

Late Backup

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 OF THE CITY CODE RELATING TO HELI-FACILITIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 13-1-15 of the City Code is amended to read as follows:

(A) Except in an emergency, a person may not land an aircraft in the city except that ~~[on]~~:

(1) a fixed wing aircraft may land:

(a) on designated runways at the airport;

(b) on a field or body of water approved in advance by the director and the director of the planning and development review department; [an airport runway; or]

(2) a helicopter may land:

(a) on a designated landing area at the airport; or

(b) at a heli-facility that has a valid heli-facility permit obtained pursuant to article 4 of this chapter, subject to the terms of the heli-facility permit; and [a privately owned airport runway, a body of water, or a field approved in advance by the Director and the director of the Watershed Protection and Development Review Department.]

(3) an aircraft other than a fixed wing aircraft or a helicopter may land on a field approved in advance by the director and the director of the planning and development review department.

(B) For purposes of Sections 1-1-99 and 13-1-201, a person who violates this section commits an offense for each non-emergency landing.

36 **PART 2.** Section 13-1-171 of the City Code is amended to read as follows:
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38 (A) Terms not otherwise defined in this article have the meaning prescribed by
39 applicable aviation law, including Federal Aviation Administration Advisory
40 Circular 150/5390-2 [~~150/5390-2A~~] (*Heliport Design Guide*), Federal Aviation
41 Administration Advisory Circular 150/5020-1 (*Noise Control and Compatibility*
42 *Planning for Airports*), and Appendix A of 14 Code of Federal Regulation Part
43 150.

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45 (B) In this article:

- 46
47 (1) APPROACH AND DEPARTURE PATHS means the flight tracks
48 helicopters follow when landing at or departing from a heli-facility.
- 49
50 (2) APPLICATION means an application for issuance of a heli-facility
51 permit pursuant to this article.
- 52
53 (3) CATEGORY I means a helistop approved for a cumulative total of 10
54 or fewer helicopter takeoffs and landings per day and 18 total
55 operations during the period of the heli-facility permit.
- 56
57 (4) CATEGORY II means a helistop approved for a single specific event
58 of not more than three consecutive days during the period of the heli-
59 facility permit, with a cumulative total of helicopter takeoffs and
60 landings not to exceed eight operations per hour per day. In addition,
61 no more than three approved helicopters may use an approved
62 category II helistop without special consent of the director.
- 63
64 (5) CATEGORY III means a permanent heliport facility.
- 65
66 (6) COMMISSION means the City of Austin Airport Advisory
67 Commission.
- 68
69 (7) DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) means the 24-hour
70 average sound level, in dB, for the period from midnight to midnight,
71 obtained after the addition of 10 dB to sound levels for the periods
72 between midnight and 7 a.m., and between 10 p.m. and midnight, local
73 time.

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- (8) dB means decibels, a logarithmic scale for measuring sound intensity.
- (9) DIRECTOR means the Director of the Aviation Department.
- (10) ENVIRONMENTALLY SENSITIVE AREA means, as defined by the U.S. Environmental Protection Agency, an area that includes important natural resources such as sensitive topographic features (i.e. steep slopes (>15%)), geologic/geomorphic formations, sinkholes and karst terrain, scenic vistas/overlooks/lookouts and public and private forest and woodlands.
- (11) EQUIVALENT SOUND LEVEL (Leq) means the average noise level during a designated period (less than 24 hours).
- (12) FAA means the United States Federal Aviation Administration.
- (13) ~~[(+)]~~ HELICOPTER means a rotorcraft that depends principally on its engine-driven rotors for its horizontal motion.
- (14) ~~[(2)]~~ HELI-FACILITY means a heliport or a helistop.
- (15) HELI-FACILITY PERMIT means written authorization obtained pursuant to this article for the operation of a heli-facility in the city.
- (16) ~~[(3)]~~ HELIPORT means the [a building or an] area of land, [or] water, or a structure [including appurtenant facilities,] used or intended to be used permanently for [helicopter] the landing and takeoff of helicopters, together with appurtenant buildings and facilities.
- (17) ~~[(4)]~~ HELISTOP means a minimally developed heli-facility that is temporarily designated as a landing area for one or more helicopters to be used for the [designed to permit] boarding and discharge of passengers or cargo, or for a specific educational, commercial, or community purpose, or for a construction project, and which is not equipped with [a] helicopter maintenance, fueling activities, repair, or storage facilities [facility].

112 (18) ~~[(5)]~~ HOSPITAL HELIPORT means a heliport that only serves
113 helicopters engaged in air ambulance service or other hospital related
114 functions.

115
116 (19) INCOMPATIBLE NOISE means anticipated noise measurement from
117 the operations proposed in an application that, based on noise
118 modeling, noise monitoring of heli-facilities in the past, or the
119 department's noise monitoring of test flights in the vicinity of the
120 proposed location for the heli-facility, would be expected to exceed
121 with unreasonable frequency and/or duration the levels indicated
122 below for specific types of noise sensitive areas:

123
124 (a) noise measurement of 65-70 dB or greater for
125 residential, mobile home parks, transient lodgings,
126 schools, hospitals, nursing homes, places of worship,
127 concert halls, outdoor music shells, amphitheaters, or
128 substantially similar land uses; or

129
130 (b) noise measurement of 70-75 dB or greater for
131 governmental services, offices (business and
132 professional), auditoriums, nature exhibits, zoos, or
133 substantially similar land uses; or

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135 (c) noise measurement of 75-80 dB or greater for
136 livestock farming or breeding, general retail,
137 photographic or optical manufacturing or production,
138 amusement parks, golf courses, parks, riding stables,
139 resorts, water recreation areas camps, or substantially
140 similar land uses; or

141
142 (d) noise measurement of greater than 85 dB for parking,
143 wholesale or retail sales of building materials, hardware
144 or farm equipment, utilities, general manufacturing, or
145 substantially similar land uses;

146
147 (e) provided, however, that the noise measurement
148 reasonably anticipated from the proposed heli-facility's
149 operations shall not be deemed incompatible noise with

150 respect to any particular noise sensitive area if the noise
151 measurement from self-generated noise from that noise
152 sensitive area and/or the ambient noise at that noise
153 sensitive area exceeds the noise measurement reasonably
154 anticipated from the proposed heli-facility's operations.

- 156 (20) NOISE means any sound that is deemed undesirable by an individual.
- 157
- 158 (21) NOISE MEASUREMENT means generally the applicable technical
159 standard to be used for incompatible noise, noise modeling, or noise
160 monitoring of a particular type of heli-facility, and means specifically:
- 161
- 162 (a) for a category I or category II, the A-weighted equivalent sound
163 level (L_{eq}), measured in accordance with FAA Integrated Noise Model
164 guidelines; and
- 165
- 166 (b) for a category III, the yearly day-night average sound level (L_{dn}),
167 measured in accordance with FAA Integrated Noise Model guidelines.
- 168
- 169 (22) NOISE MODEL means a computer model, developed by the FAA (or
170 an FAA approved equivalent), suitable for evaluation of anticipated
171 helicopter noise impacts in the vicinity of a heli-facility. Noise
172 modeling can output either noise contours for an area or noise level at
173 pre-selected locations. The noise output can be either exposure-based,
174 maximum-level-based, or time-based.
- 175
- 176 (23) NOISE MONITORING means the analysis, with computerized
177 aircraft noise and flight track data collections and processing systems,
178 of the noise impact of heli-facility operations on noise sensitive areas,
179 using data acquired from helicopter transponders, noise from
180 permanent and portable noise monitors, weather observations, citizen
181 complaints, radar, and other sources.
- 182
- 183 (24) [(6)] NOISE SENSITIVE AREA means land uses identified by FAA
184 Advisory Circular 150/5020-1 (*Noise Control and Compatibility*
185 *Planning for Airports*) and Appendix A of 14 Code of Federal
186 Regulation Part 150 as noise sensitive areas, including land used for
187 any of the following or substantially similar purposes: residential,

188 mobile home parks, transient lodgings, schools, hospitals, nursing
189 homes, places of worship, auditoriums, concert halls, government
190 services facilities, offices (business or professional), retail businesses,
191 communication facility, livestock farms, ranches, or breeding
192 facilities, outdoor sports arena, spectator sports facilities, outdoor
193 music shells, amphitheaters, nature exhibits, zoos, amusement parks,
194 parks, resorts, camps, riding stables or water recreation areas [the area
195 within a 4,000 foot radius of a school, church, hospital, nursing home,
196 single family residential area, or other area identified by the city
197 manager].

- 198
199 (25) ONLINE means a centralized link on the department's internet web
200 site from which the public can easily access all information regarding
201 heli-facilities required by this article to be posted or published.
202
203 (26) OPERATION means either one helicopter landing or one helicopter
204 takeoff at a heli-facility.
205
206 (27) OPERATIONAL HOURS means the hours of the day that category II
207 operations may occur between 7:30 A.M. (local) and 8:30 P.M.
208 (local).
209
210 (28) ~~[(7)]~~ OWNER means a person having a legal or equitable interest in a
211 helicopter, a heli-facility, or a helicopter venture.
212
213 (29) ~~[(8)]~~ PRIVATE USE HELIPORT means a heliport that is developed
214 for the exclusive use of its owner and persons authorized by the
215 owner.
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217 (30) ~~[(9)]~~ PUBLIC USE HELIPORT means a heliport available for use
218 by the general public without the prior approval of the owner or
219 operator.
220
221 (31) REASONABLE FREQUENCY means eight operations per hour per
222 day for a category II heli-facility.
223
224 (32) SPECIAL CONSENT means consent by the director to authorize
225 certain operations as set forth in section 13-1-181(H).

226
227 ~~[(10) TEMPORARY HELISTOP means a helistop that is approved for a~~
228 ~~cumulative total of 18 or fewer helicopter takeoffs helicopter takeoffs and~~
229 ~~landings on a temporary basis for an advertising, promotional, educational or~~
230 ~~community service purpose, or a construction project.]~~
231

232 **PART 3.** Section 13-1-172 of the City Code is amended to read as follows:
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234 (A) This article applies to any [a] heli-facility located ~~[and helicopter use~~
235 ~~from a ground or elevated site in the city at a location]~~ outside of an aviation
236 services (AV) district.
237

238 (B) This article does not apply to property owned by a federal and state
239 government or agency.
240

241
242 **PART 4.** Section 13-1-173 of the City Code is amended to read as follows:
243

244 § 13-1-173 APPLICATION DEADLINES, CONDITIONS, AUTHORITY,
245 APPEALS, AND CALCULATION OF DEADLINES.
246

247 (A) An administratively complete application must be filed with the department:
248

249 (1) 30 days in advance of the requested effective date for a
250 category I;
251

252 (2) Six months before the requested effective date for a category II.
253

254 (B) The following are not considered part of the application but rather are
255 conditions to the issuance of a heli-facility permit after approval of an application
256 ("conditions"):
257

258 (1) For a category I and a category II, submission to the director by
259 the applicant of a signed inspection from the Austin Fire Department
260 for compliance with International Fire Code and National Fire
261 Protection Association standards;
262

263 (2) For a category II and a category III, submission to the director by
264 the applicant of a FAA letter of no objection to the planned approach
265 and departure paths for the proposed heli-facility;

266
267 (3) For a category III, receipt by the applicant of a conditional use
268 permit as required by section 25-2-861 (*Facilities for Helicopters and*
269 *Other Nonfixed Wing Aircraft*) of the code;

270
271 (4) For a category III, submission to the director by the applicant of a
272 FAA letter of airspace determination; and

273
274 (5) For a category I and a category II, the transponder code as
275 assigned by FAA at time of flight for each helicopter using the heli-
276 facility.

277
278 (C) In order to expedite the application process, the director shall not wait for
279 any condition to be satisfied to determine that the application is administratively
280 complete and to commence review of, or to issue a decision either approving or
281 denying, an application.

282
283 (D) [A] The director may issue a heli-facility permit upon his determination that:
284 [for a heli-facility or authorize a temporary helistop.]

285
286 (1) The application has been approved:

287
288 (a) and no timely notice of appeal has been filed for
289 category II or category III; or

290
291 (b) the city manager, or city council, as applicable, has rendered a
292 decision overruling an appeal of the director's determination; and

293
294 (2) All conditions have been met.

295
296 (E) [~~B~~] The director may adopt rules, consistent with applicable law and this
297 article, relating to the operation of a heli-facility [~~under this article~~].

298
299 (F) For purposes of section 2-5-62 of the code:

300

301 (1) An applicant shall have standing to appeal the director's
302 determination of an application, or to respond to an appeal of the director's
303 determination, of an application.

304
305 (2) Any resident, tenant, owner, user, or operator of a noise sensitive area
306 or environmentally sensitive area has standing to appeal the director's
307 determination of a category II or category III application if the appellant
308 alleges the proposed operations would:

309
310 (a) expose the noise sensitive area to incompatible noise; or

311
312 (b) pose a material threat to life, health, or property at the noise
313 sensitive area; or

314
315 (c) pose a material threat to the environmentally sensitive area.

316
317 (G) A person with standing may appeal the director's decision by filing with the
318 director, no later than fourteen (14) days after the date of the director's decision, a
319 "notice of appeal", which shall include:

320
321 (1) the name, address, and telephone number of the appellant;

322
323 (2) the name of the applicant, if the appellant is not the applicant;

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325 (3) the decision being appealed;

326
327 (4) the date of the decision;

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329 (5) a statement of the basis of the appellant's standing; and

330
331 (6) the reasons the appellant believes the director's decision on the
332 application does not comply with the requirements of this article.

333
334 (H) A person with standing may respond to an appeal by filing with the director,
335 no later than fourteen (14) days after the date on which the notice of appeal was
336 filed, a "response to appeal", which shall include:

337
338 (1) the name, address, and telephone number of the respondent;

339 (2) identification of the appeal to which the response to appeal relates;

340
341 (3) a statement of the basis of the respondent's standing; and

342
343 (4) the reasons the respondent believes the director's decision on the
344 application complies with the requirements of this article.

345
346
347 (I) Within three business days of receipt of a notice of appeal or a response to
348 an appeal relating to a category II application, the director shall deliver the notice
349 of appeal or a response to an appeal to the city manager who shall decide the
350 appeal.

351
352 (1) The city manager shall have 45 days from the date of the director's
353 decision to decide an appeal relating to a category II application.

354
355 (2) The city manager's decision shall be in the form of a written opinion
356 stating the findings of fact, provisions of applicable law, and provisions of
357 this article on which the city manager's ruling on the appeal is based.

358
359 (J) The department shall post online every notice of appeal and response to a
360 category II appeal within three business days filing, every decision on an appeal
361 within one day of issuance, and every heli-facility permit within one day of
362 issuance, and shall keep them posted online until such time as they are no longer
363 relevant;

364
365 (K) For purposes of determining the deadline for taking action within a period of
366 a specified number of days as required by this article:

367
368 (1) the day of the event that triggers the deadline shall not be counted;

369
370 (2) any day falling on a weekend or city holiday shall be counted unless
371 the weekend or city holiday is the last day of the period;

372
373 and

374
375 (4) the deadline shall be 5 P.M. (Central Time) on the last day of the
376 period as determined in the manner in this section.

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379 **PART 5.** Section 13-1-175 of the City Code is amended to read as follows:

380 § 13-1-175 CATEGORY III [HELIPORT] IDENTIFICATION NUMBER.

381
382 (A) The permittee is required to obtain a heliport location identifier from the
383 FAA. [The Watershed Protection and Development Review Department shall
384 provide a permittee with a City heliport identification number.]

385
386 (B) The department shall maintain information [At the request of a
387 governmental agency, the Watershed Protection and Development Review
388 Department shall provide a map] identifying each heliport [heli-facility] in the
389 city by type, location, identification number, and name of the owner or
390 operator.

391
392 (C) The owner or operator of a heliport shall display the heliport markings as
393 required by FAA 150/5390-2 and section 13-1-186 [City heliport identification
394 number as required by Section 13-1-185] (Heli-facility Standards and
395 Marking).

396
397 **PART 6.** Section 13-1-176 of the City Code is amended to read as follows:

398
399 (A) Except as provided in subsection (B), the director may not issue a heli-
400 facility permit [to or authorize] for a proposed heli-facility in a residential base
401 district as described in Division 2 (Residential Base Districts), Article 2 (Zoning
402 Districts) of Chapter 25-2 (Zoning).

403
404 (B) Notwithstanding that the heli-facility would be in a zone district listed in
405 subsection (A), the [The] director may, if all other requirements of this article are
406 satisfied, issue a heli-facility permit for a proposed: [to a hospital heliport or
407 authorize a temporary helistop on a construction site in a zoning district listed in
408 Subsection (A).]

409
410 (1) hospital heliport; or

411
412 (2) category I on a construction site.

413
414 **PART 7.** Section 13-1-177 of the City Code is amended to read as follows:

The director shall apply the following priority ranking in approval of a heli-facility site:

- (1) a hospital category III [~~heliport~~] and other category III [~~heliport~~] intended for emergency use by a fire department or law enforcement agency;
- (2) a public use category III [~~heliport~~]; and
- (3) a private use category III; and [~~heliport~~]
- (4) a category I and a category II.

PART 8. Section 13-1-178 of the City Code is amended to read as follows:

**§ 13-1-178 HELI-FACILITY PERMIT [~~OR AUTHORIZATION~~] REQUIRED;
OFFENSE.**

(A) To establish or operate a category I or category II in the city, a person must obtain a heli-facility permit from the director [~~Except as provided in subsection (B), to establish or operate a heli facility in the city, a person must obtain:~~

- (1) ~~a permit from the director; and~~
- (2) ~~a conditional use permit as required by Section 25-2-861 (Facilities for Helicopters and Other Nonfixed Wing Aircraft) of the Code].~~

(B) To establish or operate a category III in the city, a person must obtain:

- (1) a heli-facility permit from the director; and
- (2) a conditional use permit as required by Section 25-2-861 (Facilities for Helicopters and Other Nonfixed Wing Aircraft) of the Code [~~A person who wants to operate a temporary helistop may apply to the director for written authorization to operate].~~

452 (C) A heli-facility permit [~~or authorization~~] issued under this article is non-
453 transferable.
454

455 (D) For purposes of sections 1-1-99 and 13-1-201, each separate non-
456 emergency landing knowingly allowed by the owner or operator of a heli-
457 facility without a valid heli-facility permit is a separate offense of this section
458 by the owner and operator.
459

460 **PART 9.** Section 13-1-179 of the City Code is amended to read as follows:
461

462 (B) A heli-facility permit is not required for an unprepared site at or near the
463 scene of an accident or similar medical emergency on which a helicopter may
464 land to pick up a patient to provide emergency medical transport.
465

466 (C) A heli-facility permit is not required to land a helicopter engaged in
467 firefighting or an emergency evacuation operation on a clear area on the roof of
468 a tall building not designed as a heliport.
469

470 **PART 10.** Section 13-1-180 of the City Code is amended to read as follows:
471

472 § 13-1-180 APPLICATION REQUIREMENTS FOR CATEGORY I
473 [PERMANENT HELI FACILITY].
474

475 (A) This section does not apply to a category II or category III [~~an application~~
476 ~~for a temporary helistop~~].
477

478 (B) An application for a category I [~~heli facility~~] shall include:
479

480 (1) proof of insurance as required by section 13-1-185 [~~13-1-184~~]
481 (*Insurance Required; Termination*);
482

483 (2) a description of the location (latitude and longitude) [~~, type,~~] and
484 intended use of the proposed helistop [~~heli facility~~];
485

486 (3) a description of the size, layout, and topographical features of the
487 proposed helistop [~~location of the heli facility~~];
488

489 (4) the ~~[anticipated]~~ number of anticipated daily operations and hours of
490 operation;

491 (5) for each helicopter ~~[the type of helicopters]~~ expected to use the
492 proposed helistop ~~[facility]~~, the helicopter's tail number, ~~[including the]~~
493 manufacturer, model number, and maximum gross weight;

494 (6) a description of one or two approach and departure paths selected in
495 compliance with FAA Advisory Circular 150/5390-2 (Heliport Design Guide)
496 which should, insofar as safely practicable, avoid noise sensitive areas and
497 environmentally sensitive areas ~~[a site plan, including:~~

500 (a) ~~the location, type, and height of security fences, berms, and other~~
501 ~~noise mitigation and security features;~~

502 (b) ~~the location and type of firefighting equipment at the site;~~

503 (c) ~~the location and type of fuel storage facilities at the site;~~

504 (d) ~~the method of surface preparation or stabilization for the~~
505 ~~touchdown pad, including material;~~

506 (e) ~~the locations and type of:~~

507 (i) ~~perimeter lighting, if required;~~

508 (ii) ~~site marking; and~~

509 (iii) ~~wind direction indication equipment;~~

510 (f) ~~each obstruction penetrating the heli facility's imaginary surfaces as~~
511 ~~identified in 14 Code of Federal Regulation Part 77 (Objects Affecting Navigable~~
512 ~~Airspace)];~~

513 (7) a description of each obstruction penetrating the proposed helistop's
514 imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (Safe,
515 Efficient Use, and Preservation of Navigable Airspace) ~~[a Federal Aviation~~
516 ~~Administration letter of airspace determination];~~

527
528 (8) documentation of crowd control measures adequate for the
529 circumstances of the helistop's intended use [a Federal Aviation Administration
530 letter of no objection to the planned approach and departure routes];
531

532 (9) for a proposed elevated or rooftop helistop, certification by a
533 registered professional engineer that the supporting structure for the touchdown
534 and liftoff area satisfies the minimum design load recommended by FAA Advisory
535 Circular 150/5390-2 [a copy, including attachments, of the following Federal
536 Aviation Administration Forms:
537

538 (a) ~~7480-1 (Notice of Landing Area Proposal) as prescribed by Federal~~
539 ~~Aviation Administration Regulation Part 157 (Notice of Construction, Alteration,~~
540 ~~Activation, and Deactivation of Airports); and~~
541

542 (b) ~~7460-1 (Notice of Proposed Construction or Alteration) as~~
543 ~~prescribed by Federal Aviation Administration Regulation Part 77 (Objects~~
544 ~~Affecting Navigable Airspace)];~~
545

546 (10) application fee [an aerial photograph or current map sealed at least
547 one inch to every 400 feet, marked to indicate:
548

549 (a) ~~the approach and departure paths; and~~
550

551 (b) ~~the location of all noise sensitive areas within a radius of 4,000 feet~~
552 ~~from the proposed site]; and~~
553

554 (11) any additional information required by the director [a report indicating
555 the anticipated noise level at the proposed site and compliance with Federal
556 Aviation Administration Advisory Circular 150/5020-1 (Noise Control and
557 Compatibility Planning for Airports), except a hospital heliport;].
558

559 [(12) ~~a certificate of structural compliance, attested to by a registered~~
560 ~~professional engineer or architect;~~
561

562 (13) ~~a depiction of the owner's proposed logo, emblem, or identification~~
563 ~~marking;~~
564

565 ~~(14) documentation of available motor vehicle parking; and~~

566 ~~(15) additional information required by the director.]~~

567
568
569 (C) The director shall notify the following city departments and non-city
570 agencies:

571 (1) department;

572 (2) police;

573 (3) fire;

574 (4) transportation;

575 (5) parks and recreation;

576 (6) planning and development review department;

577 (7) code and compliance;

578 (8) star flight; and

579 (9) Austin-Travis County EMS.

580
581
582 (D) Notice and public comment period shall be provided as follows:

583 (1) The department shall:

584 (a) within three business days of the receipt of an administratively
585 complete application post a copy of the application online for public
586 inspection;

587 (b) within three business days of any change in the administratively
588 complete application (e.g. supplementation or amendment by the
589 applicant, or city's "check-off" on a requirement or condition), update
600 the copy of the application posted online; and
601
602

603 (c) within three business days of the receipt of an administratively
604 complete application, give notice to the public by providing notice to
605 the Austin Neighborhood Council and neighborhood associations
606 within 500 feet in the vicinity to communicate such notice to their
607 members and residents.
608

609 (E) the director shall, within three business days of making a decision, issue,
610 deliver to the applicant, and post online the decision on the application in the form
611 of a written opinion explaining the basis of the director's decision (including
612 findings of fact and applicable provisions of law and of this article).
613

614 **PART 11.** Section 13-1-181 of the City Code is amended to read as follows:
615

616 § 13-1-181 APPLICATION REQUIREMENTS FOR CATEGORY II
617 [TEMPORARY HELISTOP].
618

619 (A) This section does not apply to an application for category I or category III.
620

621 (B) An application for a category II [temporary helistop] shall include:
622

623 (1) proof of insurance required under section 13-1-185 [13-1-184] (Insurance
624 Required; Termination);
625

626 (2) a description of the location (latitude and longitude), type, and intended
627 specific use of the proposed helistop;
628

629 (3) a description of the size, layout, and topographical features of the location
630 of the proposed helistop;
631

632 (4) a description of each obstruction penetrating the helistop's imaginary
633 surfaces as identified in 14 Code of Federal Regulation Part 77 (Safe, Efficient Use,
634 and Preservation of Navigable Airspace)[the number of anticipated daily
635 operations and hours of operation];
636

637 (5) the specific dates during the requested heli-facility permit period for
638 which authorization for operations is sought and, for each such date, the maximum
639 hours of operation, and the maximum number of operations on an hourly and daily

640 basis;~~[the types of helicopters expected to use the helistop, including manufacturer,~~
641 ~~model number, and maximum gross weight];~~

642
643 (6) for each helicopter expected to use the proposed helistop, the helicopter's
644 tail number, manufacturer, model number, and maximum gross weight;~~[an aerial~~
645 ~~photograph or current map scaled at least one inch to every 400 feet, marked to~~
646 ~~indicate:~~

647
648 (a) ~~the location of the temporary helistop;~~

649
650 (b) ~~each obstruction penetrating the helistop's imaginary surfaces as~~
651 ~~identified in 14 Code of Federal Regulation Part 77 (Objects Affecting Navigable~~
652 ~~Airspace); and~~

653
654 (c) ~~the location of all noise sensitive areas within a radius of 4,000 feet~~
655 ~~from the proposed site; and]~~

656
657 (7) an aerial image or current map of the proposed helistop and its environs,
658 scaled at least one inch to every 400 feet, marked to indicate:

659
660 (a) the helistop boundaries;

661
662 (b) takeoff and landing pads;

663
664 (c) one or two approach and departure paths selected in compliance
665 with FAA Advisory Circular 150/5392-2 (Heliport Design Guide)
666 out to at least 4,000 feet horizontally from the landing area, which
667 insofar as safely practicable should avoid noise sensitive areas and
668 environmentally sensitive areas, and one of which (if there are
669 two) shall be identified as the principal approach and departure
670 path based on the prevailing wind direction for the dates of
671 anticipated operations; [a Federal Aviation Administration letter of
672 no objection to the planned approach and departure routes if there
673 are a cumulative total of 11 or more helicopter takeoffs and
674 landings at the proposed site; and]
675

676 (8) the location of all noise sensitive areas and environmentally sensitive
677 areas within a radius of at least 4,000 feet horizontally from the proposed helistop
678 landing area; and [additional information required by the director.]
679

680 (9) documentation of crowd control measures adequate for the circumstances
681 of the helistop's intended use;
682

683 (10) for a proposed elevated or rooftop helistop, certification by a registered
684 professional engineer that the supporting structure for the touchdown and liftoff
685 area satisfies the minimum design load recommended by FAA Advisory Circular
686 150/5390-2; and
687

688 (11) application fee; and
689

690 (12) any additional information required by the director.
691

692 (C) The director shall notify the following city departments and non-city
693 agencies:
694

695 (1) department;
696

697 (2) police;
698

699 (3) fire;
700

701 (4) transportation;
702

703 (5) parks and recreation;
704

705 (6) planning and development review department;
706

707 (7) code and compliance;
708

709 (8) star flight; and
710

711 (9) Austin-Travis County EMS.
712

713 (D) Notice and public comment period shall be provided as follows:

714
715 (1) The department shall:

716
717 (a) within three business days of the receipt of an administratively
718 complete application post a copy of the application online for public
719 inspection;

720
721 (b) within three business days of any change in an administratively
722 complete application (e.g. supplementation or amendment by the
723 applicant, or city's "check-off" on a requirement or condition), update
724 the copy of the application posted online; and

725
726 (c) coordinate with the planning and development review
727 department to provide public notice of the application, instructions for
728 viewing the application online, comment period, and timetable for
729 each stage of the application process to all persons who have standing
730 to appeal the director's decision, in the following manner:

731
732 (i) within three business days of the receipt of an
733 administratively complete application, post such notice online
734 and request all neighborhood associations within 500 feet of the
735 proposed helistop to communicate such notice to their members
736 and residents;

737
738 (ii) within 10 days of the receipt of an administratively
739 complete application, individual notice shall be delivered by
740 mail to property owners, tenants and utility users within 500
741 feet of the proposed helistop and to property owners, tenants
742 and utility users within the proposed helistop's 65 Leq dB noise
743 contour as modeled by the FAA noise model.

744
745 (2) The public comment period shall commence on the date the required
746 notice has been provided and end 14 days after a filed application is
747 administratively complete in all respects.

748
749 (3) The department shall compile and submit for the director's review all
750 comments received during the public comment period.

751

752 (E) Within 30 days from the date the public comment period ends, the director
753 shall issue, deliver to the applicant, and post online the decision on the application
754 in the form of a written opinion explaining the basis of the director's decision
755 (including findings of fact and applicable provisions of law and of this article).

757 (F) Operations may be conducted only on the specific dates, and subject to the
758 maximum number of operations and number of approved helicopters, for which a
759 heli-facility permit is issued.

761 (G) The director, on a day-by-day basis, after taking into consideration the time
762 of day, operational hours, proximity to noise sensitive areas, and/or
763 environmentally sensitive areas, noise sensitivity, complaints, compatibility with
764 surrounding land use, and risks to life, health or property, shall have discretion to
765 authorize increased or decreased frequency of operations and/or number of
766 approved helicopters during portions of the approved operational hours for a
767 category II, provided however, that the director:

768
769 (1) shall not have discretion to increase the number of daily or total
770 operations and/or number of approved helicopters beyond the maximum number
771 allowed under a category II permit; and

772
773 (2) shall cause the department to promptly give notice to neighborhood
774 associations in the vicinity of the heli-facility of any such exercise of the director's
775 discretion.

776
777 **PART 12.** Section 13-1-182 of the City Code is amended to read as follows:

778
779 § 13-1-182 APPLICATION REQUIREMENTS FOR CATEGORY III [DENIAL
780 OF PERMIT].

781
782 (A) This section does not apply to an application for category I or category
783 II. ~~The director may deny an original or renewal application for a heli facility if~~
784 ~~the director finds that:~~

785
786 (1) ~~the applicant has:~~

787
788 (a) ~~failed to submit a complete application;~~
789

790 ~~(b) been denied a site development permit for the proposed heli-~~
791 ~~facility; or~~

792 ~~(c) been refused a letter of no objection by the Federal Aviation~~
793 ~~Administration; or~~

794
795
796 ~~(2) the proposed heli facility:~~

797
798 ~~(a) presents a material hazard to public health or safety; or~~

799
800 ~~(b) does not comply with applicable aviation law or this article].~~

801
802 (B) An application for category III shall include:

803
804 (1) proof of insurance as required by section 13-1-185 (*Insurance*
805 *Required; Termination*);

806
807 (2) a description of the location, type, and intended use of the proposed
808 heliport;

809
810 (3) a description of the size, layout, and topographical features of the
811 location of the proposed heliport;

812
813 (4) a description of each obstruction penetrating the heliport's imaginary
814 surfaces as identified in 14 Code of Federal Regulation Part 77 (*Safe,*
815 *Efficient Use, and Preservation of Navigable Airspace*);

816
817 (5) the anticipated hours of operation and average number of daily
818 operations;

819
820 (6) a description of the types of helicopters expected to use the proposed
821 heliport, including the manufacturer, model number, and maximum
822 gross weight;

823
824 (7) a site plan for the proposed heliport, including:

825
826 (a) the location, type, and height of security fences, berms, and
827 other noise mitigation and security features;

- 828
- 829
- 830 (b) the location and type of firefighting equipment at the site;
- 831
- 832 (c) the location and type of fuel storage facilities at the site;
- 833
- 834 (d) the method of surface penetration or stabilization for the
- 835 touchdown pad(s), including material; and
- 836
- 837 (e) the locations and types of:
- 838 (i) perimeter lighting, if required;
- 839
- 840 (ii) site marking; and
- 841
- 842 (iii) wind direction indication equipment;
- 843

844 (8) completed copies, including attachments, of each of the following

845 FAA forms:

846

- 847 (a) 7480-1 (Notice of Landing Area Proposal) as prescribed
- 848 by 14 Code of Federal Regulation Part 157 (Notice of
- 849 Construction, Alteration, Activation, and Deactivation of
- 850 Airports); and
- 851
- 852 (b) 7460-1 (Notice of Proposed Construction or Alteration)
- 853 as prescribed by 14 Code of Federal Regulation Part 77 (Safe,
- 854 Efficient Use, and Preservation of Navigable Airspace);
- 855

856 (9) an aerial image or current map of the proposed heliport and its

857 environs, scaled at least one inch to every 400 feet, marked to

858 indicate:

859

- 860 (a) the heliport boundaries;
- 861
- 862 (b) takeoff and landing pads;
- 863
- 864 (c) at least two approach and departure paths selected in
- 865 compliance with FAA Advisory Circular 150/5390-2 (Heliport

866 Design Guide) out to at least 4,000 feet horizontally from the
867 landing area, one of which shall be identified as the principal
868 approach and departure path based on the prevailing wind
869 direction for the dates of anticipated operations and both of
870 which insofar as safely practicable should avoid noise sensitive
871 areas and environmentally sensitive areas;

872 (d) the location of all noise sensitive areas and
873 environmentally sensitive areas within a radius of at least 4,000
874 feet horizontally from the proposed heliport landing area; and

875 (e) noise contours of L_{dn} 65, 70, 75, and 80 for the proposed
876 heliport based on noise modeling;

877 (10) such additional information required by Appendix A of 14
880 Code of Federal Regulation Part 150 Section 103 [A150.103], in a
881 form suitable for input to a noise model;

882 (11) a certificate of structural compliance, attested to by a registered
883 professional engineer;

884 (12) a depiction of the owner's proposed logo, emblem, or
885 identification marking;

886 (13) documentation of adequate available motor vehicle parking;
887 and

888 (14) any additional information required by the director. [The
889 director may deny a renewal application if the director determines that
890 adjacent development makes continued operation of a heli facility
891 creates a threat to public health or safety].

892 (C) Notice and public comment period for a category III shall follow the
893 conditional use permit process under title 25 of the code.

894 **PART 13.** Section 13-1-183 of the City Code is amended to read as follows:
895
896
897
898
899
900
901
902

903 § 13-1-183 DENIAL OF APPLICATION FOR HELI-FACILITY
904 PERMIT~~[PERMIT OR AUTHORITY TERM AND RENEWAL]~~.
905

906 (A) The director may deny or condition an application if:
907

908 (1) the applicant has failed to timely submit an administratively
909 complete application; or
910

911 (2) the proposed heli-facility:
912

913 (a) would pose a material threat to life, health, or property; or
914

915 (b) would not comply with applicable law; or
916

917 (c) would expose any noise sensitive area to incompatible noise; or
918

919 (d) would pose a material threat to an environmentally sensitive
920 area; or
921

922 (e) would not comply with any other requirement of this article.
923

924 [~~A heli-facility permit is valid for three years from the date of issuance~~].
925

926 (B) The director may deny or condition the approval of an application if
927 [Authorization to operate a temporary helistop is valid for the earlier of]:
928

929 (1) prior operations associated with the applicant, helicopters, or helicopter
930 operators associated with the application have a history of: [the duration of the
931 event or construction project; or]
932

933 (a) violating section 13-1-14; or
934

935 (b) violating section 13-1-15; or
936

937 (c) material violations of this article;
938

939 (2) the applicant has, in the current or a prior application, provided false
940 material information either intentionally or negligently~~[180 days from the date of~~
941 ~~issuance]~~.

942
943 ~~[(C) — A permittee may renew a heli facility permit or authorization before the~~
944 ~~expiration of the existing permit or authorization.]~~

945
946 ~~[(D) — A permittee must file a renewal application including:~~

947 (1) ~~a renewal applicable fee; and~~

948
949 (2) ~~a certificate that there has been no material change in the information~~
950 ~~provided in the original permit application; or~~

951 (3) ~~if a material change has occurred, a description of each change.]~~

952
953 ~~[(E) — In this section, “material change” includes a change in:~~

954 (3) ~~the number of operations or hours of operation;~~

955 (4) ~~the type of helicopters using the heli facility;~~

956 (5) ~~the approach or departure paths to the heli facility that may constitute~~
957 ~~a helicopter operation constraint or safety hazard; or~~

958 (4) ~~development near the heli facility that may affect air or ground access~~
959 ~~or constitute a hazard under 14 Code of Federal Regulation Part 77 (Objects~~
960 ~~Affecting Navigable Airspace).]~~

961
962
963
964 **PART 14.** Section 13-1-184 of the City Code is amended to read as follows:

965 § 13-1-184 HELI-FACILITY PERMIT TERM AND RENEWAL~~[INSURANCE~~
966 ~~REQUIRED; TERMINATION].~~

967 (A) A category III heli-facility is valid for five years from the date of
968 issuance~~[The owner or operator of a heli facility must maintain a commercial~~
969 ~~general liability policy with a combined single limit of liability for bodily injury~~
970 ~~and property damage of not less than \$1,000,000 for each occurrence].~~

977
978 (B) A permittee shall file an application to renew a category III heli-facility
979 permit at least 60 days before the expiration of the existing permit[A policy under
980 this section shall:

981
982 (1) ~~name the City as an additional insured;~~

983
984 (2) ~~provide coverage against all claims arising out of the operation of the~~
985 ~~heli-facility, including bodily injury, personal and advertising injury, death,~~
986 ~~contractual liability, independent contractors, and property damage;~~
987

988 (3) ~~be endorsed to provide the City a thirty (30) day notice of cancellation~~
989 ~~except for non-payment of premium;~~
990

991 (4) ~~be issued by an insurance company authorized to do business in the~~
992 ~~State of Texas; and~~

993
994 (5) ~~contain waiver of subrogation and recovery in favor of the City].~~
995

996 (C) A permittee must file a renewal application with the department
997 including:
998

999 (1) the application fee; and
1000

1001 (2) a certificate that there has been no material change in the
1002 information provided in the original application; or
1003

1004 (3) if a material change has occurred, a description of each change
1005 [The owner of a heli facility shall annually provide the director with a
1006 certificate of insurance].
1007

1008 (D) In this section, "material change" includes a change in:
1009

1010 (1) the number of operations or hours of operation;

1011 (2) the type of helicopters using the heliport;
1012
1013

1014 (3) the approach and departure paths to the heliport that may
1015 constitute a helicopter operation constraint or safety hazard; or

1016
1017 (4) development near the heliport that may affect air or ground
1018 access or constitute a hazard under 14 Code of Federal Regulation
1019 Part 77 (Safe, Efficient Use, and Preservation of Navigable
1020 Airspace)[The director may terminate a heli facility permit if the
1021 owner fails to maintain the required insurance].

1022
1023 (E) A heli-facility permit for a category I or category II is valid for the
1024 shorter of:

1025
1026 (1) the duration of the event or construction project for which the
1027 heli-facility permit is issued; or

1028
1029 (2) 180 days.

1030
1031 (F) Category I and category II heli-facility permits are non-renewable.

1032
1033 **PART 15.** Section 13-1-185 of the City Code is amended to read as follows:

1034
1035 § 13-1-185 INSURANCE REQUIRED; TERMINATION [~~HELI-FACILITY~~
1036 ~~STANDARDS AND MARKING~~].

1037
1038 (A) The owner or operator of a heli-facility must maintain aircraft liability
1039 including premises liability and general liability policy with a combined single
1040 limit of liability for bodily injury and property damage of not less than \$5,000,000
1041 for each occurrence [The design, construction and operation of a heli-facility must
1042 comply with applicable City building and fire codes and aviation law, including
1043 Federal Aviation Administration Advisory Circular 150/5390-2A (Heliport Design
1044 Guide)].

1045
1046 (B) A policy under this section shall:

1047
1048 (1) name the city as an additional insured;
1049

1050 (2) provide coverage against all claims arising out of the operation of the
1051 heli-facility, including bodily injury, personal and advertising injury, death,
1052 contractual liability, independent contractors, and property damage;
1053

1054 (3) be endorsed to provide the city a thirty (30) day notice of cancellation
1055 except for non-payment of premium;
1056

1057 (4) be issued by an insurance company authorized to do business in the
1058 State of Texas; and
1059

1060 (5) contain waiver of subrogation and recovery in favor of the city [Except
1061 as provided in subsection (C), a heli facility must be marked as prescribed by
1062 Federal Aviation Administration Advisory Circular 150/5390-2A (Heliport Design
1063 Guide)].
1064

1065 (C) The owner of a heli-facility shall annually provide the director with a
1066 certificate of insurance [Only a public use heliport or hospital heliport may be
1067 marked with the letter "H"].
1068

1069 (D) The director may terminate a heli-facility permit if the owner fails to
1070 maintain the required insurance [A private use heliport shall use an authorized
1071 logo, emblem, or other owner identification in the touchdown area that:
1072

1073 (1) ~~is known to the pilots authorized to use the facility; and~~
1074

1075 (2) ~~does not detract from other required markings].~~
1076

1077 ~~[(E) The owner of a heli facility must mark the lower left corner of the~~
1078 ~~designated final approach and takeoff area as viewed from the primary direction of~~
1079 ~~approach with the City heliport identification number. Each character of the~~
1080 ~~heliport identification number shall be two feet high, composed of a six inch wide~~
1081 ~~white stripe with a one inch black border].~~
1082

1083 **PART 16.** Section 13-1-186 of the City Code is amended to read as follows:
1084

1085 § 13-1-186 HELI-FACILITY STANDARDS AND MARKING[NOISE
1086 ASSESSMENT GUIDELINES].
1087

088 (A) The design, construction, and operation of a heli-facility must comply
089 with applicable city building and fire codes and aviation law including FAA
090 Advisory Circular 150/5390-2 (Heliport Design Guide) [This section does not
091 apply to a hospital heliport].

092 (B) A heli-facility must be marked as prescribed by FAA Advisory Circular
093 150/5390-2 (Heliport Design Guide) [A heli facility shall comply with the noise
094 assessment guidelines prescribed by Federal Aviation Administration Advisory
095 Circular 150/5020-1 (Noise Control and Compatibility Planning for Airports)].

096 (C) A private use heliport shall use an authorized logo, emblem, or other
097 owner identification in the touchdown area that:

100 (1) is known to the pilots authorized to use the heli-facility; and
101

102 (2) does not detract from other required markings.
103

104 **PART 17. Section 13-1-187 of the City Code is amended to read as follows:**
105

106 § 13-1-187 NOISE ASSESSMENT GUIDELINES~~[INSPECTION~~
107 ~~AUTHORIZED; DOCUMENTATION OF STRUCTURAL INTEGRITY].~~
108

109 (A) This section does not apply to a hospital heliport~~[The owner or operator~~
110 ~~of a heli facility shall permit access to the facility on demand for periodic~~
111 ~~inspection by City personnel, including Fire Department personnel].~~
112

113 (B) To the extent made applicable by this article, a heli-facility shall comply
114 with the guidelines in FAA Advisory Circular 150/5020-1 (Noise Control and
115 Compatibility Planning for Airports) [If requested by the director or the Fire
116 Department, the owner or operator of a heli facility shall submit a certificate of
117 structural compliance attested to by a registered professional engineer documenting
118 the structural integrity of the facility].
119

120 [(C) The chief of the Fire Department shall conduct a periodic inspection of
121 each heli facility and submit a copy of an inspection report to the director for
122 review and, if necessary, appropriate action.]
123

124 **PART 18. Section 13-1-188 of the City Code is amended to read as follows:**
125

§ 13-1-188 INSPECTION AUTHORIZED; DOCUMENTATION OF STRUCTURAL INTEGRITY [~~MAINTENANCE REQUIRED; TERMINATION~~].

(A) The owner or operator of a heli-facility shall permit access to the facility on demand for periodic inspection by city personnel, including fire department personnel [~~The owner or operator of a heli facility shall maintain the buildings, structures, and ground areas used to store helicopters or related to helicopter use in a safe and sanitary condition~~].

(B) The chief of the fire department shall conduct a periodic inspection of each heli-facility and submit a copy of an inspection report to the director and the owner for review and, if necessary, appropriate action [~~The owner or operator of a heli facility shall maintain required equipment and security devices in good working order~~].

~~[(C) The director may terminate a heli facility permit or revoke approval of a heli facility site if the owner or operator fails to properly maintain the facility.]~~

PART 19. Section 13-1-189 of the City Code is amended to read as follows:

§ 13-1-189 MAINTENANCE REQUIRED; TERMINATION [~~RESTRICTION ON ALTERATIONS TO FACILITY OR OPERATIONS~~].

(A) The owner or operator of a heli-facility shall maintain the buildings, structures, and ground areas used to store helicopters or related to helicopter use in a safe and sanitary condition for the term of the heli-facility permit.

(B) The owner or operator of a heli-facility shall maintain required equipment and security devices in good working order for the term of the heli-facility permit.

(C) The director may terminate a heli-facility permit if the owner or operator fails to properly maintain the heli-facility or any required equipment or security devices [~~The owner or operator of a heli facility may not enlarge or modify the design or layout of a heli facility or make any material change to the operations of a heli facility without the prior written consent of the director~~].

164
165
166 (D) The director may terminate a heli-facility permit if the owner or operator fails to comply with applicable provisions of the City Code.

167
168 (E) The director shall terminate a heli-facility permit if the heli-facility poses a material threat to life, health, or property or adjacent development makes continued operation of the heli-facility a material threat to life, health, or property.

169
170
171
172
173 **PART 20.** Section 13-1-190 of the City Code is amended to read as follows:

174
175 § 13-1-190 RESTRICTION ON ALTERATIONS TO FACILITY OR
176 OPERATIONS~~[NUMBER OF TEMPORARY HELISTOPS WITHIN A~~
177 CERTAIN DISTANCE AND PERIOD OF TIME].

178
179 The owner or operator of a heli-facility may not enlarge or modify the design or layout of a heli-facility or make any material change to the operations of a heli-facility without the prior written consent of the director~~[The director shall not approve applications, including renewal applications, for the operation of more than two temporary helistops that are within a 1.5 mile radius of each other and within a term of 180 days].~~

180
181
182
183
184
185
186 **PART 21.** Section 13-1-191 of the City Code is added to read as follows:

187
188 § 13-1-191 RESTRICTION ON NUMBER OF CATEGORY II HELI-
189 FACILITIES WITHIN A CERTAIN DISTANCE AND PERIOD OF TIME.

190
191 The director shall not approve applications, including renewal applications, for the operation of more than two category II heli-facilities that are:

192
193 (1) within 1,000 feet of noise sensitive area;

194
195 (2) within 0.5 miles of each other; and

196
197 (3) within a term of 180 days.

198
199
200 **PART 22.** Section 13-1-201 of the City Code is amended to read as follows:

A person who violates this chapter or willfully obstructs or prevents compliance with this chapter shall commit an offense punishable as provided in section 1-1-99 (*Offenses; General Penalty*) of the Code. Except as provided in sections 13-1-15 and 13-1-178 (D), each [Each] day a violation continues is a separate offense for purposes of section 1-1-99.

PART 23. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013

§
§
§

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk