

AERONAUTICS CODE OF THE STATE OF MICHIGAN (EXCERPT)

Act 327 of 1945

CHAPTER VIII

APPROACH PROTECTION FOR AIRPORTS, LANDING FIELDS AND OTHER AERONAUTICAL FACILITIES.

259.151 State plan for approach protection areas.

Sec. 151. (1) The commission may create and establish a state plan for approach protection areas surrounding airports, landing fields, and other aeronautical facilities, by establishing standards of height and use to which any structure or obstruction, whether natural or human-made, may be erected or maintained within a distance from the boundaries of any airport, landing field or other aeronautical facility necessary for public safety.

(2) The airport manager of an airport licensed under this act shall promptly file all of the following with any city, village, township, or county that is located in whole or in part within the approach protection area:

(a) A copy of the airport approach plan for the airport, if any.

(b) A copy of the airport layout plan for the airport, if any.

(c) A registration of the airport's name and mailing address for the purposes of receipt of notice under section 4 of the city and village zoning act, 1921 PA 207, MCL 125.584, section 9 of the county zoning act, 1943 PA 183, MCL 125.209, or section 9 of the township zoning act, 1943 PA 184, MCL 125.279.

(3) The filing under subsection (2) shall be made with the zoning board, zoning commission, or other commission appointed to recommend zoning regulations or, if there is no body exercising the powers of such a commission, with the legislative body of the city, village, township, or county.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.151;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2000, Act 382, Imd. Eff. Jan. 2, 2001;—Am. 2002, Act 35, Eff. May 15, 2002.

259.152 Determination of hazard; notice to owner.

Sec. 152. Determination of hazard, notice to owner. In the interests of safety to airmen, aircraft, and persons and property upon the lands and waters of this state, upon the commission's determination that any obstruction within the approach protection area is a hazard, the commission shall notify the owner, or the airport body designated by the owner, or by any such owners acting jointly, that such determination of hazard has been made, and issue an order for the abatement of the hazard.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.152.

259.153 Order to abate hazard; failure to comply.

Sec. 153. Upon receipt of an order to abate a hazard from the commission, the owner of any public-owned airport, landing field, or other aeronautical facility shall immediately institute proper proceedings under the applicable effective laws of this state or ordinances of the political subdivisions owning the facilities, to effectuate the order. Failure upon the part of any owner of a public-owned airport, landing field, or other aeronautical facility to abate the hazard as determined by the commission in its order, shall make the owner liable to either restrictive use of, or the entire closing of, the airport, landing field, or other aeronautical facility.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.153;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

259.154 Execution of order to abate hazard; privately owned airport; failure to comply.

Sec. 154. Execution of order to abate hazard; failure to comply; private owners of public airports. Where an airport is privately-owned but its facilities are open to the public, and the airport, landing field or other aeronautical facility is determined to be public in character and use, the order to abate hazards of the commission shall be served upon both the owner and the political subdivision having jurisdiction in the area upon which the airport, landing field or other aeronautical facility is established. Both the owner and such political subdivision shall immediately begin proceedings under the appropriate effective laws of this state or ordinances of the political subdivision to effectuate the abatement of the hazard. Failure to comply shall make the owner liable to either restrictive use of, or the entire closing of, such facility, in the interest of the safety, health and welfare of the public, and the safe use of aeronautical facilities in this state.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.154.

259.155 Hazards surrounding state-owned airport, field, and facility.

Sec. 155. Whenever any obstructions of whatever nature shall be determined to be a hazard adjacent to or

surrounding a state-owned airport, landing field, or other aeronautical facility, the commission shall notify the state administrative board of the hazard with an order for its abatement, and the state administrative board may institute proper proceedings in the name of and for the state of Michigan for the abatement of the hazard. Failure to effectively comply with an order shall subject the airport, landing field, or other aeronautical facility to either restrictive use of the airport, landing field, or other aeronautical facility, or its entire closing, in the interest of the safety, health, and welfare of the public, and the safe use of aeronautical facilities in this state.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.155;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

259.156 Encroachments upon approach protection areas declared public nuisance.

Sec. 156. Encroachments upon approach protection areas as public nuisances. It shall be unlawful for anyone to build, rebuild, create, or cause to be built, rebuilt, or created any object, or plant, cause to be planted or permit to grow higher any tree or trees or other vegetation, which shall encroach upon any approach protection area determined by the Michigan aeronautics commission in the state plan for approach protection areas. Any such encroachment is hereby declared to be a public nuisance and may be abated in the manner prescribed by law for the abatement of public nuisances.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.156.