

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 3.5, AIRPORTS, HELIPORTS, TAKEOFFS, AND LANDINGS OF THE BROKEN ARROW CODE OF ORDINANCES PROVIDING FOR SPECIAL USE PERMITS FOR COMMERCIAL AIR TOUR OPERATIONS; AMENDING SECTIONS 3.5-1, 3.5-2, 3.5-2.1, 3.5-3, 3.5-4, AND 3.5-5; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Broken Arrow, Oklahoma, desires to regulate the operation of airports, heliports, and aircraft takeoffs and landings within the city limits to protect public health, safety, and welfare; and

WHEREAS, the City Council recognizes the need to allow limited commercial air tour operations under specific conditions to minimize impacts on surrounding properties and ensure compatibility with community standards; and

WHEREAS, amendments to Chapter 3.5 of the Broken Arrow Code of Ordinances are necessary to clarify permitted activities, establish a special use permit process, and update related provisions; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:

SECTION I. Section 3.5-1 is hereby amended to read as follows:

Sec. 3.5-1. Operation of airports, heliports, etc., within city limits prohibited; exceptions.

No person shall operate any airport, heliport, air terminal, landing field, or landing site within the city limits; provided this prohibition shall not apply to:

- (1) Any heliport used by and associated with an ambulance service or hospital which is duly licensed by the state to serve Broken Arrow, and which is primarily used for the transportation by air of sick or injured persons, medical supplies, and health care providers; or
- (2) A landing site authorized under a special use permit issued pursuant to Sec. 3.5-2.1.

SECTION II. Section 3.5-2 is hereby amended to read as follows:

Sec. 3.5-2. Permitted locations for takeoffs and landings.

No airplane or helicopter shall take off from or land upon any land, building, or structure within the city limits except:

- (1) At a permanent heliport allowed by applicable law; or

- (2) At a site specifically authorized by city council for such activity as a temporary use under such terms and conditions as the council may prescribe; or
- (3) As necessary to respond to an emergency involving a threat to human life or to property; or
- (4) At the location of a nonrecurring event, in which fewer than six landings or takeoffs are anticipated during any semiannual period; or
- (5) At a site authorized under a special use permit issued pursuant to Sec. 3.5-2.1.

SECTION III. A new section 3.5-2.1 of the Broken Arrow Code of Ordinance is hereby enacted to read as follows:

Sec. 3.5-2.1. Special use permit for commercial air tour operations.

- (a) Purpose. The special use permit is established to allow limited commercial air tour operations within the city limits, subject to conditions that minimize impacts on surrounding properties and ensure compatibility with community standards.
- (b) Eligibility. A special use permit may be issued only to a property owner of land within the city limits of Broken Arrow who seeks to authorize commercial air tour operations on their property. The permit shall not be issued to non-property owners or operators directly.
- (c) Application Requirements. An application for a special use permit shall be submitted to the city clerk and include:
 - (1) The name, address, and contact information of the property owner;
 - (2) A detailed description of the proposed landing site, including a site plan showing the landing zone and its distance from adjacent property lines;
 - (3) The proposed hours of operation, which shall be limited to between 10:00 a.m. and 6:00 p.m. unless otherwise approved by the city;
 - (4) The anticipated number of takeoffs and landings during the permit period;
 - (5) The specific date(s) for which the permit is requested, not to exceed a single calendar day per permit;
 - (6) Evidence that the landing zone is at least 300 feet from the property line of any adjacent land not owned by the applicant;
 - (7) A noise mitigation plan to minimize disturbance to surrounding properties; and
 - (8) Any additional information required by the city clerk.
- (d) Notice and Posting. The applicant shall:
 - (1) Post a sign on the proposed landing site at least ten days prior to the issuance of the permit, with dimensions and lettering comparable to signs used in zoning applications within Broken Arrow, indicating the proposed use, date(s), and hours of operation;
 - (2) Provide written notice to all property owners within 300 feet of the landing site at least ten days prior to the issuance of the permit, including the same information as the posted sign.
- (e) Review and Issuance.

- (1) The city clerk, or their designee, shall review the application for completeness and compliance with this section.
- (2) The city clerk may refer the application to the special events committee for a recommendation.
- (3) The city clerk shall issue the permit if all requirements are met, subject to any additional conditions deemed necessary to protect public health, safety, and welfare.
- (4) The permit shall specify the authorized location, date(s), hours of operation, and any additional conditions.

(f) Operational Restrictions.

- (1) Operations under a special use permit shall be limited to the hours of 10:00 a.m. to 6:00 p.m., unless otherwise specified in the permit.
- (2) The landing zone shall remain at least 300 feet from the property line of any adjacent land not owned by the permit holder.
- (3) The permit holder and operator shall comply with all applicable federal, state, and local laws, including Federal Aviation Administration regulations.
- (4) The city may revoke the permit for noncompliance with its terms or if operations pose a threat to public safety or welfare.

(g) Permit Limitations.

- (1) A special use permit shall be valid only for the specific date(s) and location specified.
- (2) No property owner may be issued more than six special use permits in any semiannual period unless approved by the city council.

SECTION IV. Section 3.5-3 is hereby amended to read as follows:

Sec. 3.5-3. Applications for use of land under this chapter; notice.

- (a) Except as provided in Sec. 3.5-2.1, an applicant for the use of land under this chapter shall cause the site to be posted and give written notice to the surrounding property owners, located within 300 feet of the landing site, of the application at least ten days in advance of the hearing. The sign shall have the dimensions and size of lettering comparable to the sign used in zoning applications within Broken Arrow.
- (b) Applications under this section may be referred to the special events committee for recommendation.

SECTION V. Section 3.5-4 is hereby amended to read as follows:

Sec. 3.5-4. Items considered at hearing on application.

At any hearing on an application under this chapter, except for applications under Sec. 3.5-2.1, consideration shall be given to the openness and lack of development of the land, the location of

electrical and natural gas lines, the distance to private residences, the frequency of the use, and the volume of sound anticipated.

SECTION VI. Section 3.5-5 is hereby amended to read as follows:

Sec. 3.5-5. Scope of chapter.

The provisions of this chapter are intended to regulate all "heavier than air" craft regardless of configuration, construction or means of propulsion. The provisions of this chapter are not intended to regulate "lighter than air" craft such as hot air balloons.

SECTION VII. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION VIII. Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IX. Effective Date.

This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Broken Arrow, Oklahoma, this _____ day of _____, 2025.

ATTEST:

MAYOR

(Seal) CITY CLERK

APPROVED:

CITY ATTORNEY