

## No. 1980-161

## AN ACT

## HB 1369

Amending the act of April 17, 1945 (P.L.237, No.107), entitled "An act to empower political subdivisions to promulgate, administer and enforce airport zoning regulations; limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of airports; and to acquire by purchase, grant or condemnation, air rights and other interests in land; to authorize penalties and remedies for violations of this act, or of any ordinances or regulations made under the authority conferred herein; and to authorize appropriations," further providing for the adoption of airport zoning regulations by political subdivisions, and adding a definition.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4, act of April 17, 1945 (P.L.237, No.107), known as the "Airport Zoning Act," is amended to read:

Section 4. Power to Adopt Airport Zoning Regulations.—

(1) In order to prevent the creation or establishment of airport hazards, every political subdivision, having an airport hazard area within its territorial limits, [may] *shall* adopt, administer and enforce under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and within such zones specify the land uses permitted, and regulate and restrict the height to which structures and trees may be erected or allowed to grow: *Provided, That a political subdivision wherein lies an airport hazard area created by the location of a commercial airport shall be required to adopt, administer and enforce zoning ordinances pursuant to this act if the existing comprehensive zoning ordinance for the municipality does not provide for the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow in an airport hazard area.*

(2) Where an airport is owned or controlled by a political subdivision and any airport hazard area appertaining to such airport is located outside the territorial limits of said political subdivision, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subsection (1) in the political subdivision within which such area is located. Each such joint board shall have as members two representatives appointed by each political subdivision participating in its creation, and in addition a chairman elected by a majority of the members so appointed.

**[(3) If in the judgment of a political subdivision owning or controlling an airport, the political subdivision within which is located an airport hazard area appertaining to that airport has failed to adopt or enforce reasonably adequate airport zoning regulations for such area under subsection (1), and if that political subdivision has refused to join in creating a joint airport zoning board as authorized in subsection (2), the political subdivision owning or controlling the airport may itself adopt, administer and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between such regulations and any airport zoning regulations adopted by the political subdivision within which the airport hazard area is located, the regulations of the political subdivision owning or controlling the airport shall govern and prevail.]**

**(4) As used in this section, the term "airport" shall exclude facilities designated as heliports and which can be used only by rotary-wing aircraft; and airports which are not open to the general public.**

Section 2. Section 7 of the act is amended by adding a subsection to read:

Section 7. Airport Zoning Requirements.—\* \* \*

**(3) Model Ordinances.—A municipality shall adopt, either in full or by reference, any provision of any model zoning ordinance or other similar guidelines suggested or published by the Federal Aviation Administration of the United States Department of Transportation regarding airport hazard areas.**

Section 3. This act shall take effect July 1, 1981.

APPROVED—The 10th day of October, A. D. 1980.

DICK THORNBURGH