CITY OF WILLISTON, NORTH DAKOTA
SLOULIN FIELD INTERNATIONAL AIRPORT
ZONING ORDINANCE
CREATED BY THE
CITY OF WILLISTON JOINT AIRPORT ZONING BOARD
WILLISTON, NORTH DAKOTA

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF SLOULIN FIELD INTERNATIONAL AIRPORT BY CREATING APPROPRIATE ZONES AND ESTABLISHING BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE SLOULIN FIELD INTERNATIONAL AIRPORT ZONING MAP, WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE BY REFERENCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

BE IT ORDAINED BY THE JOINT AIRPORT ZONING BOARD OF THE CITY OF WILLISTON, NORTH DAKOTA, PURSUANT TO THE AUTHORITY CONFERRED BY THE NORTH DAKOTA CENTURY CODE, CHAPTER 2-04 ENTITLED "AIRPORT ZONING", AS FOLLOWS:
THE ORDINANCE AMENDING THE SLOULIN FIELD INTERNATIONAL AIRPORT ZONING ORDINANCE BY MODIFYING THE AIRSPACE CONSTRUCTION ZONES AND PROVIDING STANDARDS OF USES OF REVIEW FOR THE BOARD OF ADJUSTMENT.

BE IT ORDAINED BY THE JOINT AIRPORT ZONING BOARD OF THE CITY OF WILLISTON, NORTH DAKOTA PURSUANT TO THE AUTHORITY CONFERRED BY THE NORTH DAKOTA CENTURY CODE, CHAPTER 2-04 ENTITLED "AIRPORT ZONING" THE FOLLOWING SECTIONS OF SLOULIN FIELD INTERNATIONAL AIRPORT ZONING ORDINANCE ARE HEREBY AMENDED TO READ AS FOLLOWS:

Commissioner Jensen moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Neu. On roll call vote of the Commissioners, the following Commissioners voted "AYE": all present and the following voted "NAY": ______. Absent and not voting: ______.

Members present: Steve Neu, Gary Wendel, Gordon Ellis, Dean Strinden, George Schreiner, Rex Byerly, Richard Jensen, Anna Remsburg. Staff present: Monte Meiers, Jerry Olson, Pete Furuseth, Larry Weil.

Whereupon the motion was passed and the Ordinance declared adopted this 20th day of May, 1985.

Gary Wendel
President of the Joint Airport Zoning Board

ATTEST:

Peter Furuseth
Secretary

Passed First Reading: April 30, 1985
Passed Second Reading: May 20, 1985

OFFICIAL PROCEEDINGS OF THE JOINT AIRPORT ZONING BOARD REGULAR MEETING HELD ON FRIDAY, MAY 8, 1981, AT 7:30 P.M. AT THE CITY HALL IN WILLISTON, NORTH DAKOTA.

Members present: Ervin Rolfstad, Steve Neu, Keith Janssen, Jim Haines, Gary Reese. Members absent: Marlene Eide. Others present: Jack Daniels, Airport Manager, Ralph Rognstad, City Planner; Margy Bonner, Assistant City Attorney; Rene Carrier, Joint Airport Zoning Commission Member.

Motion by Haines, seconded by Reese that the Sloulin Field International Airport be given its second reading as adopted. Members voting Aye: Ervin Rolfstad, Steve Neu, Keith Janssen, Jim Haines, Gary Reese. Members voting Nay: None. Members Abstaining: None.
SECTION I: PURPOSE AND AUTHORITY

The Joint Airport Zoning Board of the City of Williston, North Dakota, created and established by the action of the Board of City Commissioners of the City of Williston, North Dakota, and by the political subdivisions within which airport hazard areas of the Slouin Field International Airport are located, and pursuant to the provisions and authority of the State of North Dakota, hereby finds and declares that:

A. An airport hazard endangers the lives and property of users of the Slouin Field International Airport, and property or occupants of land in its vicinity, and also, if of the obstructive type, reduces the size of the area available for landing, take off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the City of Williston Municipal Airport and the public investment therein.

B. The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the City of Williston Municipal Airport.

C. For the protection of the public health, public safety, public order, public convenience, public prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.

D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

E. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

SECTION II: SHORT TITLE

This ordinance shall be known as the "Slouin Field International Airport Zoning Ordinance". Those sections of land affected by this ordinance are indicated in "Exhibit A", which is attached to this ordinance and by this reference made a part hereof.

SECTION III: DEFINITIONS

As used in this ordinance, unless the context otherwise requires, certain items and words are defined as follows:

1. "Airport" means the Slouin Field International Airport or the Williston Municipal Airport located in the northwestern part of the City of Williston in total or in part in Section 2, Section 10, and Section 11, all in Township 154 North, Range 101 West of the Fifth Principal Meridian.
2. "Airport Elevation" means the established elevation of the highest point on the usable landing area, which elevation is established to be 1,982.0 feet above mean sea level.

3. "Airport Hazard" means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft or is otherwise hazardous to persons or property because of its proximity to the airport.

4. "Board of Adjustment" means the Airport Board of Adjustment of the City of Williston, North Dakota.

5. "Dwelling" means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

6. "Height" means for the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

7. "Joint Airport Zoning Board" means the Joint Airport Zoning Board created by resolution of the Board of City Commissioners of the City of Williston, and the resolutions of the political subdivisions within which airport hazard areas are located, said political subdivisions having agreed to participate in the creation of said board.

8. "Landing Area" means the area of the airport used for the landing, taking off, or taxiing of aircraft.

9. "Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

10. "Nonprecision Instrument Runway" means a runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.

11. "Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

12. "Nonconforming Use" means any pre-existing structure, tree, natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment hereto.
13. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

14. "Runway" means any existing or planning paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

15. "Planned" means only those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, the State Aeronautics Commission and the City of Williston, North Dakota.

16. "Slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

17. "Structure" means an object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, and overhead transmission lines.

18. "Tree" means any object of natural growth.

19. "Water Surfaces" means that for the purpose of this ordinance shall have the same meaning as land for the establishment of protected zones.

20. "Zoning Administrator, Airport" means the duly appointed representative of the City, charged with administration of this ordinance. The administrator shall be the City Engineer or a representative of the City Engineering Department.

SECTION IV: AIRSPACE OBSTRUCTION ZONING

A. AIRSPACE ZONES: In order to carry out the purpose of this ordinance, as set forth above, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone and whose locations and dimensions are shown on the attached airport zoning maps and described as follows:

1. Primary Zone: All that land which lies directly under an imaginary surface longitudinally centered on a runway and extending:

   a. 200 feet beyond each end of runways 02-20 and 11-29

   The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

   a. 1,000 feet for runways 11-20

   b. 250 feet for runways 02-20

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2. Horizontal Zone: All that land, which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 2,132.0 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

a. 10,000 feet for runways 11-29

3. Conical Zone: All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface to a height of 2,332 feet above mean sea level.

4. Approach Zone: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:

a. 50:1 for runway 29 for a distance of 10,000 feet; then 40:1 for a distance of 40,000 feet;

b. 20:1 for runway 11 for a distance of 10,000 feet;

c. 20:1 for runway 02-20 for a horizontal distance of 5,000 feet.

The approach surface expands uniformly to a width of:

d. 16,000 feet for runway 29;

e. 3,500 feet for runway 11;

f. 1,250 feet for runways 02-20

5. Transitional Zones: All that land which lies directly beneath the imaginary transitional surfaces. These surfaces extend outward and upward 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 zone surfaces.

B. HEIGHT RESTRICTIONS: Except as otherwise provided in this ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Subsection IV, A, so as to project above any of the imaginary airspace surfaces described in said Subsection IV, A, hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.
SECTION V: LAND USE SAFETY ZONING

A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this ordinance, as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Sloulin Field International Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect lives and property in case of an accident, there are hereby created and established the following land use safety zones:

1. **Safety Zone A**: All land in that portion of the primary zones of the current and proposed runways and that portion of the approach zones designated as clear zones on the attached airport zoning maps as defined in Subsection IV, A, hereof.

2. **Safety Zone B**: All land in that portion of the approach and transition zones of a runway, as defined in Subsection IV, A, hereof, which extends outward from Safety Zone A.

3. **Safety Zone C**: All that land which is enclosed within the perimeter of the horizontal zone, as defined in Subsection IV, A, hereof, and shown on the attached zoning maps, and which is not included in Zone A or Zone B.

B. USE RESTRICTIONS:

1. Except as otherwise provided in this regulation, it shall be unlawful to put any land located within any zone hereby created to any of the following prohibited uses:
   a. Transformer stations;
   b. High power transmission lines;
   c. Manufacturing establishments or other uses which produce smoke interfering with the safe use of the airport;
   d. All plants and businesses of every kind which emit or discharge gases and odors that would interfere with the health and safety of the public in the use of the airport;
   e. Businesses or structures of any kind that may be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport;
   f. Any other use which would create electrical interference with radio communications, between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of the flyers using the airport, impair visibility in the
vicinity of the airport, or otherwise endanger the landing, taking off or maneuvering or aircraft.

2. **Zone A**: Subject at all times to the height restrictions set forth in Subsection IV, B, and to the general restrictions contained in Subsection V, B-1, areas designated as Zone A shall contain no buildings or temporary structures and shall be restricted to those used which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agriculture, light outdoor recreation (non-spectator), cemeteries and similar open space usage.

3. **Zone B**: Subject at all times to the height restriction set forth in Subsection IV, B, and to the general restrictions contained in Subsection V, B-1, areas designated as Zone B shall be restricted in use to the land use zone of the political subdivision which it traverses.

   a. It shall be the policy of the Airport Zoning Administrator to discourage the following used in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, apartment buildings, trailer courts, campgrounds, and other places of public or semi-public assembly. Prior to issuing a permit to allow any of the above used in Zone B, the Zoning Administrator shall secure the approval of a majority of the members of the Airport Board of Adjustment.

In reviewing the above mentioned uses, the Airport Board of Adjustment shall determine that they are in accordance with the following provisions:

1. That the proposed construction will not in any way affect the safety of air travel during ingress and egress from said Stoulin Field International Airport.

2. That the proposed construction does not violate Federal Aviation Regulation Part 77 and the height limitations held therein for said Stoulin Field International Airport.

3. That the proposed contractor or builder has designed the structures to minimize the potential noise pollution associated with building in Zone B.

4. That the proposed contractor or builder has taken the proper noise insulation measures when building in a potentially noise intense area - Zone B.

5. That the proposed contractor has filled out and filed FAA Form 7460 - Notice of Proposed Construction or Alteration.
4. Zone C: Zone C is subject only to height restrictions set forth in Subsection IV, B, and to the general restrictions set forth in Subsection IV, B, and to the general restrictions contained in Subsection V, B-1.

SECTION VI: AIRPORT ZONING MAP

The several zones herein established, as shown on the Official Airport Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.

The Official Airport Zoning Map shall be identified by the signature of the Chairman of the Joint Airport Zoning Board, attested by the Secretary of the Joint Airport Zoning Board and bearing the following words: "This is to certify that is the Official Airport Zoning Map referred to in Section VI of the Sioux Falls International Airport Ordinance", together with the date of the adoption of this ordinance.

SECTION VII: NONCONFORMING USES

Regulations not retroactive. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted and completed within two years thereof.

SECTION VIII: PERMITS

A. FUTURE USES: Except as specifically provided in Paragraphs 1 and 2, hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Zoning Administrator, hereinafter provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones at a greater height than the horizontal zone except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height limit prescribed for the respective zone.

2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of
any structure or tree in excess of any of the height limitations established by this ordinance as set forth in Section IV.

B. EXISTING USES: Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard 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 ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

C. NONCONFORMING USES ABANDONED OR DESTROYED: Whenever the Zoning Administrator determines that a nonconformity has been abandoned or more than 50% torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such nonconformity to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this paragraph or not, the Zoning Administrator may order the owner of the abandoned or partially destroyed nonconformity, at his own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this ordinance. In the event the owner of the nonconformity shall neglect or refuse to comply with such order within a reasonable time after receipt of written notice of such order, the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconformity lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within ninety days from the service of notice thereof on the owner of the land, the sum shall bear interest under a normally assessed rate per annum from the date of cost and expense are incurred until paid, and shall be collected in the same manner as are general taxes.

SECTION IX: VARIANCES

Any person desiring to erect 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 ordinance, may apply to the Board of Adjustment, hereinafter provided for, for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance; provided any variance so allowed may be subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purpose of this ordinance.
SECTION X: HAZARD MARKING AND LIGHTING

A. NONCONFORMING USES: The owner of any 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 Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the City of Williston.

B. PERMITS AND VARIANCES: Any permit or variance granted by the Zoning Administrator or Board of Adjustment as the case may be, may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

SECTION XI: AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him. Permit applications shall be promptly considered and granted or denied by him. Variance applications shall be forthwith transmitted by the Zoning Administrator for action by the Board of Adjustment hereinafter provided for.

SECTION XII: AIRPORT BOARD OF ADJUSTMENT

A. ESTABLISHMENT: An Airport Board of Adjustment is hereby established. Such Board of Adjustment shall consist of five members. The members shall consist of one Williams County Commissioner, one City of Williston Commissioner, one resident of the City of Williston, one resident of Williams County, and one member of the City of Williston Planning Commission. Each Commission member on the Board shall be appointed by their respective Commissions. The City of Williston resident shall be appointed by the Williston City Commission and the Williams County resident shall be appointed by the Williams County Commission. Each member shall serve for a term of three years and until his successor is duly appointed and qualified. Of the members first appointed, one shall serve for a term of one year, two for a term of two years, and two for a term of three years. Members shall draw by lot the term of their appointment at the first meeting of the Board. Upon appointment, the members shall select a chairman to act at the pleasure of the Board.
B. POWERS: The Board of Adjustment shall have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.

2. To hear and decide special exceptions to the terms of this ordinance upon which such Board of Adjustment under such regulations may be required to pass.

3. To hear and decide specific variances.

C. PROCEDURES:

1. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator and shall be a public record.

2. The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this ordinance.

3. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.

SECTION XIII: APPEALS

A. Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in his administration of this ordinance may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, county or airport zoning board, which is of the opinion that a decision of the Zoning Administrator is an improper application of this ordinance as it concerns such governing body or board.
B. All appeals hereunder must be commenced within 15 days of the Zoning Administrator's decision, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment 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 Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown.

D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

E. The Board of Adjustment may, in conformity with the provisions of this ordinance, 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, and to that end shall have all the powers of the Zoning Administrator.

SECTION XIV: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected by an decision of the Board of Adjustment, or any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Board of Adjustment is illegal, may present to the District court a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 15 days after the decision is filed in the office of the Board of Adjustment. The petitioner must exhaust the remedies provided in this ordinance before availing himself of the right to petition a court as provided by this section.

SECTION XV: PENALTIES

The fine shall be not more that $500.00 or imprisonment for not more than thirty (30) days or both.

SECTION XVI: CONFLICTS

Where there exists conflicts between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.
SECTION XVII: SEVERABILITY

A. In any case the provisions of this ordinance, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the Constitution of the United States, such holding shall not affect the application of this ordinance as to other structures and parcels of land, and to this end the provisions of this ordinance are declared to be severable.

B. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

Ervin Rolfstad
Chairman, Joint Airport Zoning Board

ATTEST:

Keith L. Janssen
Secretary, Joint Airport Zoning Board