



**AGENDA ITEM 13**  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 729-2654

**TO:** Mountain Village Town Council  
**FROM:** Paul Wisor, Town Manager; David McConaughy, Town Attorney  
**DATE:** January 18, 2024  
**RE:** Ordinance Adding New Chapter 10.13 to the Mountain Village Municipal Code Concerning Helicopters

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**Executive Summary:** Council is asked to consider on first reading an ordinance prohibiting helicopters from landing or taking off within the Town except at authorized airport fields or helistops and except in the event of an emergency.

### **Overview**

Currently, the Town has no regulations regarding the operation of helicopters within Town limits. The Town has received complaints of the landing and taking off of helicopters on private property. Noise levels and safety for residents are the primary concerns.

As written, the proposed ordinance would:

- prohibit any person owning, piloting, or operating any aircraft including helicopter from landing or taking off within the corporate limits of the Town, except at an authorized airport field or helistop location;
- prohibit any owner or lessee of real property within the Town from permitting any aircraft including helicopter from landing on or taking off from such property;
- prohibit the establishment of new heliports within the Town;
- acknowledge pre-existing helistops and heliports, such as the Helitrax heliport;
- provide an exception for emergency uses; and
- exempt aircrafts owned or operated by governmental agencies.

### **Financial Considerations**

None. Other than the Helitrax heliport, there are no other helistops or heliports now in existence that would be impacted by the enactment of the ordinance.

### **Proposed Motion**

Motion to approve on first reading an Ordinance Adding New Chapter 10.13 to the Mountain Village Municipal Code Concerning Helicopters and to set a second reading, public hearing, and final Council vote for the \_\_\_\_\_, 2024, regular Council meeting.

**ORDINANCE NO. 2024-\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO ADDING NEW CHAPTER 10.13 TO THE MOUNTAIN VILLAGE MUNICIPAL CODE  
CONCERNING HELICOPTERS**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, pursuant to its home rule authority and the provisions of C.R.S. 31-15-101, *et seq.*, the Town has the power and authority to regulate businesses and to provide for the health, safety and welfare of the citizens of the Town; and

WHEREAS, the Town Council finds that the unrestricted operation, landing, and takeoff of helicopters within the Town presents a danger to the citizens and negatively impacts the peaceful and quiet enjoyment of areas within the Town and its surrounding natural environment; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of its citizens to prohibit the establishment of new heliports and helistops within the Town as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment. The Town Council hereby amends the Code by the addition of a new Chapter 10.13 as follows:

**10.13 AIRCRAFT**

**10.13.010 Purpose.**

This Chapter provides standards and requirements for the operation of aircrafts including helicopters within the Town for the purpose of protecting the health, safety, and welfare of the public by:

1. Prohibiting the establishment of new landing areas not associated with medical facilities;
2. Ensuring existing helistop compatibility with noise-sensitive land areas;
3. Protecting noise-sensitive land areas from disturbing levels of aircraft noise;
4. Ensuring the safety of citizens; and
5. Protecting property values.

**10.13.020 Definitions.**

- A. *Aircraft.* An aircraft is a powered or unpowered machine or device capable of atmospheric flight, except a parachute or other such device used primarily as safety equipment.

- B. *Helicopter.* A helicopter is an aircraft that depends for its motion and support in the air principally upon the lift generated by one or more power-driven rotors that rotate on substantially vertical axis but excluding unmanned aircraft that are operated without the possibility of direct human intervention from within or on the aircraft.
- C. *Heliport.* A heliport is an area of land or water or a structural surface which is used, or intended for use, for the landing and take-off of helicopters whether on a regular or irregular basis, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.
- D. *Helistop.* A helistop is the same as a heliport except that no refueling, maintenance, repairs or storage of helicopters is permitted. Helistop shall not include an area of land or water or a structural surface that is used exclusively or intended for exclusive use for the landing and take-off of aerial helicopter ambulances used in emergency situations.

**10.13.030 Aircraft and Helicopter Landings at Authorized Locations Only.**

- A. The following existing heliports and helistops are acknowledged as pre-existing uses under this Chapter and shall continue to be authorized in their existing locations:

Helitrax heliport located west of the Peaks Resort (136 Country Club Drive) on OS 1 R 1

- B. It shall be unlawful for any person owning, piloting, or operating any aircraft including helicopter to land or take off the same, or permit the same to be landed or to take off, within the corporate limits of the Town of Mountain Village, Colorado, except at an authorized airport field or helistop location.
- C. It shall be unlawful for any owner or lessee of real property within the Town to permit any aircraft including helicopter to land on or take off from such property unless authorized as set forth herein.
- D. It shall be unlawful for any person to establish, maintain, or operate any airport field, heliport, or helistop, except for the existing facilities described above in Subsection (A), provided, however, the Town Council may authorize a new heliport or helistop to be operated as part of a medical center or hospital providing emergency medical services to the community. Any such authorization may be subject to reasonable conditions to address the factors under Section 10.13.010, above.
- E. This Section shall not apply in the event of an emergency involving the safety of any aircraft including helicopter or its passengers, nor in those instances where the aircraft or helicopter is involved in the performance of rescue, search, law enforcement, medical evacuation, firefighting, or civil defense duties.

**10.13.040 Existing Heliports and Helistops.**

- A. No heliports may be erected or maintained within the Town except as set forth above.
- B. This Section shall not prohibit helistops lawfully in existence before the effective date of this Section. Any change or substantial extension of the use of the existing helistop may be authorized in the discretion of the Town Council and may include conditions to address the factors under Section 10.13.010, above. This Section shall not be construed as exempting an existing helistop from complying with all applicable Mountain Village Municipal Code provisions and state and federal regulations.

**10.13.050 Exemptions.**

This Chapter shall not apply to any aircraft including helicopters owned or operated by the state or federal government or any political subdivision, department, or agency of the state or federal government. Nothing herein is intended to preclude or limit the aerial use of helicopters within the Town for facility operations or maintenance, tourist or ski flights, forestry, construction, or other lawful purposes.

**10.13.060 Penalties.**

Should any person violate this Chapter, such person may be assessed a fine or penalty as provided in Section 1.08.010 of the Municipal Code for each offense. The Town is further authorized to seek injunctive relief from the municipal court to prevent future violations.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Public Hearing. A public hearing on this Ordinance was held on the \_\_\_ day of \_\_\_\_\_, 2023 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 6. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

**INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the \_\_\_ day of \_\_\_\_\_, 2024.**

**TOWN OF MOUNTAIN VILLAGE:**

**TOWN OF MOUNTAIN VILLAGE, COLORADO,  
A HOME-RULE MUNICIPALITY**

By: \_\_\_\_\_  
Marti Prohaska, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this \_\_\_ day of \_\_\_\_\_, 2024.**

**TOWN OF MOUNTAIN VILLAGE:**

**TOWN OF MOUNTAIN VILLAGE, COLORADO,  
A HOME-RULE MUNICIPALITY**

Marti Prohaska, Mayor

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as to Form:

\_\_\_\_\_  
David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2024-\_\_ ("Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on \_\_\_\_\_, 2024 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2023. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
 Susan Johnston, Town Clerk  
 (SEAL)