

Reported Recommending .....  
Ind. Postponed .....  
Passed House .....  
Failed to Pass House .....  
Passed Senate .....  
Failed to Pass Senate .....

**House File 487**

March 18, 1947.  
Passed on File.

By AERONAUTICS COMMITTEE.

## **A BILL FOR**

An Act to amend chapter three hundred twenty-nine (329), Code 1946, relating to airport zoning and airport hazard areas incident to airports other than those owned by municipalities which are made available by the owners thereof for use by the public generally.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Chapter three hundred twenty-nine (329), Code  
2 1946, is hereby amended by adding thereto a new section as  
3 follows:  
4 "Airport hazard areas incident to airports other than those  
5 owned by municipalities which are made available by the owners  
6 thereof for use by the public generally. It is hereby found and  
7 declared that airports other than those owned by municipalities  
8 of this state, which are made available by the owners thereof for  
9 use by the public generally, are in the public interest and that  
10 the general welfare of the people of the communities served by  
11 such airports and of the state of Iowa is thereby promoted, and  
12 it is further hereby found and declared: (a) that an airport  
13 hazard endangers the lives and property of users of airports and  
14 of occupants of land and other persons in the vicinity of airports;  
15 (b) that the creation or establishment of an airport hazard is a

16 public nuisance and an injury to the community served by the airport;  
17 (c) that it is necessary in the interest of the public health,  
18 safety and general welfare that the creation or establishment of  
19 airport hazards be prevented; (d) that this should be accomplished,  
20 to the extent legally possible, by proper exercise of the police  
21 power; and (e) that the prevention of the creation or establishment  
22 of airport hazards and the elimination, removal, alteration,  
23 mitigation or marking and lighting of airport hazards are public  
24 purposes for which municipalities may raise and expend public  
25 funds. Accordingly any municipality having within its  
26 territorial limits an airport hazard area incident to such an  
27 airport is hereby authorized and empowered to exercise, with  
28 respect thereto, any of the powers granted by the provisions of  
29 this chapter, provided, however, that:

- 30 1. Municipalities may by duly adopted ordinance or  
31 resolution, as may be appropriate, jointly adopt,  
32 administer, and enforce airport zoning regulations  
33 applicable to the airport hazard area within their  
34 territorial limits;
- 35 2. Any municipality may maintain actions in equity to  
36 restrain and abate as nuisances the creation or  
37 establishment of airport hazards within its territorial  
38 limits in violation of any zoning regulation adopted  
39 or established pursuant to the provisions of this  
40 section; and
- 41 3. If any municipality in which there is located such an

42       airport hazard area shall fail or refuse within sixty  
43       days after demand made upon it by the aeronautics  
44       commission of the state, to adopt reasonably adequate  
45       zoning regulations as provided in this section, the  
46       aeronautics commission of this state may petition the  
47       district court of the county in which such airport  
48       hazard area is located, in the name of the state,  
49       praying that zoning regulations be established for the  
50       airport hazard area in question, and the provisions of  
51       subsections 3 to 9, inclusive, of section 329.4 shall  
52       apply to such actions.”

1       Sec. 2. Chapter three hundred twenty-nine (329), Code  
2       1946, is hereby amended by adding thereto a new section as  
3       follows:  
4       “Separability. If any section, clause, sentence or phrase  
5       of this chapter is for any reason held to be unconstitutional  
6       or invalid, such decision shall not affect the validity of the  
7       remaining portions of this act. It is hereby declared that this  
8       chapter and each section, clause, sentence or phrase of this  
9       chapter would be enacted into the law of this state, irrespective  
10      of whether any one or more of the sections, clauses, sentences or  
11      phrases of this chapter be declared unconstitutional or invalid.”

EXPLANATION OF H. F. 487

This bill would permit Iowa political subdivisions to exercise the airport zoning power with respect to the prevention of the creation or establishment of airport hazards in airport hazard areas incident to airports other than those owned by municipalities which are made available for use by the public generally.