

**VILLAGE OF CENTRE ISLAND
PROPOSED LOCAL LAW C-2019
ADDITION OF NEW CHAPTER 32 - AIRCRAFT
"HELICOPTER LANDING AND TAKE OFF PROHIBITION"**

A local law to add new Chapter 32, "Aircraft" entitled, "*Helicopter Landing and Take Off Prohibition*," of the Code of the Village of Centre Island. The Code was adopted by Local Law 1-1991 by the Board of Trustees on March 20, 1991 and last amended by Local Law 4-2016 adopted by the Board of Trustees on September 14, 2016.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Centre Island as follows:

SECTION I. Add new Chapter 32, "Aircraft" entitled, "*Helicopter Landing and Take Off Prohibition*," to read as follows:

§32-1. Intent and purpose.

After seeking public input and professional analysis, the Board of Trustees has found that, the use of residential property for the landing or taking-off of helicopters within the Village of Centre Island constitutes a nuisance and negatively affects the health, safety and welfare of the community, creates unacceptable noise and disruption to the quiet use and enjoyment of property reasonably expected by Village residents. It is the purpose and intent of this chapter to prohibit the landing or taking-off of helicopters within the Village as a means of transportation other than for uses specifically associated with promoting the health, safety and welfare of Village residents, and to eliminate existing helicopter use except as set forth herein.

§32-2. Title.

This chapter shall be known as Chapter 32, "Aircraft," entitled as the "*Helicopter Landing and Take Off Prohibition*."

§32-3. Prohibition of use.

The use of helicopters for landing or taking-off within the Village of Centre Island is prohibited except as otherwise provided.

§32-4. Prohibition of heliports and other landing areas.

Heliports, helipads or any other structures and/or areas intended for use as a landing or taking off point for helicopters are prohibited within the Village of Centre Island.

§32-5. Exceptions.

This chapter shall not apply to the use of helicopters as may be required for military or governmental purposes or for medical or police emergencies.

The Mayor or Deputy Mayor shall have the authority to allow single request landing events upon a showing that the landing will not unduly interfere with the health, safety and welfare of the community.

§32-6. Amortization of existing helicopters.

The following existing helipads or heliports in the Village of Centre Island may continue to be used on terms and conditions listed below; Holmes 28-A-110, 210, 328, 2056 & 2060 (145 Centre Island Road); F. Scott , LLC 28/A/431 (502 Centre Island Road); Kleinman 28/D/8 (402 Centre Island Road); and Johanson 28/B/2030,2036 (205 Centre Island Road).

A. Such continued use must be in compliance with all Federal and State laws and rules, presently in affect and from time to time amended:

B. The helipad or landing area shall have a minimum setback from all property lines of at least 200 feet measured to the center of the pad or landing site, excluding any littoral boundary lines. To the extent the user has an interest or control over adjacent property, that property may be included for the purpose of satisfying this setback requirement.

C. All take-offs and landings must approach from or toward the adjacent body of water only; No over-land take-offs or landings or travel shall be permitted.

D. All flights shall be conducted under the voluntary “fly friendly” procedures promoted by the Helicopter Association International “Fly Neighborly Guide” and maximize the over flight of adjacent water areas.

E. The use of each helipad, heliport or other landing areas listed above shall be restricted to the registered owner of the property if a natural person, or the beneficial owner of the artificial entity, (such as LLC or corporation) shown as the registered owner of the property as of the date of the enactment of this law on which such helipad, or landing area is located, and to his/her immediate family and guests; no commercial use is permitted.

F. An actual on site sound contour report using recognized standards for such reports for the type of helicopter used by the owner must be filed with the Village Clerk prior to obtaining a permit from the Village.

G. Upon the sale, transfer or subdivision of the premises to any third parties not in the immediate family (spouse or children) of the registered property owner of the property at the time of the enactment of this law, the use of the helipad, heliport or other landing areas for landing and taking off of helicopters shall cease and all permission granted by this Chapter to continue landing and take offs of helicopters at the subdivided or transferred premises shall be immediately rescinded and the use extinguished. Any existing helipad or landing areas must be removed within 30 days of written notice by the Village to do so. The right to continue using the above mentioned existing helipads or heliports is granted to the registered or beneficial owner of an artificial entity only so long as such owner or a member of his/her immediate family owns the property and, in no event, shall the use be deemed as running with the land. One time lot line change or land transfers between or among neighboring properties which do not result in a new lot or create any non-conforming lot shall not be considered a sale, purchase or subdivision for the purposes of this paragraph.

H. A permit must be obtained from the Village Clerk upon filing of the required documents, approvals and fees.

§32-7. Fees.

There shall be an annual Village fee of \$ 9,000 to cover monitoring and administrative costs for sites used for helicopter landings payable upon approval of the application by the Board of Trustees and Department of Transportation. The fees may be increased or decreased from time to time by resolution of the Board of Trustees.

§32-8. Penalties for offenses.

A. Each offense against any provision of this chapter shall be a violation punishable by a fine not to exceed \$5,000.

B. In addition to the penalties set forth herein above, the Village may institute appropriate proceedings in the Supreme Court to prevent, restrain, correct or abate a violation of this chapter.

C. Upon the third violation of any provision of this Chapter 32 by one of the users named in §32-6, the continued use granted to that user under this Chapter shall be automatically extinguished and all helicopter landings and take offs at the property shall immediately cease.

SECTION II. This local law shall take effect upon filing with the Department of State.