

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 512

Introduced by Lautenbaugh, 18.

Read first time January 21, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to airport zoning; to amend sections 3-303 and
2 3-304, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to the regulation of airport hazards;
4 to prescribe duties; to harmonize provisions; and to
5 repeal the 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
4 of 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
12 as prescribed by the Department of Aeronautics for the airport
13 classifications for each airport and may divide such area into
14 zones and, within such zones, specify the land uses permitted and
15 regulate and restrict the height to which the structures and trees
16 may be erected or allowed to grow.

17 Sec. 2. Section 3-304, Reissue Revised Statutes of
18 Nebraska, 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
21 such airport is located outside the area of ~~zoning jurisdiction~~
22 ~~of such political subdivision,~~ regulated by zoning regulations
23 adopted pursuant to section 3-303, the political subdivision owning
24 or controlling the airport and the political subdivision within
25 which the airport hazard area is located may, by ordinance or

1 resolution duly adopted, create a joint airport zoning board, which
2 board shall have the same power to adopt, administer, and enforce
3 airport zoning regulations applicable to the airport hazard area
4 in question as that vested by section 3-303 in the political
5 subdivision within whose area of zoning jurisdiction such area is
6 located. Each such joint board shall have two representatives
7 appointed by each political subdivision participating in its
8 creation as members thereof and also a chairperson elected by
9 a majority of the members so appointed. The term of each member
10 shall be four years, except as otherwise provided in this section.
11 Board members who have served more than two years as of March 1,
12 1984, shall continue to serve for two more years. Board members who
13 have served less than two years as of March 1, 1984, shall continue
14 to serve for four more years.

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16 Revised Statutes of Nebraska, are repealed.