



VILLAGE OF BALD HEAD ISLAND
Council Meeting
Agenda Item

Agenda Item:	New Business
Date:	9/17/2021

Issue: First Reading and Call for Public Hearing on an Ordinance to Regulate Landing of Helicopters on BHI

Department: Administration

Presented by: Chris McCall

Presentation: No

Background: Pursuant to N.C. Gen. Stat. § 160A-174, the Village of Bald Head Island (the "Village") may enact ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and peace and dignity of the Village.

Attachments: Ordinance Regulating Helicopter Landings

Recommendation: Set Public Hearing Date

Action Needed: Yes

Suggested Motion: "I _____ move that the Bald Head Island Village Council set the date of October 22, 2021 for the Public Hearing on an Ordinance Regulating the Landing of Helicopters on BHI."

Funds: N/A

Follow Up: Village Clerk will submit ad request for public hearing and work with PIO to post public hearing notice on bulletin board, website, and social media.

ORDINANCE NO. 2021-_____

**AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA,
REGULATING HELICOPTER LANDINGS**

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-174, the Village of Bald Head Island (the “Village”) may enact ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and peace and dignity of the Village; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-184, the Village of Bald Head Island (the “Village”) may enact ordinances that regulate, restrict, or prohibit the production or emission of noises or sounds that tend to annoy, disturb, or frighten its citizens and visitors; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-175, the Village may adopt, establish and amend procedures for enforcement of ordinances, including the imposition of fines and penalties for ordinance violations; and

WHEREAS, while the Federal Aviation Administration (“FAA”) has primacy over the safe operation of all aircraft, including helicopters, the FAA recognizes that local governments may regulate aircraft landing sites through their general police and land use powers; and

WHEREAS, the Village has an established history of ensuring that activities undertaken on and the means of transportation utilized by residents and visitors to the Island protect and maintain the maritime forest habitat and the preserve ecological balance on and the scenic qualities of the Island; and

WHEREAS, helicopter transportation impacts the quiet enjoyment, peace and dignity of residential properties on the Island; and

WHEREAS, the Village Council finds it will promote the health and welfare of Village citizens and visitors and will further the peace and dignity of the Village, and is, therefore, in the best interest of the Village, to enact a new section of the Village Code of Ordinances to regulate helicopter landing.

NOW, THEREFORE, BE IT ORDAINED, by the Village of Bald Head Island, North Carolina that:

Section 1. The Village Code is hereby amended to add a new Division 3, Section 16-155 to Chapter 16, Article IV as follows:

Division 3. Generally

Sec. 16-154. Helicopter landings.

(a) *Prohibited.* It shall be unlawful, except for emergency landing purposes, for any person to land a helicopter within the corporate limits of the village without prior approval from the village manager, director of public safety or their designee. This section shall not apply to the operation of a helicopter at the Village's request for rescue or medical transport purposes or to a helicopter owned or operated by a state governmental unit or the government of the United States for any valid public purpose.

(b) *Penalties.* Any person who shall violate this section shall be required to pay a penalty in the amount of \$500.00 pursuant to G.S. 160A-175, which penalty shall be exempt from prosecution under G.S. 14-4. The civil penalty shall be paid during regular business hours at the office of the village clerk or online at the village website within forty-eight (48) hours of issuance of the civil citation.

Section 2. This ordinance shall become effective upon adoption.

Passed and adopted by the Village Council this the ____ day of _____, 2021.

BY: _____
J. ANDREW SAYRE, Mayor

ATTEST:

DARCY SPERRY, Village Clerk