

**ORDINANCE TO LIMIT HEIGHT OF OBJECTS AND TO REGULATE
PLACEMENT OF CERTAIN STRUCTURES WITHIN SPECIFIC AREAS OF NOISE
LEVEL**

AROUND EASTERN WEST VIRGINIA REGIONAL AIRPORT

REENACTMENT AND AMENDMENT OF BERKELEY COUNTY'S ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE EASTERN WEST VIRGINIA REGIONAL AIRPORT BY CREATING THE APPROPRIATE ZONES PROTECTION AREAS AND ESTABLISHING THE BOUNDARIES THEREOF, PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE EASTERN WEST VIRGINIA REGIONAL AIRPORT PROTECTION MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES.

This Ordinance is re-adopted and amended pursuant to the authority conferred by Chapter 8 Article 24 of the *Code of West Virginia*. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Eastern West Virginia Regional Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Eastern West Virginia Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Eastern West Virginia Regional Airport and the public investment therein. It is further found that noise levels contemplated for future aircraft have the potential of endangering the health, safety, peace and comfort of occupants of land adjacent to the Eastern West Virginia Regional Airport, in areas specifically designated on the Protection Map hereinabove referenced. Accordingly, it is declared:

- (1) that the creation or establishment of an obstruction has, the potential of being a public nuisance and may injure the region served by Eastern West Virginia Regional Airport;
- (2) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are hazardous to air navigation be prevented; and
- (3) that the prevention of these obstructions should be accomplished, to the extent legally possible;
- (4) that the building and/or maintenance of residential and other noise sensitive uses within the 75 decibel and above noise level areas designated on the Protection Map incorporated herein shall be considered a public nuisance, potentially harmful to occupants thereof and

to the continued effective use of the airport property these regulations are intended to protect; and

- (5) that the future building of residential and other noise sensitive uses in the noise level areas designated between 65 and 75 decibels is required to include noise mitigation as specifically set forth and recommended in current Federal Aviation Administration regulations.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

IT IS HEREBY ORDAINED BY THE COUNTY COMMISSION OF BERKELEY COUNTY, WEST VIRGINIA, AS FOLLOWS:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as Eastern West Virginia Regional Airport Approach Protection Ordinance.

SECTION II: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

1. **AIRPORT** — Means Eastern West Virginia Regional Airport.
2. **AIRPORT ELEVATION** — 557 feet above mean sea level.
3. **APPROACH SURFACE** — A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES** - These zones are set forth In Section III of this Ordinance.
5. **BOARD OF APPEALS** — A board consisting of 5 members appointed by the Berkeley County Commission as provided in Chapter 8, Article 24 of the West Virginia Code.
6. **CONICAL SURFACE** — A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

7. HAZARD TO AIR NAVIGATION — An obstruction determined to have an adverse effect on the, safe and efficient utilization of the navigable airspace.
8. HEIGHT — For the purpose of determining the height limits in, all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.:
9. HORIZONTAL SURFACE — A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. LARGER THAN UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and Jet powered aircraft. ,
11. NONCONFORMING USE — Any pre-existing structure, object of natural growth, or use of land which is in existence as of the effective date of this ordinance and is consistent with the provisions of this Ordinance or any amendment thereto.
12. NONPRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight—in nonprecision instrument approach procedure has been approved or planned.
13. OBSTRUCTION — Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
14. PERSON — An individual, firm, partnership, public or private corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
15. PRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
16. PRIMARY SURFACE — A surface longitudinally centered on a, runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as' the elevation of the nearest point on the runway centerline.
- 17., RUNWAY — A defined area on an airport prepared for landing and takeoff of aircraft

along its length.

18. **STRUCTURE** —An object, including a mobile object, constructed or installed by, man, including but not limited to buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
19. **TRANSITIONAL SURFACES** — These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 70 degree angles to the extended runway centerline.
20. **TREE** - Any woody perennial plant.
21. **UTILITY RUNWAY** — A runway that is constructed for and intended to be used by propeller driven aircraft of 12, 500 pounds maximum gross weight and less
22. **VISUAL RUNWAY** — A runway intended solely for the operation of aircraft using visual approach procedures.
23. **NOISE LEVEL AREAS** – Areas within the footprint of the airport runways in which the level of noise currently created and expected to be created by future aircraft uses exceeds safe decibel levels, specifically, levels of 65 decibels and above.

SECTION III: AIRPORT ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Eastern West Virginia Regional Airport. Such zones are shown on Eastern West Virginia Regional Airport Protection Map consisting of one sheet, dated May 4, 2004, which is attached to this Ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows; -

1. **Utility Runway Visual Approach Zone** — The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Utility Runway Nonprecision Instrument Approach Zone** — The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the

centerline of the runway.

3. Runway Larger Than Utility Visual Approach Zone — The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone — The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Mile Nonprecision Instrument Approach Zone — The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. Precision Instrument Runway Approach Zone — The inner edge of this -approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
7. Transitional Zones — The transitional zones are the areas beneath the transitional surfaces.
8. Horizontal Zone — The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
9. Conical Zone — The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.
10. Runway Protection Zone — Such zones are a trapezoidal area off the end of the runway end that serves to enhance the protection of people and property on the ground in the event an aircraft lands or crashes beyond the runway end. Runway Protection Zones underlie a portion of the approach closest to the airport.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone — Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Utility Runway Nonprecision Instrument Approach Zone — Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. Runway Larger Than Utility Visual Approach Zone — Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to: a horizontal distance of 5,000 feet along the extended runway centerline.
4. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone — Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Mile Nonprecision Instrument Approach Zone — Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. Precision Instrument Runway Approach Zone — Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward, forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
7. Transitional Zones — Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 557 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical

surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway center line

8. Horizontal Zone — Established at 150 feet above the airport elevation or at a height of 250 feet above mean sea level.
9. Conical Zone — Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

SECTION V: USE RESTRICTION

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION VI: NONCONFORMING USES

1. Regulations Not Retroactive — The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is actively proceeding to completion. Provided, however, That nothing herein shall be construed so as to permit nonconforming uses such as residences and places of public assembly (Churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly.) to remain within the Runway Protection Zones or in the areas of 75 decibel noise level and above established herein or to be constructed within such Zones and noise level areas if such construction was commenced prior to the effective date of this Reenacted and Amended Ordinance.
2. Marking and Lighting — Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be

deemed necessary by the Planning Commission or its designee to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Eastern West Virginia Regional Airport Authority.

3. Mandatory Disclosures ---All sellers of real property situate in Berkeley County, including owners of such property and real estate agents assisting in the sale of such property, which property is located so as to be affected by the provisions of this Ordinance, are hereby required to disclose, in writing, to potential purchasers of such property the applicable restrictions on the use of such property and the noise mitigation requirements which obtain pursuant to this Ordinance.

SECTION VII: PERMITS

1. Future Uses — Except as specifically provided in a, b and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient data to determine whether the resulting use, structure, or tree would conform to the regulations, herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section VII, Article 4.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - b. In areas lying within, the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, as the same exist or are contemplated at the time of re-adoption and reenactment of this ordinance, all as shown on the Protection map incorporated herein, no permit shall be required for any tree or structure less than seventy—five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or

intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

2. Existing Uses — No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. Nonconforming Uses Abandoned or Destroyed - If any nonconforming use of land shall cease for any reason whatsoever through a period of 180 consecutive days, said nonconforming use shall be deemed to have been abandoned and the applicable regulations shall apply to the area in question. Whenever the Planning Director determines that a nonconforming tree or structure has been abandoned or destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these regulations.
4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, and will be in accordance with the intent of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Appeals unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Board of Appeals may act on its own to grant or deny said application. .
5. Obstruction Marking and Lighting — Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense such marking and lights as may be necessary. If deemed proper by the Board of Appeals, this condition may be modified to require the owner to permit the Eastern West Virginia Regional Airport

Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION VIII: ENFORCEMENT

It shall be the duty of the Planning Commission or its designee to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Planning Commission or its designee upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Planning Commission or its designee shall be promptly considered and granted or denied. Application for action by the Board of Appeals shall be forthwith transmitted by the Planning Commission..

SECTION IX: BOARD OF APPEALS

1. There is hereby created a Board of Appeals to have and exercise the following powers: (1) to expeditiously hear and decide appeals from any order, requirement, decision, or determination made by the Planning Commission or its designee in the enforcement of this Ordinance; (2) to expeditiously hear and decide special exceptions to the terms of this Ordinance upon which such Board of Appeals under such regulations may be required to pass; and (3) to expeditiously hear and decide specific variances.
2. The Board of Appeals shall consist of five members appointed by the Berkeley County Commission and each shall serve for a term of three years until a successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years.
3. The Board of Appeals shall adopt rules for its governance and in harmony with the provisions of this Ordinance and Chapters 8, Article 24 of the West Virginia Code. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Appeals shall be public. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Planning Commission.
4. The Board of Appeals shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.
5. The concurring vote of a majority of the members of the Board of Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the Planning Commission or its designee or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation to this Ordinance.

SECTION X: APPEALS

1. Any person aggrieved by any decision of the Planning Commission or its designee, made in the administration of this Ordinance, may appeal to the Board of Appeals.
2. All appeals hereunder must be taken within 30 days of the date of the decision appealed from and as provided by the rules of the Board of Appeals, by filing with the Planning Commission or its designee a notice of appeal specifying the grounds thereof. The Planning Commission or its designee shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Planning Commission or its designee certifies to the Board of Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Planning Commission or its designee cause imminent peril to life or property. In such case, proceedings shall not be stayed except by restraining order of the Berkeley County Circuit Court on notice to the Planning Commission.
4. Publication of Notice — The Planning Commission or its designee shall publish once at the expense of the applicant, a notice of the public hearing. This notice shall be published in a paper of general circulation in the city or county, not less than thirty days prior to the date set for the hearing. The notice shall include the application number and the date, time and place of the hearing, summary of the variance or appeal, and the location of the property, its area, and name of the owner.
5. The Board of Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances and forthwith notify the appellant of its decision in writing including the reasons therefore.

SECTION XI: JUDICIAL REVIEW

Any person aggrieved by any decision of the Board of Appeals may appeal to the Circuit Court as provided in Article 24 of Chapter 8 of the *Code of West Virginia*.

SECTION XII: PENALTIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not less than \$500.00 nor more than \$1,000.00; and each day a violation continues to exist shall constitute a separate offense.

SECTION XIII: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

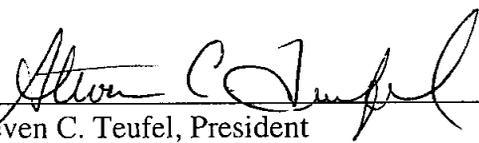
SECTION XIV: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

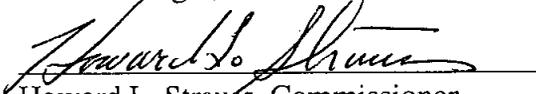
SECTION XV: EFFECTIVE DATE

The effective date of this reenactment and amendment shall be upon the adoption of the same by the Berkeley County Commission.

Re-adopted as amended this the 2d day of September, 2004



Steven C. Teufel, President

John E. Wright, Commissioner


Howard L. Strauss, Commissioner



County Commission of Berkeley County



126 WEST KING STREET
MARTINSBURG, WEST VIRGINIA 25401
PHONE (304) 264-1923

THE COMMISSION

HOWARD L. STRAUSS, COMMISSIONER
POST OFFICE BOX 1812
MARTINSBURG, WEST VIRGINIA 25402

STEVEN C. TEUFEL, COMMISSIONER
POST OFFICE BOX 1050
MARTINSBURG, WEST VIRGINIA 25402

JOHN E. WRIGHT, COMMISSIONER
POST OFFICE BOX 357
BUNKER HILL, WEST VIRGINIA 25413

www.berkeleycountycomm.org

DEBORAH HAMMOND
COUNTY ADMINISTRATOR

SHERRY A. CAIN
ADMINISTRATIVE SECRETARY

MEMORANDUM

TO: Pamela Jean Games-Neely, Prosecuting Attorney.
Sue Ann Morgan, Planning Director
W. Randy Smith, Sheriff
William Teach, County Engineer

FROM: Steven C. Teufel, President *LC*
Howard L. Strauss, Commissioner *HS*
John E. Wright, Commissioner

DATE: September 9, 2004

RE: Ordinance to Limit Height of Objects and to Regulate the Placement of
Certain Structures Within Specific Areas of Noise Level Around the
Eastern West Virginia Regional Airport

At the Thursday, September 3, 2004 meeting of the Berkeley County Commission action was taken to approve the attached ordinance with amendments. The revised version was provided to the Commission at the September 9 meeting and signed by the Commission. A copy of the final version of this ordinance is attached for your records.

County Engineer William Teach will be working with the original map related to this ordinance so that it can be scaled in a manner that will create an overlay on the County's MSAG maps. In this manner, the map will be accessible via the County's website for evaluation by all users.

Should you have any questions, do not hesitate to contact the offices of the Berkeley County Commission at 264-1923.

Doc: memapo/st/hs/jw/dh
Attachment: Airport Protection Ordinance