RESOLUTION NO. 101 OF 2024 OF THE WEBSTER TOWN BOARD TO ENACT A NEW LOCAL LAW TO REPEAL THE EXISTING CHAPTER 103 OF THE WEBSTER TOWN CODE (AIRCRAFT, AIRPORTS AND HELIPORTS)

At a workshop meeting of the Town Board of the Town of Webster, Monroe County, New York, held at the Town Board Meeting Room, 1002 Ridge Road, in the Town of Webster, New York on the 22nd day of February, 2024, at 5:30 p.m., there were present:

Supervisor Thomas J. Flaherty
Councilwoman Patricia T. Cataldi
Councilman John J. Cahill
Councilwoman Ginny Nguyen
Councilwoman Jennifer S. Wright

The following Resolution was offered by Councilman Cahill and moved its adoption:

WHEREAS, the Town Board has the authority pursuant to Article 2 of the New York State Municipal Home Rule Law, to adopt and amend local laws, consistent with the N.Y.S. Constitution and general State laws, in relation to the conduct, safety and well-being of persons or property within the Town of Webster; and

WHEREAS, it is both in the public interest and required by law that a Public Hearing be held to consider the proposed repeal of Chapter 103 of the Webster Town Code to the Webster Town Code; and

WHEREAS, a Notice of Public Hearing was published in the *Webster Herald* on January 24, 2024, and posted on the Town Website and Town Bulletin Board at 1000 Ridge Road, Webster, New York; and

WHEREAS, the Public Hearing on the proposed new Local Law was held by the Webster Town Board on February 1, 2024, at 7:30 p.m., and all interested persons having had an opportunity to be heard at the Public Hearing; and

WHEREAS, a short form Environmental Assessment Form (EAF) for the proposed action has been prepared, and has been submitted to the Town Board and reviewed by the Town Board; and

WHEREAS, it is in the public interest to enact the aforesaid Local Law:

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town Board hereby determines that based upon the information in the EAF and other available information, the proposed action is designated a TYPE II action under the New York State Environmental Quality Review Act (SEQRA), as it will not have a significant effect on the environment within the meaning of SEQRA, and involves official acts of a ministerial nature involving no exercise of discretion and routine or continuing agency administration and management, and does not require the preparation of an environmental impact statement.

2. That a Local Law be adopted to set forth the effect of Code changes by amending a certain chapter and sections of the Webster Town Code, and adding a new chapter thereto, such Local Law to be designated as:

LOCAL LAW NO. 1 OF 2024

Items ~~stricken through~~ to be repealed.

Town of Webster Local Law No. 1 of the year 2024

A local law repealing, in its entirety, Chapter 103 of the Webster Town Code:

~~Chapter 103 Aircraft, Airports and Heliports~~

~~Article I General Provisions~~

~~§ 103-1 Title.~~

~~§ 103-2 Legislative authority.~~

~~§ 103-3 Legislative intent.~~

~~§ 103-4 Operation of private aircraft restricted.~~

~~§ 103-5 Private airports and heliports prohibited.~~

~~§ 103-6 Definitions.~~

~~§ 103-7 Applicability.~~

~~§ 103-8 Exemptions.~~

~~Article II Administration and Enforcement~~

~~§ 103-9 Enforcement; penalties for offenses.~~

~~§ 103-10 Severability.~~

~~§ 103-11 When effective.~~

~~Article I General Provisions~~

~~§ 103-1 Title.~~

~~This chapter shall be known and may be cited as the "Operation of Helicopters and Other Aircraft, Private".~~

~~§ 103-2 Legislative authority.~~

~~The Town Board of the Town of Webster, Monroe County, New York, acting under the authority of the Town Law of the State of New York, hereby adopts and enacts this chapter as its Private Airport/Heliport Local Law.~~

~~§ 103-3 Legislative intent.~~

~~The purpose of this chapter is to address the operation of private airports and heliports and the operation of private aircraft in the Town of Webster and to provide for the protection of the health, safety, and welfare of the residents of the Town.~~

~~§ 103-4 Operation of private aircraft restricted.~~

~~Except as provided otherwise in this chapter, no private airplanes, private helicopters, private balloons, private hang-gliders, or private rotorcraft of any kind shall be permitted to take off or land or discharge or take on passengers within the boundaries of the Town of Webster.~~

~~§ 103-5 Private airports and heliports prohibited.~~

~~No private heliport or airport will be permitted to be built within the boundaries of the Town of Webster.~~

~~§ 103-6 Definitions.~~

~~As used in this chapter, the following terms shall have the meanings indicated:~~

~~*AIRCRAFT* - A device that is used or intended to be used for flight in the air. For the purposes of this chapter, "aircraft" does not include model aircraft, rockets or balloons, with a maximum gross takeoff weight, including fuel, of 55 pounds, or kites.~~

~~*AIRPLANE* - An engine-driven fixed-wing aircraft heavier than air that is supported in flight by the dynamic reaction of the air against its wings.~~

~~*AIRPORT* - An area of land or water that is used or intended to be used for the landing and/or takeoff of aircraft, and includes its buildings and facilities, if any.~~

~~*BALLOON* - A lighter-than-air aircraft that is not engine-driven and that sustains flight through the use of either gas buoyancy or an airborne heater.~~

~~*GLIDER* - A heavier-than-air aircraft that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.~~

~~*HELICOPTER* - A rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.~~

~~*HELIPORT* - An area of land, water, or a structure used or intended to be used for the landing and/or takeoff of helicopters.~~

~~*KITE* - A framework, covered with paper, cloth, metal or other material, intended to be flown at the end of a rope or cable, and having as its only support the force of the wind moving past its surfaces.~~

~~*LIGHTER-THAN-AIR AIRCRAFT* - An aircraft that can rise and remain suspended by using contained gas weighing less than the air that is displaced by the gas.~~

~~*NYSDOT* - New York State Department of Transportation.~~

~~*OBSTRUCTION* - As defined in Subpart C of Part 77 of Title 14 of the US Code of Federal Regulation (14 CFR 77 Subpart C, Obstruction Standards).~~

~~*ROTORCRAFT* - A heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.~~

~~*TOWN BOARD* - The Town Board of the Town of Webster.~~

~~*ULTRALIGHT AIRCRAFT* - An aircraft that:~~

~~A. Is used or intended to be used for manned operation in the air by a single occupant;~~

~~B. Is used or intended to be used for recreation or sport purposes only;~~

~~C. Does not have any US or foreign airworthiness certificate; and~~

~~D. If unpowered, weighs less than 155 pounds; or~~

~~E. If powered:~~

~~(1) Weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation;~~

~~(2) Has a fuel capacity not exceeding five US gallons;~~

~~(3) Is not capable of more than 55 knots calibrated airspeed at full power in level flight; and~~

~~(4) Has a power-off stall speed which does not exceed 24 knots calibrated airspeed.~~

~~§ 103-7 Applicability.~~

~~A. No aircraft shall land upon or take off from any place within the Town of Webster, except under the circumstances as set forth herein. This prohibition shall not apply to the landing of ultralight aircraft or the airports solely servicing such aircraft, nor to the landing of emergency helicopters in the normal course of their duties or in the event that emergency conditions exist in the Town as declared by the Town Board, the Supervisor of the Town or his duly authorized agent, nor shall this prohibition apply to aircraft used for the limited purpose of construction on approved construction projects in the Town as approved by the Department of Public Works, with written notification to the Supervisor, Town Board, Chief of Police and the appropriate Fire Department at least five days prior to the event occurring.~~

~~B. No person, firm, company, corporation, or any other business entity shall establish or operate, at any time, an airport or heliport within the Town of Webster.~~

~~§ 103-8 Exemptions.~~

~~The following are exempt from the application of this chapter:~~

~~A. Aircraft landing or taking off from airports owned and operated by the Town of Webster, County of Monroe, State of New York, or the United States.~~

~~B. Any airport operated by the Town of Webster, County of Monroe, State of New York, or the United States.~~

~~Article II Administration and Enforcement~~

~~§ 103-9 Enforcement; penalties for offenses.~~

~~A. Any violation of this chapter or of any order, requirement decision or determination issued by the Commissioner of Public Works or his/her division head, agent or designee pursuant to this chapter is hereby declared to be an offense punishable by a fine not exceeding $500 or~~

~~imprisonment for a period not to exceed six months, or both, upon conviction for a first offense; upon conviction for a second offense, both of which offenses were committed within a period of five years, punishable by a fine not less than $500 nor more than $700 or imprisonment for a period not to exceed six months, or both; and upon a conviction for a third or subsequent offense, all of which offenses were committed within a period of five years, punishable by a fine of not less than $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any order, requirement, decision or determination issued by the Commissioner of Public Works or his/her division head, agent or designee pursuant to this chapter shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day (twenty-four-hour period) of violation shall constitute a separate violation of this chapter.~~

~~[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]~~

~~B. In addition to the penalties provided above, the Town Board may also institute any appropriate action or proceeding to prevent, correct or restrain any violation of this chapter.~~

~~§ 103-10 Severability.~~

~~Should any section, paragraph, sentence, clause, word, part or provision of this chapter be declared void, invalid or unenforceable for any reason, such declaration shall not affect the validity of any other part of this chapter which can be given effect without the part(s) declared void, invalid or unenforceable.~~

~~§ 103-11 When effective.~~

~~This chapter shall take effect immediately upon completion of publication, posting and filing as required by law.~~

3. This Local law shall take effect immediately upon the appropriate filing as required by law.

4. The Town Clerk is hereby authorized and directed to take such action as may be necessary to carry this Resolution into effect.

Seconded by Councilwoman Wright and duly put to a vote, which resulted as follows:

VOTE ON MOTION:

Supervisor Thomas J. Flaherty	AYE
Councilwoman Patricia T. Cataldi	NAY
Councilman John J. Cahill	AYE
Councilwoman Ginny Nguyen	NAY
Councilwoman Jennifer S. Wright	AYE

MOTION CARRIED

Enter: February 22, 2024

Dorothy M. Maguire

DOROTHY M. MAGUIRE
Town Clerk
Town of Webster

State Of New York
County of Monroe
Town of Webster

This will certify that I have examined the within exhibit and find it to be an exact copy of the original which is filed in the office of the Town Clerk of the Town of Webster, Monroe County, New York.

Dorothy M. Maguire
Town Clerk

Seal

Date February 23, 2024