

ARTICLE I
Operations

§ 75-1. The East Hampton Town Airport is a Publicly Owned, Private Use Airport.

- A. The Town Airport is a publicly owned, private use airport. Before an aircraft may takeoff or land at the Town Airport, the Town Board must provide permission for such takeoff or landing.
- B. Permission to operate at the Town Airport is governed by the Town Airport's Rules and Regulations.
- C. Military, public, and emergency aircraft operations are always permitted at the Town Airport.
- D. For purposes of this Chapter:
 - i. "Operation" means a takeoff or a landing.
 - ii. "Person" means the pilot, owner of the aircraft, and operator of the aircraft. If an aircraft has multiple owners, each owner is considered a "Person" for purposes of this Chapter. A Person includes individuals as well as entities.
 - iii. "Town Airport" means all airports, heliports, seaports, or other locations designated for aircraft takeoffs and landings that are under the control of, or owned by, the Town of East Hampton.

§ 75-2. Compliance With Rules and Regulations Required.

- A. The Town Board has established Rules and Regulations to govern all operations at the Town Airport. The Rules and Regulations have the force of law and all operations must be in compliance with the Rules and Regulations.
- B. Any Person who operates an aircraft at the Town Airport shall comply with the Rules and Regulations, all federal laws, the Federal Aviation Administration's (FAA) rules and regulations, the provisions of this Chapter, and all other applicable laws and regulations.
- C. Failure to comply with this Chapter or the Rules and Regulations subject the violating Person to the penalties set forth in this Chapter and in the Rules and Regulations.
- D. A copy of the Rules and Regulations can be obtained on the Town's website, at the Airport Director's office at the Town Airport, and at the Town Clerk's office at Town Hall. The Town Board may revise the Rules and Regulations from time to time by duly adopted Resolution.

§ 75-3. Powers and Duties of the Airport Director.

- A. The Airport Director, acting as the agent of the Town Board, is hereby charged with the responsibility of maintaining the safe and orderly operation of the Town Airport, and enforcing the provisions of this Chapter and the Rules and Regulations as adopted by the Town Board and as amended from time to time.
- B. In furtherance of his or her duty, the Airport Director shall have the authority to temporarily or permanently prohibit a Person from operating at the Town Airport, as set forth in this Chapter.
- C. The Airport Director may order any person to cease and desist any activities or conduct that violates the Rules and Regulations. The Airport Director may also order any person who knowingly fails to comply with a cease and desist order to be removed from or denied access to the Town Airport.
- D. Any Person denied the use of the Town Airport by the Airport Director for a period in excess of 180 days may appeal the decision of the Airport Director to the Town Board. The Town Board, or their designee, shall hear said appeal, and upon the findings of the Town Board, or, should the Town Board designate a hearing officer, upon review of the findings and recommendation of the hearing officer, the Town Board may rescind or confirm the decision of the Airport Director.
- E. The Town Board has the right to prohibit temporarily or permanently the use of the Town Airport to any Person who, in its judgment, violates this Chapter, the Rules and Regulations, or otherwise constitutes a threat to the safe and orderly operation of the Town Airport.
- F. The Airport Director may, on his or her own or through Town law enforcement, or a contractor retained for such purpose, immobilize an aircraft or vehicle by installing on the aircraft a propeller lock, on a vehicle a wheel lock, or by such other suitable means under any of the following circumstances:
 - i. Failure of a Person associated with the aircraft to remit all fees and charges due to the Town in a timely manner; or
 - ii. If, in the determination of the Airport Director, the aircraft or vehicle presents an operational or safety concern in any area of the Town Airport, or otherwise constitutes a danger to the health, safety, or welfare of any individual or the public in general, and until such time as the aircraft or vehicle no longer presents such health, safety or welfare concerns.
 - iii. Repeated or willful violation of the Rules and Regulations or the Town Code.

§ 75-4. Effect of Fee or Penalty.

Any fee or penalty, including a suspension, imposed pursuant to this Chapter or the Rules and Regulations adopted pursuant thereto shall be deemed to apply to the Person charged, or to any shareholder, member, or partner of any entity charged, and the fee or penalty shall apply and

continue regardless of whether the suspended party commences work for a different entity, or the shareholder(s), member(s) or partner(s) of the entity charged, or any one or more of them, form a new entity to operate under.

§ 75-5. Penalties for offenses.

- A. Notwithstanding any suspension imposed by the Airport Director, if any, for a violation of this Chapter, or the Rules and Regulations adopted pursuant thereto, any violation of the provisions of this Chapter or the Rules and Regulations shall be punishable as follows:
 - i. For a first offense, by a fine of not more than \$[•];
 - ii. For a second offense within 18 months, by a fine of not less than \$[•] nor more than \$[•] or imprisonment for a period of not more than [•] days, or both;
 - iii. For a third offense within 18 months, by a fine of not less than \$[•] nor more than \$[•], or imprisonment for a period of not more than [•] days, or both.
 - iv. In addition to the penalties set forth above, any person or entity penalized for committing two (2) or more violations of this Chapter within 18 months shall be temporarily or permanently suspended from use of the Town Airport.
- B. Each continuing day of violation of this Chapter or the Rules and Regulations adopted pursuant thereto shall constitute a separate offense.
- C. In addition to the above provided penalties, the Town may pursue any such additional remedies as it deems appropriate, including injunction relief, in a court of competent jurisdiction.

§ 75-6. Repealer.

Upon the effective date of this local law, the preexisting ordinance entitled “Airport” at Chapter 75 of the Town Code shall be repealed.

§ 75-7. Severability.

The provisions of this local law are severable. If any provision of this local law or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application of this local law which can be given effect without the invalid provision or application of the local law.

§ 75-8. Effective Immediately.

This local law shall take effect immediately upon filing with the Secretary of State as provided for by law.