

***Title 15: AIRPORT - Codified May 8, 2002 Ordinance No. 324***

*Chapter 1 - Rules and Regulations*

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## **TITLE 15 AIRPORT**

### **Chapter 1 - Airport Rules and Regulations**

#### **15-1-1 Airport Defined**

As used in this chapter the term “airport” means the Dubois Municipal Airport designated as laid down and described on the plat on file at the Town Hall and dedicated to the use of the public for the purposes for which it was adopted.

#### **15-1-2 Government Generally**

- a. The airport shall be governed by the Town through its mayor, Town Council, and airport manager, according to the terms and conditions of the Uniform State Law for Aeronautics and the rules and regulations governing the subject of aeronautics, as the same have been enacted and shall be amplified in the future by federal laws and regulations, as well as all rules and regulations of the Town Council, are made a part of this chapter by reference as though made a part of this chapter by reference as though set forth at length herein. The Town Council is given complete authority to make such further rules and regulations governing the airport as may be necessary or expedient for the development of air commerce and the improvement of the airport.
- b. All pilots and others using the airport shall be governed by the regulations promulgated by the Town Council, as well as provisions of this chapter, the Uniform State Law for Aeronautics and the rules and regulations governing aviation fields which have been adopted by the government of the United States.

#### **15-1-3 Airport Manager**

The Mayor shall appoint with the approval of the Town Council an airport manager to have supervision and charge over the airport and the operations thereof.

#### **15-1-4 Sale of Supplies, Gas, Etc. [Amended By Ordinance #379 8/27/09]**

Supplies, provisions, oils, services and repairs shall be offered and sold at the airport only by companies and individuals authorized and approved by the airport manager for the use and benefit of those who use the field for aviation purposes.

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All oils must be kept in a manner approved by the manager as not to create a fire hazard.

*Non-fuel Aircraft related liquids stored in any hanger shall be limited to fifty five (55) gallons and they shall be stored in their own containment system to protect against spills or leaks. If fuel is not available from a truck or tank farm, a maximum of fifty five (55) gallons of aviation fuel may be stored inside a hanger. An approved containment system must be provided for any amount over five (5) gallons to protect against spills or leaks. Containment systems must be able to contain the amount of liquid in the largest container held within the system and shall be approved by the Airport Manager or a Town Representative. Storage of any non-aircraft related liquids is prohibited. Spills or leaks at any place on the grounds of the Dubois airport must be reported to Town Hall immediately so appropriate clean-up measures can be taken.*

**15-1-5**

**Leasing Property** [Amended By Ordinance #379 8/27/09]  
[Amended by Ordinance #424 6/30/16] [Amended by Ordinance #426 1/5/17]

The Town may lease buildings or building sites to individuals or corporations desiring to construct hangars or other structures at the airport. Such structures shall be erected only on such areas as the Town shall designate. Plans and specifications for hangars shall have a licensed engineers stamp on them for doors and trusses and shall be submitted to the Airport Manager and the Building Department at Town Hall for review and approval. A building permit will be issued by the Town of Dubois. Uniformity of design and construction shall be a major consideration during the approval of plans and specifications. Final determination as to whether a design meets the uniformity requirements shall be made by the Airport Manager and the Building Inspector. Construction must commence within 12 months of the issuance of a building permit and all work must be completed within 18 months of receiving the building permit.

Hangars may be individual free standing construction or multiple connected “Cluster-style hangars” with common interior walls.

Hangars shall be designed and constructed using the following parameters:

- a. Sidewalls shall be new metal sheeting (26 GA minimum) or masonry with a minimum wall height of 12 feet. Metal sheeting shall have an acrylic finish. Exterior walls shall be constructed to meet a 2-hour fire containment standard if they are closer than 50 feet to an adjacent hangar. Interior common walls of Cluster-style hangars shall meet the same

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criteria as exterior walls but will not be required to meet a 2-hour fire containment standard.

- b. Roof shall be new metal sheeting (26 GA minimum) with a gable form. Cluster-style hangars will be constructed with a shed form roof sloping to the rear.
- c. Wind loading shall be calculated assuming a basic wind speed of 90 miles per hour.
- d. Snow loading shall be able to withstand 30 PSF non-reducible snow loads.
- e. Floors shall be concrete, a minimum of 4” in depth, designed and built to be as flat as reasonable with a stem wall exceeding 2” in height from the floor elevation on the walled sides, and an engineered trough the full width of the hangar door engineered to contain liquid spills within the building. Floor drains are prohibited. Interior walls of “Cluster-style hangars shall also have a stem wall exceeding 2” in height from the floor elevation.
- f. Doors shall be constructed of at least 26-gauge metal and have an acrylic finish. Doors shall be capable of fully opening so as not to encroach into adjacent hangars or taxiways. Hangar doors may be manual or mechanical. Personnel doors shall be provided in each hangar. The assumption will be made that the hangar door when closed cannot be used as a personnel exit. Cluster-style hangars shall have separate doors for each of the individual bays. Interior bays may have their individual personnel doors built into the hangar door.
- g. Colors shall be of earth tones and approved by the Airport Manager.
- h. Grading shall be such that surface drainage flows away from the hangar and is consistent with the Airport’s drainage plan. Under no circumstances shall the ponding of surface water be permitted on or adjacent to the leasehold area.
- i. Outside exterior edges of a hangar shall be paved to any adjacent taxiway or taxi lane unless otherwise approved by the Airport Manager.
- j. All privately owned hangars shall be kept in good repair at all times. No flaking paint, rust or other indications of less than adequate maintenance will be permitted. The Airport Manager or his designee shall have the

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right to enter any hangar at any reasonable time to inspect for cleanliness and adequate maintenance.

- k. In the event of damage caused by wind, hail, water or other acts of nature, the hangar owner will take immediate action to repair the damage. Damage repair costing less than 50 percent of the value of the hangar shall be completed within 6 months of the damage. Damage repair costs that exceed 50 percent of the value of the hangar shall be completed within 1 year of the damage.

The rental agreement for ground or buildings leased at the airport shall be determined by a written agreement between the Town and the lessee. Lot rental rates for Cluster-style hangars shall be established as though the individual bays all had the same exterior separation area as individual hangars.

**15-1-6**      **Unauthorized Entry or Presence in Restricted Areas**

It is unlawful for any person to enter upon a restricted area of the airport without permission to do so from an authorized person, designated as such by the airport manager. The airport manager shall designate the restricted areas.

**15-1-7**      **Animals at Airport**

No animals shall be permitted on airport property unless under leash or confined in such a manner so as to prevent them from running at large.

**15-1-8**      **Aircraft Operation**

- a. Payment of landing fees, parking charges or other service rendered at the airport shall be made before request for flight clearance will be granted unless satisfactory credit arrangements have been made.
- b. Aircraft shall be parked and stored in spaces designated for such purpose by the Airport Manager.
- c. No aircraft shall be left unattended on the airport unless properly secured or in a hanger.
- d. Aircraft shall not be taxied into or out of hangers.
- e. No aircraft engine shall be started or run unless a licensed pilot or mechanic or authorized person properly qualified on the particular type of engine concerned shall be attending the controls. Blocks equipped with

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ropes or other suitable means of blocking an aircraft shall always be placed in front of the main landing wheels before starting the engine or engines, unless the airplane is equipped with adequate and properly functioning locking brakes. No aircraft engine shall be run in any hanger.

- f. Aircraft shall be started and warmed up only in such places designated for such purposes in writing by the Airport Manager. Whenever possible engines shall not be operated in such a position that hangers, shops or other buildings, vehicles, spectators will be in the path of the propeller slipstream or jet blast.
- g. No person shall repair an aircraft, aircraft engine, propeller or apparatus in any area of the airport other than those specifically designated for such purpose by the Airport Manager.
- h. No experimental flight or ground demonstrations shall be conducted at the airport without the written approval of the Airport Manager.

**15-1-9**

**NOTICE OF PROPERTY IN AIRPORT ZONE**

*[15-1-9 Created by Ordinance #398 adopted July 7, 2011]*

Owners of real property located within the Dubois airport zone shall provide the following notice to prospective purchasers and, unless such notice was previously recorded, cause such notice to be recorded with the Fremont County Clerk:

**NOTICE**

**The property known as: (insert legal description and address) is located within an area that has been officially designated by the Town of Dubois as being located within the Dubois Municipal Airport Zone. Due to such location the real property is subject to certain restrictions as contained in Title 15 of the Dubois Municipal Code. Additionally due to such location the land may be subject to Aircraft noise, vibration, fumes, smoke, dust, or fuel particulates from aircraft operations that may affect the use and enjoyment of the property.**

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## **Chapter 2 - Airport Zoning**

### **15-2-1**

#### **Short Title**

This chapter shall be known and may be cited as the Dubois Municipal Airport Zoning Ordinance.

### **15-2-2**

#### **Definitions**

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

“Airport” - As used in this chapter the term “airport” means the Dubois Municipal Airport and appurtenant easements designated as laid down and described on the plat on file at the Town Hall and dedicated to the use of the public for the purposes for which it was adopted.

“Airport Elevation” means the highest point of the airport’s usable landing area measured in feet from mean sea level (existing 7289.6, ultimate 7292.1).

“Approach Surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at that same slope as the approach zone height limitation slope set forth in Section 15-1-4. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

“Approach, Transitional, Horizontal, and Conical Zones” mean those zones as set forth in Section 15-1-3.

“Conical Surface” means 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.

“Hazard to Air Navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

“Height” means for the purpose of determining the height limits in all zones set forth in Section 15-1-3 and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

“Horizontal Surface” means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

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“Nonconforming Use” means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

“Obstruction” means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 15-2-4.

“Person” means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; including a trustee, a receiver, an assignee, or a similar representative of any of them.

“Primary Surface” means 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; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 15-2-3. The elevation of any point on the primary surface is the same elevation of the nearest point on the runway centerline.

“Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

“Structure” means 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.

“Transitional Surfaces” means that these surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

“Tree” means any object of natural growth.

“Utility Runway” means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

“Visual Runway” means a runway intended solely for the operation of aircraft using visual approach procedures.

### **15-2-3**

### **Airport Zones**

In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach

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surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Dubois Municipal Airport. Such zones are shown on the Dubois Municipal Layout Plan, prepared by James Gores and Associates, which is made a part hereof and filed for public viewing at the Town Hall. An area located in more than one (1) 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:

- a. Utility Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- b. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
- c. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii 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.
- d. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

#### **15-2-4**

#### **Airport Zone Height Limitations**

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

- a. Utility Runway Visual Approach Zone - Slopes twenty (20) 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 5,000 feet along the extended runway centerline.
- b. Transitional Zones - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface

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and the approach surface, and extending to a height of 150 feet above the airport elevation which is 7292 feet above mean sea level. 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.

- c. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 7442 feet above mean sea level.
- d. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- e. Excepted Height Limitations - Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height which is not in conflict with any other provision of this chapter.

#### **15-2-5**

#### **Use Restrictions**

Notwithstanding any other provisions of this chapter, 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.

#### **15-2-6**

#### **Nonconforming Uses**

- a. Regulations not Retroactive - The regulations prescribed by this chapter 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 Ordinance #241 passed on March 11, 1987, or otherwise interfere with the continuance of a nonconforming use. Nothing contained shall require any change in construction, alteration, or intended use of any structure, the construction or alteration of which was begun

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prior to the effective date of Ordinance #241 passed on March 11, 1987, and is diligently prosecuted.

- b. 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 Airport Board, as defined in Title 2, to indicate to the operators of aircraft in the vicinity of the airport and presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Town of Dubois.

## **15-2-7**

### **Land Use Authorization**

- a. Future Uses - Except as specifically provided in subsection (a)(i), (a)(ii), and (a)(iii), 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 authorization therefore shall have been applied for and granted by the Dubois Town Council. Each letter of application shall indicate the purpose for which the authorization 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 authorization shall be granted. No authorization for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection (d) hereunder.
  - i. In the area lying within the limits of the horizontal zone and conical zone, no authorization 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.
  - ii. 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 authorization 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.

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- iii. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no authorization shall be required for any tree or structure less than seventy-five 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 the foregoing exceptions shall be construed as authorizing or intending to authorize any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this chapter except as set forth in Section 15-1-4(e).

- b. Existing Uses - No authorizations 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 Ordinance #241 on March 11, 1987, or any amendments thereto or than it is when the application for an authorization is made. Except as indicated, all applications for such authorizations shall be granted.
- c. Nonconforming Uses Abandoned or Destroyed - Whenever the Dubois Airport Board determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no authorization shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- d. 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 chapter, may apply to the Dubois Airport Board for a variance from such regulations. The application for variance 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 a 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 chapter.

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- e. Obstruction Marking and Lighting - Any authorization or variance granted may if such action is deemed advisable to effectuate the purpose of this chapter 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 Dubois Town Council, this condition may be modified to require the owner to permit the Town of Dubois, at its own expense, to install, operate, and maintain the necessary markings and lights.

**15-2-8**      **Enforcement**

It shall be the duty of the Dubois Airport Board to administer and enforce the regulations prescribed herein. Letters of Application for authorization and variances shall be made to the Dubois Airport Board. Applications required by this chapter to be submitted to the Dubois Airport Board shall be promptly considered and granted or denied.

**15-2-9**      **Appeals**

- a. Any person aggrieved, or any taxpayer affected, by any decision of the Dubois Airport Board, made in the administration of this chapter, may appeal to the Dubois Town Council.
- b. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Dubois Town Council, by filing with the Dubois Airport Board a notice of appeal specifying the grounds thereof. The Dubois Airport Board shall forthwith transmit to the Dubois Town Council all the papers constituting the record upon which the action appealed from was taken.
- c. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Dubois Airport Board certifies to the Dubois Town Council, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Dubois Airport Board cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Dubois Town Council or notice to the Dubois Airport Board and on due cause shown.
- d. The Dubois Town Council shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the

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same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

- e. The Dubois Town Council may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

**15-2-10**      **Penalties** [*Amended By Ordinance #379 8/27/09*]

Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine or imprisonment or both, per local and State statute; and each day a violation continues to exist shall constitute a separate offense. Punishment for a violation of 15-1-4 resulting in an intentional leak, spill or dumping of liquids shall also include all costs of clean-up. Clean-up must follow all applicable Wyoming DEQ requirements for reporting and clean-up of spills, leaks or dumping.

**15-2-11**      **Conflicting Regulations**

Where there exists a conflict between any of the regulations of limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**15-2-12**      **Severability**

If any of the provisions of this chapter or the application thereof any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.

**15-2-13**      **Notice of Property in Airport Zone** [*Added by Ordinance No. 398 7/7/2011*]

Owners of real property located within the Dubois airport zone shall provide the following notice to prospective purchasers and, unless such notice was previously recorded, cause such notice to be recorded with the Fremont County Clerk:

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## NOTICE

**The property known as: (insert legal description and address) is located within an area that has been officially designated by the Town of Dubois as being located within the Dubois Municipal Airport Zone. Due to such location the real property is subject to certain restrictions as contained in Title 15 of the Dubois Municipal Code. Additionally due to such location the land may be subject to Aircraft noise, vibration, fumes, smoke, dust, or fuel particulates from aircraft operations that may affect the use and enjoyment of the property.**

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