

CHAPTER 1

AIRCRAFT

Article

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ARTICLE 1

AIRCRAFT; MISCELLANEOUS PROVISIONS

Section

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Nebraska Statutes

For statutory provisions on city regulation of aircraft operation, see R.R.S. §18-1508.

1-1-1. Flights over City; height; permit.

It shall be unlawful for any person, firm, corporation or association:

(1) to operate any fixed-wing aircraft, or to cause or permit such an aircraft to be, over the City at a height of less than one thousand (1,000) feet, except when the aircraft is within a flight pattern authorized by Federal Aviation Agency, or

(2) to operate, without a permit from the City Manager, any helicopter, or to cause or permit a helicopter to be, over the City at a height of less than one thousand (1,000) feet, except when the helicopter is within a flight pattern authorized by Federal Aviation Authority. (Ord. 2722 § 1, 1982.)

1-1-2. Helicopter; permit; application; time.

The application for a permit of a type referred to in section 1-1-1 shall be filed with the City Manager on forms provided by the City Manager. The application shall be filed not less than fourteen (14) days before the date on which the proposed flight or, as the case may be, descent or ascent is to occur, or before

the beginning of a period during which such activities will occur; provided, the City Manager, where good cause is shown therefor, may consider an application which has been filed less than fourteen (14) days before the proposed event. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.01.)

1-1-3. Same; application; contents.

The application for a permit shall set forth:

- (1) a description of the helicopter,
- (2) the name, address and telephone number of the owner and operator,
- (3) the date(s) of flight(s), descent(s) or ascent(s), or of the period (not to exceed one year) during which flight(s), descent(s) and ascent(s) will occur,
- (4) the route(s) of the flight(s) and minimum height(s) thereof except during descent and ascent,
- (5) if there will be descent(s) or ascent(s), or both, the location(s) thereof,
- (6) if an event involving use of a helicopter is being arranged for by another person or by an association, the name, address and telephone number of such person or association and, if the latter, of the person who will be personally responsible for the conduct of the event, and
- (7) such additional information as the City Manager shall find reasonably necessary to a fair determination as to whether a permit should issue. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.02.)

1-1-4. Same; decision; time.

The City Manager shall act upon the application for a permit within five (5) days after the filing thereof. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.03.)

1-1-5. Same; insurance; bond.

No permit shall issue until the applicant shall:

- (1) furnish to the City Manager written evidence that a public liability insurance policy, in amounts of not less than two hundred thousand dollars (\$200,000.00) for one (1) person, five hundred thousand dollars (\$500,000.00) for any one (1) accident, and fifty thousand dollars (\$50,000.00) for injuries to property, and including as a beneficiary the City, shall be in force during, and for twenty-four (24) hours before and after the permitted event or, as the case may be, during the period of the permitted flight(s), descent(s) and ascent(s), and
- (2) if there will be descents or ascents, or both, deposit with the City Clerk a surety bond, to be approved by the City Manager, in the sum of two thousand five hundred dollars (\$2,500.00), or in lieu thereof cash in that amount, conditioned that no dirt,

paper, litter or other debris will be permitted to remain upon the tract of land used for such purpose. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.04.)

1-1-6. Same; permit; denial.

The City Manager shall deny the application if he finds that the proposed flight(s), descent(s) or ascent(s) will create a hazard to the safety or health of persons or property in the City, cause excessive noise, or otherwise unreasonably disturb the peace and repose of inhabitants of the City. If the City Manager denies the application, he or she shall mail or deliver to the applicant, on the date of the denial, a notice in writing of the denial, stating the reasons therefor. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.05.)

1-1-7. Same; permit; contents.

Each permit shall state the following:

- (1) a description of the helicopter,
- (2) the name of the owner and operator, the name of another person or association, if any by whom arrangements for an event are being made, and the name of the person who will be personally responsible for conduct of the event,
- (3) the flight(s), descent(s) and ascent(s) authorized, including date(s) or period (not to exceed one year), minimum height(s) and route(s) of flight(s), and location(s) of descent(s) and ascent(s), and
- (4) such other information as the City Manager shall determine to be necessary or desirable in order to effect compliance with this Article. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.06.)

1-1-8. Same; alternate permit.

The City Manager, upon denying an application for a permit, shall be empowered to authorize flight(s), descent(s) and ascent(s) to be held on dates, at times or places, or on other conditions different from those specified in the application. An applicant desiring to accept an alternate permit shall, within twenty-four (24) hours after notice of the action of the City Manager, file a written notice of acceptance with the City Manager. An alternate permit shall conform to the requirements for, and shall have the effect of a permit under, this Article. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.07.)

1-1-9. Same; permit; notice.

Immediately upon the issuance of a permit, the City Manager shall so inform the Police Chief and the Fire Chief, and shall so inform the City Council at its next regular meeting. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.08.)

1-1-10. Same; permittee; compliance.

The person or association to which a permit has been issued shall comply with all permit directions and conditions and with all applicable laws and provisions of this municipal code. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.09.)

1-1-11. Same; permit; revocation.

The City Manager shall have authority to revoke a permit if he finds that the standards for issuance set forth in this Article will not, or probably will not, be substantially met, or that the permittee has wilfully or negligently failed to comply with the requirements of this Article in any substantial respect. The City Manager, on the date of revocation of a permit, shall deliver or mail to the permittee a notice in writing of the revocation, stating the reason therefor. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.10.)

1-1-12. Same; permit; appeal.

Any person aggrieved shall have the right to appeal the denial or revocation of a permit to the City Council. The appeal shall be taken by filing a notice thereof with the City Clerk within ten (10) days after the mailing or delivery of the notice of denial or revocation. The City Council shall act upon the appeal within ten (10) days after its receipt. (Ord. 2109 § 2 (part), 1975: Ord. 1116 § 1-201.11.)

1-1-13. Same; medical uses.

Anything in this Article to the contrary notwithstanding, the City Manager, upon written application of a hospital situated within the City, may issue a permit for helicopters to operate from time to time over the City at a height of less than one thousand (1,000) feet and elsewhere than within a flight pattern authorized by Federal Aviation Agency, and to descend to, or ascend from, a designated area adjacent to the hospital for the purpose of transporting individuals to or from the hospital for medical treatment. Such a permit shall expire at the end of the calendar year in which issued, but shall be renewed, without application, for further periods of 12 months each, unless the City Manager shall in writing notify the hospital not less than thirty (30) days prior to the expiration of such a period that the permit will terminate at the end of that period. The permit shall issue to the hospital, but shall inure, also, to the benefit of operators of such helicopters, their employees, and co-employees, and of owners and lessees of such helicopters. The provisions of this Article shall apply to permits issued under this section, except where, in the judgment of the City Manager,

such provisions are inconsistent with this section. (Ord. 2722 § 2, 1982.)

1-1-14. Stunt flying; prohibited.

No person operating any aircraft shall "loop-the-loop", indulge in "tail spins" or in any other manner engage in any "stunt flying" or indulge in any flying or carry out any maneuver more dangerous to person or property than the ordinary and proper flight of such aircraft over the City. (Ord. 2109 § 2 (part), 1975; Ord. 1116 § 1-201.12.)

1-1-15. Handbills, other objects; dropping; prohibited.

No person shall drop handbills or any other object while flying over and above the City.

1-1-16. Violations; penalty.

The violation of any provision of this Article shall be a Class I violation.

ARTICLE 2

AIR RAIDS

(a) DEFINITIONS

Section

<u>1-2-1</u>	<u>Generally.</u>
<u>1-2-2</u>	<u>Air raid drill.</u>
<u>1-2-3</u>	<u>Air raid period.</u>
<u>1-2-4</u>	<u>Air raid warning.</u>
<u>1-2-5</u>	<u>All-clear signal.</u>
<u>1-2-6</u>	<u>Blackout period.</u>
<u>1-2-7</u>	<u>Practice blackout.</u>

(b) GENERAL PROVISIONS

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<u>1-2-10</u>	<u>Practice blackout; acts prohibited during.</u>
<u>1-2-11</u>	<u>Air raid drill; acts prohibited during.</u>
<u>1-2-12</u>	<u>Air raids; warnings; all-clear signals.</u>
<u>1-2-13</u>	<u>Same; protective measures; practice blackouts; air raid drills.</u>
<u>1-2-14</u>	<u>Rules and regulations; promulgation; enforcement; City Manager; duty.</u>

<u>1-2-15</u>	<u>Auxiliary officers; appointment; removal.</u>
<u>1-2-16</u>	<u>Same; Police; Fire Departments; authority.</u>
<u>1-2-17</u>	<u>Same; orders; obedience; required.</u>
<u>1-2-18</u>	<u>Lights; restrictions; nuisance; abatement.</u>
<u>1-2-19</u>	<u>Violations; penalty.</u>

Nebraska Statutes

For statutory provisions on civil defense, see R.R.S. §81-829.36ff.

(a) DEFINITIONS

1-2-1. Generally.

Any of the terms defined in subsequent sections of this Article has the meaning, when used in any Article of this Chapter, which is given the term in the definition in this Article.

1-2-2. Air raid drill.

The term "air raid drill" means the period of time beginning and ending at the times of day designated in an order, issued by the City Manager, which order may provide that such air raid drill shall apply to a part, parts, or all of the City.

1-2-3. Air raid period.

The term "air raid period" means the period of time which begins when an air raid warning is given pursuant hereto, and ends when an all clear signal is given pursuant hereto.

1-2-4. Air raid warning.

The term "air raid warning" means the sounding of a public alarm, the type, manner and duration of which shall be prescribed by rules and regulations promulgated pursuant hereto.

1-2-5. All-clear signal.

The term "all-clear signal" means the sounding of a signal different in character from that of an air raid warning, as prescribed by rules and regulations promulgated pursuant hereto.

1-2-6. Blackout period.

The term "blackout period" means an air raid period occurring between the hours of sunset and the following sunrise.

1-2-7. Practice blackout.

The term "practice blackout" means the period of time beginning and ending at the times of day designated in an order issued by the City Manager, which order may provide that such practice blackout shall apply to a part, parts, or all of the City.

(b) GENERAL PROVISIONS

1-2-8. Air raid period; acts prohibited during.

It shall be unlawful during an air raid period:

(1) to operate any vehicle, except that emergency vehicles designated as such by the City Manager, State of Nebraska, Director of Civil Defense, or proper authorities of the armed forces of the United States, may be operated in accordance with their granted authority,

(2) to congregate in groups of five (5) or more persons on any public way; except that persons authorized by the City Manager, State of Nebraska, Director of Civil Defense, or proper authorities of the armed forces of the United States, to perform duties which require their presence out of doors may do so,

(3) to loiter upon any public way,

(4) to be present out-of-doors for a period of time longer than five (5) minutes after the first sounding of an air raid warning, except that persons authorized by the City Manager, State of Nebraska, Director of Civil Defense, or proper authorities of the armed forces of the United States, to perform duties which require their presence out-of-doors may do so,

(5) to operate a siren or other device so as to simulate an all-clear signal. (Ord. 1116 § 1-302.)

1-2-9. Blackout period; acts prohibited during.

It shall be unlawful during a blackout period to do any act prohibited during an air raid period, or to display or allow to be displayed or to permit any light visible from out-of-doors, except such lights as may be prescribed for emergency vehicles designated as such by the City Manager, State of Nebraska, Director of Civil Defense, or proper authorities of the armed forces of the United States, and except lights for which a military or paramount public necessity exist. (Ord. 1116 § 1-303.)

1-2-10. Practice blackout; acts prohibited during.

It shall be unlawful during a practice blackout to do any act prohibited during a blackout period, except that persons may remain in parked vehicles during such practice blackout. (Ord. 1116 § 1-304.)

1-2-11. Air raid drill; acts prohibited during.

It shall be unlawful during an air raid drill to do any act prohibited during an air raid period, except that persons may remain in parked vehicles during such an air raid drill. (Ord. 1116 § 1-305.)

1-2-12. Air raids; warnings; all-clear signals.

The City Manager is hereby authorized and directed to provide for the sounding of air raid warnings and of all-clear signals. (Ord. 1116 § 1-306.)

1-2-13. Same; protective measures; practice blackouts; air raid drills.

The City Manager is hereby authorized and directed to carry out air raid protection measures and practice blackouts and air raid drills at such times as shall be deemed necessary, expedient or desirable. (Ord. 1116 § 1-307.)

1-2-14. Rules and regulations; promulgation; enforcement; City Manager; duty.

The City Manager shall promulgate and cause to be enforced such reasonable rules and regulations relating to the administration and enforcement of this Article as may be necessary or proper to accomplish the objects and purposes thereof, which orders, rules and regulations may be amended, modified, or revoked at any time, in the manner hereinafter prescribed. All orders, rules, and regulations promulgated pursuant hereto, and any amendment, modification or revocation thereof, shall be in writing and a copy thereof, shall be posted in the office of the City Clerk, in the Police Station, and at one (1) or more other prominent places within the City. (Ord. 1116 § 1-308.)

1-2-15. Auxiliary officers; appointment; removal.

The City Manager is hereby authorized to appoint, by and with the consent of the Council, such Auxiliary Police and Firemen, Air Raid Wardens, Fire Wardens, or other officers as he deems necessary or desirable for the purpose of enforcement and administration of the provisions of this Article and the orders, rules and regulations promulgated pursuant hereto. Any such appointment may be revoked by the City Manager at any time, and without the necessity of showing cause or giving reason for such revocation. Provided, such appointments or revocations of appointments may be performed by the City Manager and become effective without the consent of the Council whenever an emergency exists; and in such cases the action of the City Manager shall remain effective until the next regular or special meeting of the Council attended by a majority of the members elected thereto, at which regular or special meeting the appointment or revocation of appointment shall either be ratified or denied by the Council. (Ord. 1116 § 1-309.)

1-2-16. Same; Police, Fire Departments; authority.

All such officers as are appointed pursuant to this Article, and all regular and special members of the Police Department and Fire Department, are hereby authorized to execute such orders and

directions as are reasonably necessary to the administration of the measures herein provided for; and such officers are hereby further authorized to arrest any person found violating any of the provisions of this Article or any of the orders, rules and regulations promulgated pursuant hereto. (Ord. 1116 § 1-310.)

1-2-17. Same; orders; obedience; required.

It shall be unlawful for any person to fail, neglect, or refuse to obey any lawful order, command or direction of any officer appointed pursuant hereto, or any regular or special member of the Police Department or Fire Department. (Ord. 1116 § 1-311.)

1-2-18. Lights; restrictions; nuisance; abatement.

Any light displayed contrary to the provisions of this Article or contrary to any order, rule or regulation promulgated pursuant hereto, shall constitute a public nuisance and may be abated as such. (Ord. 1116 § 1-312.)

1-2-19. Violations; penalty.

The violation of any provision of this Article shall be a Class I violation.