



Legislation Text

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Resolution to Extend Provisions of the Ann Arbor City Code and City Rules and Regulations that Pertain to Site Development, Construction and Management of the Airport Buildings, Landing Fields and Other Aeronautical Facilities at the Ann Arbor City Airport and to Authorize City Staff to Exercise Their Authority under those Provisions over Said Aeronautical Facilities

The City on occasion constructs new facilities at the City Airport that are used for airport purposes. The City currently is constructing new box hangars at the Airport. The Charter Township of Pittsfield has raised some issues regarding the City's authority to undertake construction at the Airport without Township review and approval. For facilities that are used for aeronautical purposes, it is clear that the construction does not need to comply with Township Zoning, planning and construction requirements and that the Township does not have the right to review, approve, issue permits for or inspect what the City is doing. Nevertheless, City staff would like to formalize the applicability of relevant City Code provisions and the authority of City staff to review and approve all aspects of development and construction of all aeronautical facilities at the City Airport.

On or about January 15, 1979, the City of Ann Arbor and the Charter Township of Pittsfield entered into an agreement entitled "Policy Statement" in which the City and Township agreed that municipal construction on Airport lands are exempt from Township zoning, planning and construction regulation, provided such exemption is not in conflict with applicable law. Although the distinction in the Policy Statement is between "municipal" construction and other construction, a reading that limits the exemption to construction that is for aeronautical purposes is consistent with applicable law.

Section 51 of the Michigan Aeronautics Code (MCL 259.51(1)) provides in part,

"The [Michigan aeronautics] commission has general supervision over aeronautics within this state. . . . The commission shall establish and encourage the establishment of airports, landing fields, and other aeronautical facilities. The commission shall promulgate rules that it considers necessary and advisable for the public safety governing the designing, laying out, location, building, equipping, and operation of airports and landing fields and shall exercise exclusive authority to approve the location and operation of airports, landing fields, and other aeronautical facilities within the state, so as to assure a uniformity in regulations covering aeronautics."

Section 133 of the Michigan Aeronautics Code (MCL 259.133(c)) provides in part that a political subdivision that has established an airport, landing field, or other aeronautical facility may,

"Adopt and amend all necessary rules, regulations, and ordinances, for the management, government, and use of any properties under its control, whether within or outside of its territorial limits; appoint airport guards or police, with full police powers; establish penalties for the violation of the rules, regulations, and ordinances, and enforce the penalties."

Thus, control by the City over all aspects of development and construction of aeronautical facilities at

the City Airport conforms with applicable law and the Policy Statement provision that exempts such facilities from compliance with Township zoning, planning and construction requirements is not in conflict with applicable law. In the Policy Statement, the City committed to submitting plans for such construction to the Township for review and comment. Although a courtesy review and opportunity for comment of this sort is not required by law, City staff does not propose that this practice be discontinued.

The attached Resolution serves to formalize the applicability of relevant City Code provisions and the authority of City staff to review and approve all aspects of development and construction of all aeronautical facilities at the City Airport, with direction for additional steps to be taken if needed.

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Reviewed by: Sue McCormick, Public Services Area Manager

Approved by: Roger Fraser, City Administrator

Whereas, The Michigan Aeronautics Code, including but not limited to Sections 51 and 133 (MCL 259.51(1) and MCL 259.133(c)), provides for the City to have authority over the management, government and use of the City Airport properties , even though the City Airport is located within the geographic boundaries of the Charter Township of Pittsfield;

Whereas, On or about January 15, 1979, the City of Ann Arbor and the Charter Township of Pittsfield entered into an agreement entitled "Policy Statement" in which the City and Township agreed that municipal construction on Airport lands for aeronautical purposes are exempt from Township zoning, planning and construction regulation, provided such exemption is not in conflict with applicable law; and

Whereas, The City desires to formalize and extend, if necessary, the City and City staff's authority over construction, operation and use of the airport property for aeronautical purposes in accordance with requirements of the Michigan Aeronautics Code;

RESOLVED, That all aeronautical facilities at the Airport will be developed and constructed to comply with the Airport Master Plan, including zoning, construction and site plan requirements incorporated into the Airport Master Plan;

RESOLVED, That all aeronautical facilities at the Airport will be constructed in accordance with the Building Code, Electrical Code, Mechanical Code, Plumbing Code and applicable regulations promulgated by the State of Michigan under the authority of the Stille-DeRossett-Hale Single State Construction Code Act PA 230 of 1972, as amended, and as enforced by the City of Ann Arbor in accordance with Chapter 100 of the Ann Arbor City Code;

RESOLVED, That all aeronautical facilities at the Airport also will be developed and constructed in accordance with other applicable City Code provisions, City regulations and applicable state statutes and regulations, including but not limited to applicable stormwater, soil erosion and sedimentation controls;

RESOLVED, That City staff shall be responsible for reviewing and enforcing all aspects of construction and site plan requirements for aeronautical facilities at the Airport, in accordance with and to the extent allowed by law;

RESOLVED, That in accordance with its commitment in the 1979 Policy Statement, the City will

continue to give the Township the opportunity to review and comment on plans for municipal construction on the airport lands; and

RESOLVED, That the City Administrator be directed to take whatever further steps are determined to be necessary, if any, to implement this Resolution, including but not limited to bringing forward for City Council approval any amendments to the City Code that are required and taking steps to amend City rules and regulations if needed.