
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1369

Session of
1979

INTRODUCED BY MESSRS. WILSON AND WEIDNER, MAY 22, 1979

AS AMENDED ON THIRD CONSIDERATION, IN SENATE,
SEPTEMBER 16, 1980

AN ACT

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

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

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

17 Section 4. Power to Adopt Airport Zoning Regulations.--

18 (1) In order to prevent the creation or establishment of
19 airport hazards, every political subdivision, having an airport
20 hazard area within its territorial limits, [may] shall adopt,
21 administer and enforce under the police power and in the manner
22 and upon the conditions hereinafter prescribed, airport zoning

1 regulations for such airport hazard area, which regulations may
2 divide such area into zones, and within such zones specify the
3 land uses permitted, and regulate and restrict the height to
4 which structures and trees may be erected or allowed to grow: <—
5 PROVIDED, THAT A POLITICAL SUBDIVISION WHEREIN LIES AN AIRPORT
6 HAZARD AREA CREATED BY THE LOCATION OF A COMMERCIAL AIRPORT
7 SHALL BE REQUIRED TO ADOPT, ADMINISTER AND ENFORCE ZONING
8 ORDINANCES PURSUANT TO THIS ACT IF THE EXISTING COMPREHENSIVE
9 ZONING ORDINANCE FOR THE MUNICIPALITY DOES NOT PROVIDE FOR THE
10 LAND USES PERMITTED AND REGULATE AND RESTRICT THE HEIGHT TO
11 WHICH STRUCTURES AND TREES MAY BE ERECTED OR ALLOWED TO GROW IN
12 AN AIRPORT HAZARD AREA.

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

28 [(3) If in the judgment of a political subdivision owning or <—
29 controlling an airport, the political subdivision within which
30 is located an airport hazard area appertaining to that airport

1 has failed to adopt or enforce reasonably adequate airport
2 zoning regulations for such area under subsection (1), and if
3 that political subdivision has refused to join in creating a
4 joint airport zoning board as authorized in subsection (2), the
5 political subdivision owning or controlling the airport may
6 itself adopt, administer and enforce airport zoning regulations
7 for the airport hazard area in question. In the event of
8 conflict between such regulations and any airport zoning
9 regulations adopted by the political subdivision within which
10 the airport hazard area is located, the regulations of the
11 political subdivision owning or controlling the airport shall
12 govern and prevail.] <—

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

17 SECTION 2. SECTION 7 OF THE ACT IS AMENDED BY ADDING A <—
18 SUBSECTION TO READ:

19 SECTION 7. AIRPORT ZONING REQUIREMENTS.-- * * *

20 (3) MODEL ORDINANCES.--A MUNICIPALITY SHALL ADOPT, EITHER IN <—
21 FULL OR BY REFERENCE, ANY PROVISION OF ANY MODEL ZONING
22 ORDINANCE OR OTHER SIMILAR GUIDELINES SUGGESTED OR PUBLISHED BY
23 THE FEDERAL AVIATION ADMINISTRATION OF THE UNITED STATES
24 DEPARTMENT OF TRANSPORTATION REGARDING AIRPORT HAZARD AREAS.

25 Section ~~2~~ 3. This act shall take effect July 1, 1981. <—