

**East Hampton Town Board**

159 Pantigo Road  
East Hampton, NY 11937



www

Meeting: 04

DOC ID: 27646 B

ADOPTED

**RESOLUTION 2022-560**

**Adopt Local Law Amending Chapter 75 (Airport) Of the East Hampton Town Code**

WHEREAS, the Town Board of the Town of East Hampton held a public hearing on April 7, 2022 to consider an amendment to Chapter 75 (Airport) of the Town Code to better suit the Town's opening of a private use Airport at the location of the prior public use Airport in Wainscott, Town of East Hampton, and

WHEREAS, the Town Board, after considering the proposed local law and the comments submitted with regard to the same, believes that adoption of the proposed local law is in the best interests of the Town of East Hampton; and

WHEREAS, said local law amendment is a Type II action pursuant to Chapter 128 (Environmental Quality Review- §128-3-30 A.(9) & (16)) of the Town Code and the New York State Environmental Quality Review Act (SEQRA- 6 NYCRR §617.5(c)(26)) and exempt from environmental review; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the proposed local law to read as follows:

A LOCAL LAW amending Chapter 75 (Airport) of the East Hampton Town Code", said local law read as follows:

Intro. # 11 of 2022  
Local Law # 11 of 2022

**Section 1. Town Code Amended.**

Section 75 (Airport) for the Town Code of the Code of the Town of East Hampton is hereby amended to read in its entirety as follows:

CHAPTER 75 AIRPORT

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.

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**§ 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.

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**§ 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; or
  - 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.**

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- A. A violation of this Chapter, or the Rules and Regulations adopted pursuant thereto, shall be punishable against any person, organization, corporation, group or other entity who has control over an aircraft that violates this Chapter or the Rules and Regulations, including but not limited to the pilot, aircraft owner, and/or aircraft operator, as follows:
  - i). For a first offense, by a fine of not less than \$1,000.00 nor more than \$5,000.00;

- ii). For a second or subsequent violation of any section of this chapter within an five (5) year period is hereby declared to be an offense punishable by a fine not less than \$5,000 nor more than \$30,000 or imprisonment not to exceed a period of 14 days, or both.
- B. Each continuing day of violation of this Chapter, or of the Rules and Regulations adopted pursuant thereto, shall constitute a separate offense.
- C. In addition to the penalties set forth in this section, any person, organization, corporation, group or other entity convicted of two (2) or more violations of this Chapter, or the Rules and Regulations adopted pursuant thereto, within five (5) years be suspended from use of the Airport for a period of not more than two years.
- D. Any person, organization, corporation, group or other entity entering upon Town Airport property in violation of this Chapter, or the Rules and Regulations adopted pursuant thereto, or in violation of any condition of approval for entry imposed by the Town, may be charged with and prosecuted for trespass.
- E. In addition to the above penalties, the Town may commence a civil action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this Chapter and/or the Rules and Regulations adopted pursuant thereto, by any person, organization, corporation, group or other entity violating the same or holding an ownership interest in the individual aircraft involved in the violation. If a finding is made by a court of competent jurisdiction that the defendants, or any of them, have caused, permitted, or allowed a violation of this Chapter, or the Rules and Regulations adopted pursuant thereto, a penalty to be jointly and severally included in the judgment may be awarded at the discretion of the court in an amount not to exceed \$5,000 for each day it is found that the defendants, or any one of them, individually, collectively, or in conjunction with other(s) caused, permitted or allowed the violation.
- F. Nothing set forth in his section shall be deemed to limit or restrict the Airport Manager's right to suspend any person organization, corporation, group or other entity based upon other provisions of this Chapter and/or the Rules and Regulations.

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**§ 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.

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**§ 75-7. Severability.**

If any section or subdivision, paragraph, clause or phrase of this law shall be adjudged invalid, unenforceable, or unconstitutional by any order or judgment of a court of competent jurisdiction, or pursuant to any order of any administrative agency having jurisdiction,

whether such judgment or order is temporary or permanent, such judgment or order shall not affect the validity of this law as a whole or any part thereof other than the part or provision

**§ 75-8. Effective Immediately.**

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

**SECTION 2. Authority.**

The Town Board is authorized to establish and promulgate rules and regulations regarding use of the East Hampton Airport pursuant to Municipal Home Rule Law §10(1)(ii)(a)(6) and (12) and Town Law §130 and §135 and pursuant to its powers as the proprietor of private use Airport at East Hampton.

**SECTION 3. Effective Date.**

This local law shall take effect upon filing with the Secretary of State.

RESOLVED, that the Town Clerk is hereby directed and authorized to file the local law with the New York State Secretary of State.

DATED: April 21, 2022

BY ORDER OF THE TOWN BOARD  
TOWN OF EAST HAMPTON, NEW YORK  
CAROLE A. BRENNAN  
TOWN CLERK

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Peter Van Scoyoc, Supervisor
<b>SECONDER:</b>	Sylvia Overby, Councilwoman
<b>AYES:</b>	Kathee Burke-Gonzalez, Sylvia Overby, Cate Rogers, Peter Van Scoyoc
<b>ABSENT:</b>	David Lys