

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 16

Introduced By: Mines, 18;

Read first time: January 4, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to airport zoning; to amend sections 3-303
2 and 3-304, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to the regulation of airport hazards; to
4 prescribe duties; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-303 Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 3-303. In order to prevent the creation or establishment of
4 airport hazards, every political subdivision, ~~having that~~ has
5 adopted a comprehensive plan and zoning regulations pursuant to
6 sections 19-901 to 19-933, 23-114 to 23-114.05, or 23-164 to
7 23-174.09 and has an airport hazard area within the area of its
8 zoning jurisdiction, ~~may~~ shall adopt, administer, and enforce,
9 under the police power and in the manner and upon the conditions
10 hereinafter prescribed, airport zoning regulations for such airport
11 hazard area, which regulations shall meet the minimum regulations as
12 prescribed by the Department of Aeronautics for the airport
13 classifications for each airport and may divide such area into zones
14 and, within such zones, specify the land uses permitted and regulate
15 and restrict the height to which the structures and trees may be
16 erected or allowed to grow.

17 Sec. 2. Section 3-304 Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 3-304. Where an airport is owned or controlled by a
20 political subdivision and any airport hazard area appertaining to such
21 airport is located outside the area ~~of zoning jurisdiction of such~~
22 ~~political subdivision,~~ regulated by zoning regulations adopted
23 pursuant to section 3-303, the political subdivision owning or
24 controlling the airport and the political subdivision within which
25 the airport hazard area is located may, by ordinance or resolution
26 duly adopted, create a joint airport zoning board, which board shall
27 have the same power to adopt, administer, and enforce airport zoning

1 regulations applicable to the airport hazard area in question as that
2 vested by section 3-303 in the political subdivision within whose area
3 of zoning jurisdiction such area is located. Each such joint board
4 shall have two representatives appointed by each political subdivision
5 participating in its creation as members thereof and also a
6 chairperson elected by a majority of the members so appointed. The
7 term of each member shall be four years, except as otherwise provided
8 in this section. Board members who have served more than two years as
9 of March 1, 1984, shall continue to serve for two more years. Board
10 members who have served less than two years as of March 1, 1984, shall
11 continue to serve for four more years.

12 Sec. 3. Original sections 3-303 and 3-304, Reissue Revised
13 Statutes of Nebraska, are repealed.