

ORDINANCE NO. 426

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE REGULATION OF HELICOPTERS AND HELIPORTS WITHIN THE CITY OF MESQUITE; DEFINING TERMS; REQUIRING THAT EACH HELICOPTER HAVE AN AIR WORTHINESS CERTIFICATE AND EACH PERSON FLYING SUCH HELICOPTER HAVE A VALID AIRMAN'S CERTIFICATE; REGULATING THE LANDING AND TAKE OFF OF HELICOPTERS; REQUIRING THAT ALL APPLICABLE SAFETY RULES AND REGULATIONS BE FOLLOWED BY THE HELICOPTER OPERATOR WHILE IN FLIGHT; ALLOWING HELICOPTERS TO LAND ONLY AT APPROVED HELIPORTS; PROVIDING HEIGHT REGULATIONS; REGULATING THE LOCATION OF HELIPORTS AS TO OBSTRUCTIONS AND APPROACH PATHS; REQUIRING THAT THE LANDING AREA BE ENCLOSED WITHIN A FENCE; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE BY FINE NOT TO EXCEED THE SUM OF \$200.00 FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The following terms as used in this ordinance shall have the following meanings:

(A) The term "helicopter" shall mean any roto craft which depends principally for its support and motion upon the lift generated by one or more power-driven rotors rotating on substantially vertical axes.

(B) The term "heliport" shall mean any area or structural surface which is used or intended to be used for the landing and take off of helicopters and any adjacent areas or buildings used or intended to be used for heliport buildings and heliport facilities.

(C) The term "flying" shall mean the vertical or horizontal motion of a helicopter other than the immediate landing or take off from an established heliport.

SECTION 2. It shall be unlawful to operate a helicopter within the corporate limits of the City of Mesquite as follows:

(A) Unless there is an outstanding air worthiness certificate for each helicopter issued by the Federal Aviation Agency of the United States of America; or

(B) Unless there is an outstanding valid airman's certificate for each person flying such helicopter issued by the Federal Aviation Agency; or

(C) Unless the operation and flight of the helicopter within

the corporate limits of the City of Mesquite is in conformance with all applicable rules and regulations of the Federal Aviation Agency and the Civil Aeronautics Board; or

(D) To or from any property other than a heliport approved by the governing body of the City of Mesquite; providing, however, the landing and take off of helicopters at places other than approved heliports may be authorized by obtaining written permission from the City Manager, where no Federal or local safety regulations are violated and where the owner or person in charge of the area to be used gives his written consent to such use; or

(E) Except when taking off or landing at a duly authorized place to fly at a height of less than One Thousand (1,000) feet above the ground level.

SECTION 3. In the granting of temporary permits by the City Manager as authorized in Section 2(D), the following standards shall be controlling:

(A) Approach areas to and from the landing area shall be reasonably clear of obstruction, which obstructions should not extend above an imaginary line outward from the landing area at an angle of seven to one foot, or one foot of height allowable for each seven feet of distance from the landing area.

(B) There must be an undeveloped path of approach and take off from the taking area to facilitate a forced landing in the event of power failure.

(C) That the landing area shall be sufficiently fenced or protected to prevent the public from having access to such landing area during landing or take off operations.

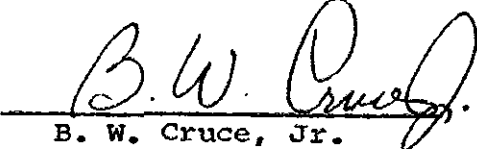
SECTION 4. That the landing area for all heliports, either permanent or temporary, shall be fenced in such a manner as to keep the public free of the landing area, and the operator shall be obligated to maintain rigid control of the same so as to prevent persons from coming upon the landing area during operations.

SECTION 5. That any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day said violation continues shall constitute a separate offense.

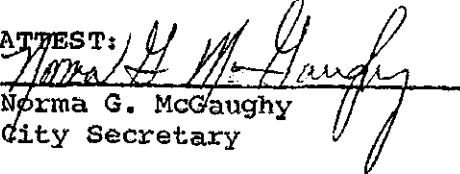
SECTION 6. That if any provision, section or part of this ordinance shall be declared invalid or unconstitutional, the same shall not affect any other portion thereof, and all other portions shall remain valid and be in effect and unaffected by the invalid portion.

SECTION 7. The fact that the City of Mesquite does not now have regulations with respect to the operation of heliports and helicopters within its limits creates an urgency and an emergency in the interest of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED BY THE GOVERNING BODY of the City of Mesquite, Texas, on the 4th day of June, 1962.


B. W. Cruce, Jr.
Mayor

ATTEST:


Norma G. McGaughey
City Secretary

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