordinance of the Searcy Municipal Airport." *(Ord. No. 412, § 1, 12-9-58)*

**Sec. 3-19. Definitions.**

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

1. AIRPORT - Searcy Municipal Airport.
2. AIRPORT ELEVATION - 262.2 feet above mean sea level.
3. AIRPORT ZONING BOARD - The Planning Commission of the City of Searcy shall act as the Airport Zoning Board for purposes of administering and enforcing the provisions hereof.
4. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 3-22. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
5. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section 3-21 hereof.
6. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. HEIGHT - For the purpose of determining the height limits in all zones set forth in this Article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
9. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
11. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.

12. NONPRECISION INSTRUMENT RUNWAY - 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.
13. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 3-22 hereof.
14. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; including, without limitation, a trustee, a receiver, an assignee, or a similar representative of them.
15. PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Differential Global Positioning System (DGPS) 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 approved airport layout plan or any other planning document.
16. 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. The width of the primary surface is set forth in Section 3-21 hereof. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
17. RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.
18. STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
19. TRANSITIONAL SURFACES - These surfaces extend outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
20. TREE - Any object of natural growth.

21. UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
22. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures. *(Ord. No. 412, § 4, 12-9-58; Ord. No. 2000-15, §1, 5-9-2000)*

**Sec. 3-20. Airport Zoning Map.**

There is hereby adopted the Airport Zoning Map prepared by Miller-Newell Engineers, dated August, 1999, consisting of three sheets, three copies of which are on file in the office of the City Clerk, which Airport Zoning Map is hereby incorporated herein by this reference. *(Ord. No. 412, § 3, 12-9-58; Ord. No. 2000-15, §2, 5-9-2000)*

**Sec. 3-21. Zones.**

In order to carry out the purposes of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Searcy Municipal Airport, all as shown on the Airport Zoning Map. An area or tract of land located in more than one 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) Precision Instrument Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) Runway Larger than Utility with a Visibility Minimum as low as 3/4 Mile Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (3) Transition Zones are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the Airport Zoning Maps.
- (4) Horizontal Zone is hereby established by swinging arcs of 5,000 feet radii for all utility or visual runways and 10,000 feet for all other runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(5) 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 4,000 feet. (*Ord. No. 412, § 4, 12-9-58; Ord. No. 2000-15, §3, 5-9-2000*)

### **Sec. 3-22. Height Limits.**

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

(1) Precision Instrument Runway Approach Zone. Slopes fifty (50) 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 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

(2) Runway Larger than Utility with a Visibility Minimum as low as 3/4 Mile Non-Precision Instrument Approach Zone. Slopes thirty-four (34) 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 10,000 feet along the extended runway centerline.

(3) Transitional Zone. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and approach surfaces, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects through and beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet from the edge of the instrument approach zone measured at right angles to the extended runway centerline.

(4) Horizontal Zone. Established at one hundred fifty (150) feet above the established airport elevation.

(5) Conical Zone. Slopes twenty (20) feet outward for each foot upward 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.

(6) Excepted Height Limitation. Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land. (*Ord. No. 412, § 5, 12-9-58; Ord. No. 2000-15, §4, 5-9-2000*)

**Sec. 3-23. Use Restrictions.**

Notwithstanding any other provision 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 communications 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. (*Ord. No. 412, § 6, 12-9-58; Ord. No. 2000-15, §5, 5-9-2000*)

**Sec. 3-24. Nonconforming Uses.**

1. Regulations Non Retroactive. To the extent that the regulations prescribed in this Article (as amended and restated) are more restrictive, or cover a larger area than as provided by prior ordinances of the City of Searcy (Ord. No. 412), this Article 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 Article, 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 actual construction or alteration of which was begun prior to the effective date of this Article, and is diligently prosecuted to completion within twelve months of commencement.
2. 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 Searcy Municipal Airport Commission 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 Searcy. (*Ord. No. 412, § 7, 12-9-58; Ord. No. 2000-15, §6, 5-9-2000*)

**Sec. 3-25. Variances.**

Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this article, may apply to the Airport Commission for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this article. Any person aggrieved by a decision of the Airport Commission in connection with any application for a variance shall appeal such decision to the City Council (*Ord. No. 412, § 8, 12-9-58; Ord. No. 96-16, §4, 6-10-96*)

**Sec. 3-26. Permits.**

1. Future Uses. Except as specifically provided in sub-sections (1) (a),(b) and (c) hereunder, 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 therefor 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 sub-section 3-26(4).
  - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
  - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article except as set forth in Section 3-22(6).

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made.
3. Nonconforming Uses Abandoned or Destroyed. Whenever the Airport Zoning Board 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 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 Article, may apply to the Airport Zoning Board for a variance. The application for a variance from such regulations 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 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 Article. Additionally, no application for variance to the requirements of this Article may be considered by the Airport Zoning Board unless a copy of the application has been furnished to the Searcy Airport Commission for advice as to the aeronautical effects of the variance. If the Airport Commission does not respond to the application within thirty (30) days after receipt, the Airport Zoning Board may act on its own to grant or deny said application.
5. Obstruction 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 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 Airport Zoning Board, this condition may be modified to require the owner to permit the City of Searcy, at its own expense, to install, operate, and maintain the necessary markings and lights. *(Ord. No. 412, § 9, 12-9-58; Ord. No. 2000-15, §7, 5-9-2000)*

**Sec. 3-27. Reserved.** *(Ord. No. 412, § 10, 12-9-58; Ord. No. 2000-15, §11, 5-9-2000)*

**Sec. 3-28. Enforcement.**

It shall be the duty of the Airport Zoning Board to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Zoning Board or its designated zoning enforcement officer upon a form published for that purpose. Applications required by this Article to be submitted to the Airport Zoning Board shall be promptly considered and granted or denied. *(Ord. No. 412, § 11, 12-9-58; Ord. No. 2000-15, §8, 5-9-2000)*

**Sec. 3-29. Appeals.**

Any person aggrieved, or any taxpayer affected, by any decision of the Airport Zoning Board, may appeal to the Circuit Court as provided by Arkansas Code Annotated Section 14-363-307. *(Ord. No. 412, § 12, 12-9-58; Ord. No. 96-16, § 5, 6-10-96; Ord. No. 2000-15, §9, 5-9-2000)*

**Sec. 3-30. Penalties.**

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than \$500 or imprisonment for not more than 180 days, or both, or other remedies as allowed by law; and each day a violation continues to exist shall constitute a separate offense. (*Ord. No. 412, § 13, 12-9-58; Ord. No. 2000-15, §10, 5-9-2000*)

**Sec. 3-31. Conflicting Regulations.**

Where this article imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other Ordinance or regulation, the provisions of this article shall govern. (*Ord. No. 412, § 14, 12-9-58*)

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