

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, HOUSE OF REPRESENTATIVES,
FEBRUARY 11, 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. ~~Subsection (1) of section~~ SECTION 4, act of April <—
16 17, 1945 (P.L.237, No.107), known as the "Airport Zoning Act,"
17 is amended to read:

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

19 (1) In order to prevent the creation or establishment of
20 airport hazards, every political subdivision, having an airport
21 hazard area within its territorial limits, [may] shall adopt,
22 administer and enforce under the police power and in the manner
23 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.

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6 (2) WHERE AN AIRPORT IS OWNED OR CONTROLLED BY A POLITICAL <—
7 SUBDIVISION AND ANY AIRPORT HAZARD AREA APPERTAINING TO SUCH
8 AIRPORT IS LOCATED OUTSIDE THE TERRITORIAL LIMITS OF SAID
9 POLITICAL SUBDIVISION, THE POLITICAL SUBDIVISION OWNING OR
10 CONTROLLING THE AIRPORT AND THE POLITICAL SUBDIVISION WITHIN
11 WHICH THE AIRPORT HAZARD AREA IS LOCATED MAY, BY ORDINANCE OR
12 RESOLUTION DULY ADOPTED, CREATE A JOINT AIRPORT ZONING BOARD,
13 WHICH BOARD SHALL HAVE THE SAME POWER TO ADOPT, ADMINISTER AND
14 ENFORCE AIRPORT ZONING REGULATIONS APPLICABLE TO THE AIRPORT
15 HAZARD AREA IN QUESTION AS THAT VESTED BY SUBSECTION (1) IN THE
16 POLITICAL SUBDIVISION WITHIN WHICH SUCH AREA IS LOCATED. EACH
17 SUCH JOINT BOARD SHALL HAVE AS MEMBERS TWO REPRESENTATIVES
18 APPOINTED BY EACH POLITICAL SUBDIVISION PARTICIPATING IN ITS
19 CREATION, AND IN ADDITION A CHAIRMAN ELECTED BY A MAJORITY OF
20 THE MEMBERS SO APPOINTED.

21 (3) IF IN THE JUDGMENT OF A POLITICAL SUBDIVISION OWNING OR
22 CONTROLLING AN AIRPORT, THE POLITICAL SUBDIVISION WITHIN WHICH
23 IS LOCATED AN AIRPORT HAZARD AREA APPERTAINING TO THAT AIRPORT
24 HAS FAILED TO ADOPT OR ENFORCE REASONABLY ADEQUATE AIRPORT
25 ZONING REGULATIONS FOR SUCH AREA UNDER SUBSECTION (1), AND IF
26 THAT POLITICAL SUBDIVISION HAS REFUSED TO JOIN IN CREATING A
27 JOINT AIRPORT ZONING BOARD AS AUTHORIZED IN SUBSECTION (2), THE
28 POLITICAL SUBDIVISION OWNING OR CONTROLLING THE AIRPORT MAY
29 ITSELF ADOPT, ADMINISTER AND ENFORCE AIRPORT ZONING REGULATIONS
30 FOR THE AIRPORT HAZARD AREA IN QUESTION. IN THE EVENT OF

1 CONFLICT BETWEEN SUCH REGULATIONS AND ANY AIRPORT ZONING
2 REGULATIONS ADOPTED BY THE POLITICAL SUBDIVISION WITHIN WHICH
3 THE AIRPORT HAZARD AREA IS LOCATED, THE REGULATIONS OF THE
4 POLITICAL SUBDIVISION OWNING OR CONTROLLING THE AIRPORT SHALL
5 GOVERN AND PREVAIL.

6 (4) AS USED IN THIS SECTION, THE TERM "AIRPORT" SHALL
7 EXCLUDE FACILITIES DESIGNATED AS HELIPORTS AND WHICH CAN BE USED
8 ONLY BY ROTARY-WING AIRCRAFT; AND AIRPORTS WHICH ARE NOT OPEN TO
9 THE GENERAL PUBLIC.

10 Section 2. This act shall take effect ~~immediately~~ JULY 1, <—
11 1981.