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STATE OF SOUTH CAROLINA  
COUNTY OF JASPER  
ORDINANCE # 19-14

AN ORDINANCE OF JASPER COUNTY COUNCIL

To amend the Jasper County Code of Ordinances, including Article IV, *Boards and Commissions* of Chapter 2, *Administration*, so as to provide a new Division 7, *Jasper County Aeronautics Commission*, including provisions regarding the appointment, qualifications, duties, and responsibilities of the Aeronautics Commission, and to add a new Chapter 29 to the Jasper County Code of Ordinances, *Aviation*, so as to adopt certain standards, rules and regulations, and related matters regarding the aeronautical and other activities at the Ridgeland – Claude Dean Airport, and matters related to the foregoing.

**WHEREAS**, the Jasper County Aeronautics Commission (County Aeronautic Commission) was originally enabled pursuant to South Carolina Acts and Joint Resolutions Act No. 12 (1949); and

**WHEREAS**, subsequently, in recognition of the Home Rule Act, appointive powers to the County Aeronautics Commission were devolved to Jasper County in accordance with § 4-9-170 of the Code of Laws of South Carolina, (1976 as amended); and

**WHEREAS**, with recent improvements to the Ridgeland Claude Dean Airport and the use of federal funds for the improvements, it has become necessary and desirable to provide for updated provisions regarding the County Aeronautics Commission, aeronautical operations and airport standards; and

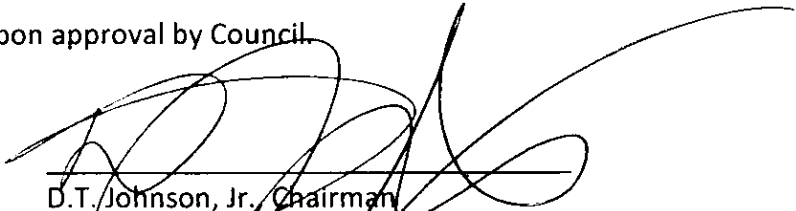
**WHEREAS**, Jasper County Council desires to adopt various amendments to the Code of Ordinances to accomplish these purposes;

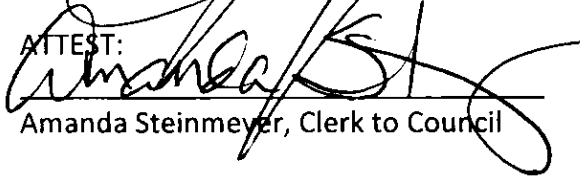
**NOW THEREFORE, BE IT ORDAINED**, by the Jasper County Council duly assembled and by the authority of same:

1. Chapter 2, *Administration*, of Article IV, *Boards, Commissions and Committees*, is amended by adding a new Division 7, *Jasper County Aeronautics Commission*, attached hereto as Sections 2-216 through 2-400.
2. A new Chapter 29, *Aviation*, is added to the Jasper County Code of Ordinance, attached hereto as Sections 29-1 through 29-100.
3. The *Rules and Regulations, Minimum Standards for Aeronautical Services*, and *Minimum Standards for Aircraft Hanger Construction* referenced in Chapter 29, Articles III, IV, and V, are attached hereto as a collective Exhibit B and are incorporated by reference in Chapter 29 of the Jasper County Code of Ordinances.
4. Provisions of ordinances previously adopted by County Council which are not consistent with the restrictions and requirements of this Ordinance 2019-14 are deemed superseded.
5. If any section, clause, paragraph, sentence or phrase of this ordinance, or the application thereof to any person or circumstances shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence, phrase or application is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence, phrase or application shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have been passed notwithstanding

the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

6. This ordinance shall take effect upon approval by Council.

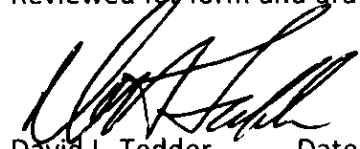
  
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D.T. Johnson, Jr., Chairman

ATTEST:  
  
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Amanda Steinmeyer, Clerk to Council

ORDINANCE 19- 14

First Reading: January 22, 2019  
Second Reading: June 3, 2019  
Public hearing: June 3, 2019  
Adopted: June 18, 2019

Reviewed for form and draftsmanship by the Jasper County Attorney.

  
David L. Tedder Date: June 18, 2019

## **Jasper County, South Carolina Code of Ordinances**

### **Chapter 29 – Aviation**

#### **Article I. – In General**

##### **Sec. 29-1. - Ownership and Authority**

- (a) Jasper County is the owner of the land structures, improvements and appurtenances of the Ridgeland Claude Dean Airport, and has the right to and does hereby regulate all commercial enterprises using the airport, whether such operations are aeronautical or non-aeronautical in nature. No commercial operation of any kind shall be conducted on the airport without specific approval, as delegated by Jasper County Council to the County Administrator.
- (b) Pursuant to South Carolina Acts and Joint Resolutions Act No. 12 (1949), The General Assembly of South Carolina created the Jasper County Aeronautics Commission (“County Aeronautics Commission”), which, among other things, provides that certain powers and authorities are granted to the Commission, and that these powers and authorities extended are cumulative and in addition to all powers and authorities said Commission may have by virtue of the provisions of any other Act, Statute or law.
- (c) Pursuant to Section 4-9-70 of the Code of Laws of South Carolina (1976 as amended), County Council has the appointive powers for all boards committees and commissions whose appointment is not provided for by general law or the Constitution; accordingly County Council has provided for appointments to the Jasper County Aeronautics Commission in Chapter 2, Article IV, Division 7 (being Sections 2-210 et seq. of the codified Jasper County Code of Ordinances), as well as certain other matters related to the Jasper County Aeronautics Commission.
- (d) Jasper County has delegated certain powers regarding operation and other matters of the Jasper County Claude Dean Airport to the County Aeronautics Commission or the County Administrator, as set forth hereinafter and other Sections of the Code of Ordinances, including Chapter 29 of the Jasper County Code of Ordinances.

### **Sec. 29-2. - Applicability**

- (a) All ordinances of the county shall be and are hereby made applicable to Ridgeland – Claude Dean Airport and shall be enforceable as if the airport were situated entirely within the unincorporated limits of Jasper County, South Carolina pursuant to the authority of South Carolina Code of Laws 55-9-30, *Establishment of Airports*.
- (b) All law enforcement powers of the sheriff's department to enforce the laws of Jasper County, the State of South Carolina and the United States of America are hereby confirmed to apply to airport facilities, pursuant to the authority of South Carolina Code of Laws 55 – 9 – 360, *Administration and Enforcement of Airport Regulations*.
- (c) This chapter shall apply to all prospective and current users and tenants of the Ridgeland – Claude Dean Airport and all improvements thereon.

### **Sec. 29-3. – Statement of Policy**

- (a) Jasper County and the County Aeronautics Commission shall provide at the Ridgeland – Claude Dean Airport a fair and reasonable opportunity, without unlawful discrimination, to applicants to qualify or otherwise compete, for available airport facilities and the furnish selected aeronautical activities subject to the minimum standards established by the county. The county has the right to revise ordinances and resolutions, from time to time, relating to:
  - (1) The Jasper County Aeronautics Commission
  - (2) Rules & Regulations
  - (3) Minimum Standards for Aeronautical Services
  - (4) Minimum Standards for Aircraft Hangar Construction
  - (5) Airport Compatibility Overlay District
- (b) These standards, among other things, set forth the minimum requirements to be met by individuals, groups, or organizations seeking to use or conduct aeronautical activities at the airport.
- (c) The county's objectives in adopting these standards are to protect the level and quality of aeronautical activities offered to the public, and to encourage the development of quality aeronautical services and facilities at the airport. All operators, being defined as any person, firm, partnership, corporation, association or group providing any one or a combination of aeronautical services to or for aviation users at the Airport, are encouraged to exceed the minimums.
- (d) Prior to starting any operation(s), a potential operator must enter into a written contract with the county. The contract will cite the terms and conditions under which the aeronautical activities will be conducted on

- the airport, including, but not limited to, the term of the agreement, the fees and charges, and the rights and obligations of the respective parties.
- (e) The granting of such right or privilege, however shall not be construed to extend to any operator or prospective operator any exclusive or continuing right of use of the premises or facilities of the airport, other than those premises leased exclusively to the operator, for the term of the lease, and then only to the extent in the written lease.
  - (f) Lease terms shall not exceed fifty (50) years. However, the standard term shall be twenty (20) years plus possible option(s) totaling ten (10) years. Improvements, structures or facilities built, to be built, constructed, or placed upon the airport shall revert to the county upon termination of the lease or contract with the county.

#### **Sec. 29-4. - Finances**

- (a) County Council may appropriate to the airport such sums of money deemed necessary for acquiring, establishing, developing, operating, maintaining and controlling the airport.
- (b) Airport fees shall be set forth in the fee schedule adopted by County Council Resolution from time to time.
- (c) The County Administrator shall set the airport fuel and consumable prices, after consultation with the airport manager.
- (d) All revenues derived from the airport must be obligated to expenses incurred at or on behalf of the airport.

#### **Sec. 29-5. - Waivers**

- (a) The county may waive all or any portion of these standards for the benefit of governmental agencies performing public services for:
  - 1. The general public in time of emergency
  - 2. Emergency medical or rescue services to the public
  - 3. Fire prevention or firefighting operations
- (b) Waivers by the County may be made by Resolution, or by the exercise of authority delegated to the County Administrator by County Council.

#### **Sec. 29-6 through 29-15. Reserved.**

## **Article II. – Jasper County Aeronautics Commission**

### **Sec. 29-16. Authority.**

- (a) In accordance with state law and as provided in Section 29-1 above, the Jasper County Aeronautics Commission has been created and empowered in regards to the operation, maintenance and control of the Ridgeland Claude Dean Airport. Provisions regarding such are found in Chapter 2, Article IV, Division 7 of the Code of Ordinances.
- (b) Pursuant to the powers and authorities provided to Jasper County, and as owner of the Ridgeland Claude Dean Airport, Jasper County hereby adopts the following Articles regarding Rules and Regulations, Minimum Standards for Aeronautical Services, and Minimum Standards for Hangar Construction. Provisions regarding the Airport Compatibility Overlay District have previously been adopted and are set forth in Section 8.3 of Appendix A of the Jasper County Code of Ordinances.

### **Sec. 29-17 through 29-20. Reserved.**

## **Article III. – Rules & Regulations**

### **Section 29-21.**

- (a) County Council hereby adopts by reference *Rules & Regulations*, May 7, 2019 edition.
- (b) A copy of such *Rules & Regulations*, May 7, 2019 edition shall be maintained in the office of the county Clerk to Council and in the office of the airport manager.
- (c) County Council may amend the *Rules & Regulations* by resolution adopted by County Council from time to time.

### **Sec. 29-22 through 29-25. Reserved.**

## **Article IV. – Minimum Standards for Aeronautical Services**

### **Section 26.**

- (a) County Council hereby adopts by reference *Minimum Standards for Aeronautical Services*, May 8, 2019 edition.
- (b) A copy of such *Minimum Standards for Aeronautical Services*, May 8, 2019 edition shall be maintained in the office of the county Clerk to Council and in the office of the airport manager
- (c) County Council may amend the *Minimum Standards for Aeronautical Services*, by resolution adopted by County Council from time to time.

**Sec. 29-27 through 29-30. Reserved.**

## **Article V. – Minimum Standards for Aircraft Hangar Construction**

### **Section 29-31.**

- (a) County Council hereby adopts by reference *Minimum Standards for Aircraft Hangar Construction*, May 10, 2019 edition.
- (b) A copy of such *Minimum Standards for Aircraft Hangar Construction*, May 10, 2019 edition shall be maintained in the office of the county Clerk to Council and in the office of the airport manager.
- (c) County Council may amend the *Minimum Standards for Aircraft Hangar Construction* by resolution adopted by County Council from time to time.

**Sec. 29-32 through 29-35. Reserved.**

## **Article VI. – Airport Compatibility Overlay District**

### **Section 29-36.**



- (a) County Council has previously adopted maps, terms and conditions for the Airport Compatibility Overlay District by Ordinance dated April 7, 2014, codified at Section 8.3 of Appendix A of the County Code of Ordinances.
- (b) The provisions of the Airport Compatibility Overlay District standards may be amended from time to time by ordinance adopted by County Council pursuant to provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended.

**Sec. 29-37 through 29-100. Reserved.**