

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 07-2024** - Ordinance of the Borough of Eatontown Entitled **“ORDINANCE OF THE BOROUGH CREATING CHAPTER 172 ENTITLED “HELICOPTERS AND LANDING AREAS””** was passed after a public hearing at the regular meeting of **June 5, 2024** by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

ORDINANCE 07-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ORDINANCE OF THE BOROUGH CREATING CHAPTER 172 ENTITLED “HELICOPTERS AND LANDING AREAS”

WHEREAS, the Borough is expecting substantial development in connection with the development and redevelopment of Fort Monmouth and other significant properties within the boundaries of the Borough of Eatontown; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to regulate the usage of helicopters and helicopter landing areas within the Borough in order to protect the public's health safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Borough Council hereby amends the Borough Code creating a new Chapter 172 entitled “Helicopters and Landing Areas” as follows:

SECTION I.

§172-1. Definitions.

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

AERONAUTICAL FACILITIES-A HELIPORT and HELISTOP as defined herein.

HELICOPTER — An aircraft whose support in the air is derived from the reaction of a stream of air driven downward by one or more lifting rotors turning about substantially vertical axes.

HELIPORT — Any building, structure, area of land, water or waterway used for the takeoff and landing of helicopters having additional facilities to store or fuel or maintain helicopters or having passenger facilities such as waiting rooms, restaurants and passenger terminals.

HELISTOP — Any building, structure, area of land, water or waterway used only for the takeoff and landing of helicopters.

§ 172-2. Permit required.

It shall be unlawful for any person to establish, erect, operate or maintain any Heliport or Helistop for private or commercial purposes unless a permit is obtained from the Borough Council.

§ 172-3. Certifications required.

No permit shall be issued under this article unless the Permittee enters into a Developer's Agreement or Redevelopment Agreement, as appropriate, approved by the Borough Council authorizing the Heliport and Helistop which shall include but not limited to the operation of such Aeronautical Facilities, number of and times of Helicopter takeoffs and landings per day and the times of day takeoffs and landings will be permitted, appropriate notice to the Borough of takeoffs and landings, and approvals from the Building, Engineering, Fire Public Safety and Police Departments certifying to the Borough Council that the proposed Heliport or Helistop will be maintained and will permit the safe ascent and descent of helicopters without danger to persons or to property.

§ 172-4. Issuance of permit.

The Borough Council shall not issue a permit under this article unless it first finds that the proposed Heliport or Helistop will be maintained and will permit the safe ascent and descent of helicopters without danger to persons or to property.

§ 172-5. Permit fees.

A. The fee for the initial issuance of a Helistop permit shall be \$250. The permit shall be issued for a term of one year commencing on January 1 and ending December 31 of the year of its issuance. Renewals of such permit shall be processed and issued in accordance with the provisions of the Borough Code with a renewal fee of \$150 submitted to the Borough Clerk. Renewals of such permit shall be processed and issued in accordance with the provisions of the Borough Code.

B. The fees for the initial permit and for annual renewals thereof for a Heliport permit shall be \$100. The permit shall be issued for a term of one year commencing on January 1 and ending December 31 of the year of its issuance. Renewals of such permit shall be processed and issued in accordance with the provisions of the Borough Code.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.