

## CHAPTER 360

## AERONAUTICS

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**360.01 DEFINITIONS.** Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subdivision 2. **Aeronautics.** "Aeronautics" means the act or practice of the art and science of transportation by aircraft, and the operation, construction, repair, or maintenance of aircraft, airports, landing fields, emergency landing strips, air navigation facilities, or air instruction.

Subdivision 3. **Aircraft.** "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation or flight in the air, except a parachute or other contrivance designed for such navigation, but used primarily as safety equipment.

Subdivision 4. **Public aircraft.** "Public aircraft" means an aircraft used exclusively in the governmental service, including military and naval aircraft, or of any state or territory thereof.

Subdivision 5. **Civil aircraft.** "Civil aircraft" means any aircraft other than a public aircraft.

Subdivision 6. **Airport.** "Airport" means any area, either of land or water, which is used or made available for the landing and take-off of aircraft, and which provides for the shelter, supply, and repair of aircraft, and which, as to size and design, has at least 1,800 feet of effective landing length in all directions, with clear approaches, and which field shall be in good condition for landing at all times, or has landing strips not less than 500 feet wide, permitting landing in at least six directions at all times, with at least one landing strip aligned with the general direction of the prevailing wind, the landing strips not to cross or converge at angles at less than 40 degrees, nor any one of the landing strips to be less than 1,800 feet in effective length, with clear approaches, or has two landing strips, one aligned with the general direction of the prevailing wind, permitting at least four-way landing at all times, and having clear approaches, the landing strips to be at least 500 feet wide and at least 2,500 feet in effective length, and not to cross or converge at an angle less than 60 degrees; and which, in any case hereinbefore mentioned, meets the minimum requirements as to surface, marking, equipment,

- and management as may, from time to time, be provided by the Minnesota aeronautics commission.

Subdivision 7. **Landing field.** "Landing field" means any area, either of land or water, which is used or made available for the landing and take-off of aircraft, which may or may not provide facilities for the shelter, supply, and repair of aircraft, and which meets the minimum requirements as to size, design, surface, marking, equipment, and management and may, from time to time, be provided by the Minnesota aeronautics commission.

Subdivision 8. **Emergency landing strip.** "Emergency landing strip" means an area, either of land or water, which is available for the landing and take-off of aircraft, having not less than 200 feet of usable width and not less than 1,000 feet of usable length, the use of which shall, except in case of emergency, be only as provided from time to time by the regulations of the Minnesota aeronautics commission.

Subdivision 9. **Person.** "Person" means any individual, association, copartnership, firm, company, corporation, or other association of individuals.

Subdivision 10. **Air instruction.** "Air instruction" means the imparting of aeronautical information in any air school, flying club, or by any aviation instructor.

Subdivision 11. **Air school.** Any person engaged in giving instruction, or offering to give instruction, in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, and advertising, representing, or holding himself out as giving or offering to give such instruction, shall be termed and considered an air school.

Subdivision 12. **Flying club.** Any person, other than an individual who, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction, pleasure, or both, shall be termed and considered a flying club.

Subdivision 13. **Aviation instructor.** "Aviation instructor" means any individual engaged in giving instruction, or offering to give instruction, in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, without advertising such occupation, without calling his facilities an "air school" or anything equivalent thereto, or without employing or using other instructors.

Subdivision 14. **Commercial aviation.** "Commercial aviation" means the operating of aircraft while carrying persons for hire, either as passengers or while receiving flying instructions.

Subdivision 15. **Airplane.** "Airplane," when used in sections 360.30 to 360.36, includes all mechanical appliances for navigating the air.

[1927 c. 62 s. 3; 1933 c. 430 s. 1; 1935 c. 358 s. 1] (1626-3) (5494-36½)

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**360.02 LICENSES REQUIRED FOR AIRCRAFT.** Subdivision 1. **Kinds.** It shall be unlawful for any person to operate or navigate, or cause or authorize to be operated or navigated, any civil aircraft within the state unless such aircraft is licensed by the Minnesota aeronautics commission, or shall have an appropriate, effective license issued by the department of commerce of the United States, or is licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft, or is a public aircraft of the United States or any state, territory, or possession thereof, or is an aircraft licensed by any state having similar licensing requirements to those of Minnesota.

Subdivision 2. **Commercial aircraft.** All aircraft engaged in commercial aviation operating within this state shall conform with respect to design, construction, and airworthiness to the standards prescribed by the United States government with respect to the operation and navigation of civil aircraft subject to its jurisdiction. The Minnesota aeronautics commission is hereby empowered to issue commercial licenses to such aircraft as may be found airworthy, and in so far as is practicable, the standards prescribed by the department of commerce of the United States with respect to design, construction, and airworthiness shall be applied to aircraft engaged in commercial aviation within this state, and before issuing a commercial license, the Minnesota aeronautics commission may require that such aircraft shall meet all standards prescribed by the department of commerce of the United States for aircraft subject to its jurisdiction. All applications for a commercial license may be in writing, signed by the applicant, and shall be accompanied by such filing fee as the Minnesota aeronautics commission may designate, not exceeding \$25.00 annually for a single motored aircraft, or \$50.00 annually for a multi-motored aircraft, which fee shall be paid into the state aviation fund.

**Subdivision 3. Non-commercial aircraft.** The Minnesota aeronautics commission shall issue restricted licenses for the limited operation of non-commercial aircraft, as hereinafter provided. All applications for a non-commercial license shall be in writing, signed by the applicant, and shall be accompanied by such filing fee as the Minnesota aeronautics commission may designate, not exceeding \$25.00 annually for a single motored aircraft, or \$50.00 annually for a multi-motored aircraft, which fee shall be paid into the state aviation fund. When such application is filed, the commission shall grant a temporary license to test-fly such aircraft for a designated period, during which period any licensed transport pilot may conduct flying tests of such aircraft; provided, that the aircraft shall not be flown over any inhabited city, town, or village during that period. During the time the temporary license is in effect the Minnesota aeronautics commission shall designate a transport pilot or inspector to test the aircraft, or otherwise determine whether it is airworthy, and may also designate the place where tests shall be carried on. This designated pilot or inspector may test-fly the aircraft himself or he may require it to be tested within his view by having it subjected to such flying tests as the Minnesota aeronautics commission may require. If the aircraft is determined to be airworthy, then the Minnesota aeronautics commission shall issue a license authorizing the aircraft to be flown for non-commercial purposes only, and markings prescribed by the Minnesota aeronautics commission shall be placed on the aircraft to show that same is licensed only for non-commercial purposes.

**Subdivision 4. Revocation of Licenses.** The Minnesota aeronautics commission is hereby empowered to temporarily or permanently revoke any license issued by it or refuse to issue a license when it shall determine that any aircraft is not airworthy.

[1933 c. 430 s. 2; 1935 c. 358 s. 2] (5494-36½a)

**360.03 PILOTS TO BE LICENSED; RULES AND REGULATIONS.** It shall be unlawful for any person to operate, or cause to be operated, any aircraft in this state unless he is licensed by the Minnesota aeronautics commission, or is a holder of a correct, effective pilot's license issued by the department of commerce of the United States, or is a pilot licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft, or is a pilot licensed by a state having similar licensing requirements to those of Minnesota, or is a pilot in the military or naval service, active or reserve, of the United States or of any state, while operating military or naval aircraft.

The Minnesota aeronautics commission may prescribe such reasonable rules and regulations for the granting of pilots' licenses as it may deem necessary and advisable for the public safety and the safety of those engaged in aeronautics.

[1933 c. 430 s. 3; 1935 c. 358 s. 3] (5494-36½b)

**360.04 LICENSES TO BE CARRIED.** The certificate of the license required for pilots shall be kept in the personal possession of the licensee when he is operating aircraft within this state and must be presented for inspection upon the demand of any passenger, or any peace officer, of this state, any authorized official or employee of the Minnesota aeronautics commission, or any official, manager, or person in charge of any airport in this state upon which he shall land, or upon the reasonable request of any other person. The aircraft license must be carried in the aircraft at all times and must be conspicuously posted therein where it may be readily seen by passengers or inspectors; and such license must be presented for inspection upon the demand of any passenger, any peace officer of this state, any authorized official or employee of the Minnesota aeronautics commission, or any official, manager, or person in charge of any airport in this state upon which it shall land, or upon the reasonable request of any other person.

[1933 c. 430 s. 4] (5494-36½c)

**360.05 MINNESOTA AERONAUTICS COMMISSION.** There is hereby created an aeronautics commission to be known as the Minnesota aeronautics commission, consisting of five persons to be appointed by the governor, as hereinafter provided, and to serve without pay. The governor shall, from time to time, designate the member of the commission who shall be its chairman and who shall so serve during the term of his appointment. The term of office of the commissioners shall be for a period of four years beginning on the second Monday in January following their appointment; all members to serve until their successors are appointed and have qualified. No person shall serve on this commission unless he, at the time of appointment, belonged to one of the following groups:

(1) Persons holding a correct and effective pilot's license from the department of commerce of the United States, or a pilot's license issued by the Minnesota aeronautics commission;

(2) Commissioned officers holding a flying rating in the armed forces of the United States, whether on active duty or in the reserve corps, including commissioned officers holding flying ratings in the United States army, United States navy, National Guard, or Naval Militia;

(3) Persons actively engaged in or having had at least three years of practical experience in civil aeronautics; provided that no more than two members of the commission can belong only to group (3).

[1933 c. 430 s. 5; 1935 c. 358 s. 4] (5494-36½d)

**360.06 ORGANIZATION.** The commission shall organize, adopt a seal, and make such rules and regulations for the administration of the commission not inconsistent herewith as it may deem expedient and may from time to time amend such rules and regulations.

[1933 c. 430 s. 6] (5494-36½e)

**360.07 SECRETARY; ASSISTANTS.** The commission may appoint a secretary, whose duty it shall be to keep a full and true record of all its proceedings; to keep the books and records in the general office of the commission; and to perform such other duties as the commission may prescribe.

The commission may employ such clerical and other employees and assistants as it may deem necessary for the proper transaction of its business, and shall fix their salaries, subject to the amount appropriated for the purposes of sections 360.01 to 360.19.

[1933 c. 430 ss. 7, 8] (5494-36½f) (5494-36½g)

**360.08 OFFICES.** The commissioner of administration shall provide suitable offices for the commission in the city of St. Paul, Minnesota, and the commission may maintain offices in any other city in the state that the commission may designate, and may incur, subject to the amount appropriated for the purposes of sections 360.01 to 360.19, the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the enforcement of sections 360.01 to 360.19 and the general promotion of aeronautics within the state.

[1933 c. 430 s. 9] (5494-36½h)

**360.09 DUTIES.** The commission shall foster air commerce within the state and have supervision over the aeronautical activities and facilities within the state, which authority shall include supervision and control over all airports, landing fields, emergency landing strips, air instruction, air marking, air beacons, and all other air navigation facilities, and the registration of all pilots and aircraft. The commission is empowered to prescribe such reasonable rules and regulations as it may deem necessary and advisable for the public safety and for the promotion of aeronautics governing the designing, laying out, location, building, equipping, operation, and use of all airports, landing fields, or emergency landing strips. The commission is further empowered to prescribe such reasonable rules and regulations as it may deem necessary governing the curriculum, equipment, personnel, and operation and management of all air instruction for the purpose of protecting the health and safety of students receiving, or to receive, such instruction, and insuring, so far as may be, the public safety through the proper training and instruction of student aviators. The commission is further empowered to prescribe such reasonable rules and regulations as it may deem necessary and advisable for the public safety and the safety of those engaged in aeronautics, and for the promotion of aeronautics, governing the establishment, location, maintenance, and operation of all air markings, air beacons, and other air navigation facilities. The commission is further empowered to prescribe such reasonable air traffic rules and other regulations as it shall deem necessary for the public safety and the safety of those engaged in aeronautics, and for the promotion of aeronautics. All rules and regulations prescribed by the commission under the authority of this section shall not be inconsistent with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder.

The commission shall assist in the development of aviation and aviation facilities within the state for the purpose of safeguarding the interests of those engaged in all phases of the industry and of the general public and of promoting aeronautics. The commission is empowered to expend any or all of the moneys allocated to, and deposited in, the state aviation fund, for the acquisition or enlargement, by purchase,

grant, lease, condemnation, or other means, and for the construction, operation, and maintenance of airports, landing fields, or emergency landing strips within this state, and of other aeronautic facilities or services within the state for the safety and advancement of aeronautics, which shall include the joint establishment or provision of such aeronautic facilities or services in cooperation with other state or federal departments, or with political subdivisions of this state.

[1933 c. 430 ss. 10, 11] (5494-36½i) (5494-36½j)

**360.10 APPROVAL AND LICENSE.** All proposed airports, landing fields, air schools, flying clubs, air beacons, or other air navigation facilities shall first be approved by the Minnesota aeronautics commission before they, or any of them, shall be so used or operated. It shall be unlawful for any airport, landing field, air school, flying club, air beacon, or other navigation facility to be used or operated without the approval of the commission; and it shall be unlawful for any aircraft, except in case of emergency, to land upon or take off from any area in the state of Minnesota other than an airport, landing field, or emergency landing strip; provided, that no license, rule, order, or regulation promulgated under the authority of sections 360.01 to 360.19 shall apply to airports, landing fields, air beacons, air markings, or other air navigation facilities owned or operated by the United States or by this state. The commission is hereby authorized to issue a certificate of its approval in each case and to make the following charges therefor:

(1) For the issuance of each annual certificate of registration of each federal license for pilots and aircraft, a fee to be fixed by the Minnesota aeronautics commission, not exceeding \$10.00, may be charged;

(2) For issuance of each annual airport license, \$10.00;

(3) For issuance of each annual landing field license, \$10.00;

(4) For issuance of each annual air school license, \$10.00;

(5) For issuance of each annual flying club license, no fee shall be charged;

(6) For issuance of each annual air beacon license, no fee shall be charged;

(7) For issuance of each annual other air navigation facility license, no fee shall be charged.

[1933 c. 430 s. 12; 1935 c. 358 s. 5] (5494-36½k)

**360.11 INVESTIGATIONS AND HEARINGS.** The Minnesota aeronautics commission, or any commissioner or officer thereof designated by it, shall have the power to hold investigations, inquiries, and hearings concerning matters covered by the provisions of sections 360.01 to 360.19 and all accidents in aeronautics within the state. All hearings conducted by the commission shall be open to the public. Each commissioner, and every officer of the commission designated by it to hold any inquiry, investigation, or hearing, shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, and documents. In case of failure to comply with any subpoena or order issued under authority of sections 360.01 to 360.19, the commission, or its authorized representative, may invoke the aid of any court in this state. The court may thereupon order the witness to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

[1933 c. 430 s. 13] (5494-36½l)

**360.12 CONDUCT OF INVESTIGATION.** In order to facilitate the making of investigations by the Minnesota aeronautics commission, in the interest of the public safety and the promotion of aeronautics, the public interest requires, and it is therefor provided, that the reports of investigations or hearings, or any part thereof, shall not be admitted in evidence or used for any purpose in any suit, action, or proceedings growing out of any matter referred to in the investigations, hearings, or report thereof, nor shall any commissioner or employee of the commission be required to testify to any facts ascertained in, or information gained by reason of, his official capacity. No commissioner or employee of the commission shall be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft.

[1933 c. 430 s. 14] (5494-36½m)

**360.13 COMMISSION TO KEEP COPY OF RULES AND REGULATIONS ON FILE.** The Minnesota aeronautics commission shall keep on file with the secretary of state, and at the principal office of the commission, a copy of all its rules and regulations, for public inspection. On or before December thirty-first each year, the

commission shall make to the governor a full report of its proceedings for the year ending December first, and may submit with such report such recommendations pertaining to its affairs as seem to be desirable.

[1933 c. 430 s. 15] (5494-36½n) R1943-653-24

**360.14 ENFORCEMENT.** It shall be the duty of the Minnesota aeronautics commission, its members and employees, and every county and municipal officer charged with the enforcement of state and municipal laws, to enforce, and assist in the enforcement of, sections 360.01 to 360.19. The commission is further authorized, in the name of the state, to enforce the provisions of sections 360.01 to 360.19 by injunction in the district courts of this state. Other departments and political subdivisions of this state are further authorized to cooperate with the commission in the development of aeronautics and aeronautic facilities within the state.

[1933 c. 430 s. 16] (5494-36½o) R1943-653-24

**360.15 POWERS.** In any case where the Minnesota aeronautics commission rejects an application for a pilot's license or a license for any aircraft, or for permission to operate or establish an airport, landing field, air school, flying club, air beacon, or other air navigation facilities, or in any case where the commission shall issue any order requiring certain things to be done, or revoking any license on any aircraft, it shall set forth its reasons therefor and shall state the requirements to be met before such approval will be given or such order modified or changed.

In any case where the commission may deem it necessary it may order the closing of any airport, landing field, or order any air school, flying club, or air beacon, or other air navigation facility to cease operations until it shall have complied with the requirements laid down by the commission. To carry out the provisions of sections 360.01 to 360.19 the commission and any officers, state or municipal, charged with the duty of enforcing sections 360.01 to 360.19 may inspect and examine, at reasonable hours, any premises, and the buildings and other structures thereon, where such airports, landing fields, air schools, flying clubs, air beacons, or other air navigation facilities are operated. Any order made by the commission pursuant to sections 360.01 to 360.19 shall be served upon the interested person, by registered mail or in person, before such order shall become effective.

[1933 c. 430 s. 17; 1935 c. 358 s. 6] (5494-36½p) R1943-653-24

**360.16 APPEAL TO DISTRICT COURT.** Any person against whom an order has been entered may, within 30 days after the service thereof, appeal to the district court of the county in which any part of the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined.

[1933 c. 430 s. 18] (5494-36½q) R1943-653-24

**360.17 RIGHTS WAIVED.** If no appeal is taken from the order of the Minnesota aeronautics commission within the period fixed, the party against whom the order was entered shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order.

[1933 c. 430 s. 19] (5494-36½r) R1943-653-24

**360.18 STATE AVIATION FUND; HOW USED.** There is hereby created a fund to be known as the state aviation fund. All moneys received from the registration of federal licenses on aircraft and pilots, from the licensing of aircraft, airports, landing fields, air schools, or other licenses issued under the provisions of sections 360.01 to 360.19 shall be paid into the state treasury and credited to such fund.

Any moneys or fees coming into the hands of the commission may be used for the necessary expenses of the commission essential to the carrying out of sections 360.01 to 360.19, but no overdraft shall be created by reason of any such expenditures.

[1933 c. 430 ss. 21, 22; 1935 c. 358 s. 7] (5494-36½t) (5494-36½u) R1943-653-24

**360.19 VIOLATION.** Any person failing to comply with the requirements of, or violating any of the provisions of, sections 360.01 to 360.19, or the rules and regulations for their enforcement made by the Minnesota aeronautics commission, shall be guilty of a gross misdemeanor and punishable by a fine of not more than \$500.00, or by imprisonment for not more than 90 days, or both.

[1933 c. 430 s. 20] (5494-36½s) R1943-653-24

**360.20 CITIES AND VILLAGES MAY EQUIP AIR FIELDS.** The governing body of any city, village, or town in this state is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and

regulate airports or landing fields for the use of airplanes and other aircraft, either within or without the limits of such cities, villages, and towns, and may use for such purpose any property suitable therefor that is now or may at any time hereafter be owned or controlled by such city, village, or town.

[1929 c. 217 s. 1] (5494-37)

**360.21 COUNTY BOARD MAY ACQUIRE AIRPORT.** The board of county commissioners of any county in this state is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of such county and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such county. The power or authority granted to any county or other political subdivision of the state by the provisions of sections 360.20 to 360.29 may, in any county of this state having at any time an area of over 5,000 square miles and a population of over 200,000, or in any county of this state having at any time an area of over 1,000 square miles and a population of over 30,000 and containing not more than 45 full and fractional congressional townships, be exercised in cooperation with the governing body of any other such political subdivision in such county, as well as separately, in order to carry into effect the powers herein granted, when the governing body of any such political subdivision shall determine it to be in the public interest. Any cooperative agreement entered into between the governing bodies of any two or more such political subdivisions, either for the carrying on or abandonment of any airport or landing field in such county, shall be binding upon their respective political subdivisions.

No county having over 5,000 square miles of area and over 200,000 inhabitants and no county having at any time an area of 1,000 square miles and over 30,000 inhabitants and containing not more than 45 full and fractional congressional townships; or political subdivision in such counties, shall, jointly or separately, have authority to spend in any calendar year more than \$50,000, in order to carry into effect the powers herein granted. Any such expenditures shall be included in, and shall not be in excess of, any limitations on expenditures of such political subdivision now fixed by law.

[1929 c. 217 s. 2; 1931 c. 354; 1941 c. 264] (5494-38)

**360.22 MAY EXERCISE POWER OF EMINENT DOMAIN.** Any lands acquired, owned, controlled, or occupied by such cities, villages, towns, or counties for the purposes enumerated in sections 360.20 and 360.21 are hereby declared to be acquired, owned, controlled, and occupied for a public purpose and as a matter of public necessity, and such cities, villages, towns, or counties shall have the right to acquire property for such purpose under the power of eminent domain as and for a public necessity.

[1929 c. 217 s. 3] (5494-39)

**360.23 MAY ACQUIRE LANDS BY GIFT, PURCHASE, OR OTHERWISE.** Private property needed by any city, village, town, or county for an airport or landing field may be acquired by gift or purchase, if the city, village, town, or county is able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by the law under which the city, village, town, or county is authorized to acquire real property for public purposes, other than street purposes, or, if there be no such law, in the manner provided for and subject to the provisions of the condemnation law. The purchase price or award for real property acquired for an airport or landing field may be paid for by appropriation of moneys available therefor or wholly or partly from the proceeds of the sale of bonds of the city, village, town, or county issued as hereinafter specified.

[1929 c. 217 s. 4] (5494-40)

**360.24 MAY MAINTAIN AND OPERATE FLYING FIELDS.** The governing body of any city, village, town, or county which has established an airport or landing field and acquired, leased, or set apart real property for such purpose, may construct, improve, equip, maintain, and operate the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance, and operation thereof, in any suitable office, board, or body of such city, village, town, or county. The expenses of such construction, improvement, equipment, maintenance, and operation shall be a city, village, town, or county charge, as the case may be. The governing body of any city, village, town, or county may adopt regulations and establish fees or charges for the use of such airport or landing field, or may authorize any officer,

board, or body of such village, city, town, or county having jurisdiction to adopt such regulations and establish such fees or charges, subject to the approval of such governing body before they shall take effect.

[1929 c. 217 s. 5] (5494-41)

**360.25 ANNUAL APPROPRIATION.** The governing body of any city, village, town, or county to which sections 360.20 to 360.27 are applicable, having power to appropriate money therein, may annually appropriate and cause to be raised by taxation in such city, village, town, or county a sum sufficient to carry out the provisions of sections 360.20 to 360.27, not exceeding the taxing limits now provided by law.

[1929 c. 217 s. 6] (5494-42)

**360.26 APPLICATION OF SECTIONS 360.20 TO 360.27.** The provisions of sections 360.20 to 360.27 shall apply to all cities of the state, except cities of the first class, including every city now or hereafter having, and operating under, a home rule charter adopted under and pursuant to the Constitution of the State of Minnesota, Article 4, Section 36; provided that sections 360.20 to 360.27 shall not apply to any privately owned or controlled airport and aviation field.

[1929 c. 217 s. 7] (5494-43)

**360.27 ISSUANCE OF BONDS.** Any such city, village, town, or county is hereby authorized and empowered to issue its negotiable general obligation bonds for the purpose of acquiring, establishing, constructing, enlarging or improving such airport or landing field and a site therefor in the manner and within the limits prescribed by chapter 475, for the issuance of bonds for the acquisition of other revenue-producing public conveniences. The bonds shall be sold in the manner prescribed by section 475.15. The amount of any such bonds at any time outstanding shall be included in computing the net debt of the city, village, town, or county issuing the same for the purpose of computing any limitation of its indebtedness prescribed by law or by its charter.

[1929 c. 217 s. 8] (5494-44)

**360.28 MAY ACQUIRE AIR RIGHTS.** Where necessary in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports and landing fields acquired or maintained under the provisions of sections 360.28 and 360.29, the legislative bodies of counties, municipalities, and other political subdivisions of this state are hereby granted authority to acquire such air rights over private property as are necessary to insure safe approaches to the landing areas of such airports and landing fields. The air rights may be acquired by grant, purchase, lease, or condemnation in the same manner as is provided by law for the acquisition of the airport or landing field itself or the expansion thereof.

[1931 c. 214 s. 1] (5494-46)

**360.29 MAY ACQUIRE FOR ANY TERM.** The legislative bodies of counties, municipalities, and other political subdivisions of this state are hereby authorized to acquire the right or easement for a term of years or perpetually to place and maintain suitable marks for the daytime, and to place, operate, and maintain suitable lights for the night-time marking of buildings, or other structures or obstructions interfering with the safe operation of aircraft utilizing airports and landing fields acquired or maintained under the provisions of sections 360.28 and 360.29. Such rights or easements may be acquired by grant, purchase, lease, or condemnation in the same manner as is provided by law for the acquisition of the airport or landing field itself or the expansion thereof.

[1931 c. 214 s. 2] (5494-47)

**360.30 MUNICIPAL FLYING FIELDS; ACQUISITION AND ESTABLISHMENT BY CITIES OF FIRST CLASS.** Each city of the first class of this state, acting through its council or chief governing body thereof, by whatever name known, or board of park commissioners, is hereby authorized and empowered to acquire, from time to time, by purchase, gift, condemnation, or otherwise, all land necessary or convenient for the purpose of establishing and maintaining a municipal flying field. Each such city shall have the power to acquire, as aforesaid, such a flying field whether the land so to be used and designated for that purpose be within or without the city limits of this city.

[1927 c. 62 s. 1] (1626-1)

**360.31 CONDEMNATION OF LAND.** In the event the council, chief governing body, or board of park commissioners shall deem it advisable to acquire this land by condemnation, the council, chief governing body, or board of park commissioners



shall be authorized to acquire the land by condemnation, the council, chief governing body, or board of park commissioners shall be authorized to acquire this land by the procedure authorized by the statutes of this state, or by any provision of the city charter of the city, providing for the condemnation of land.

[1927 c. 62 s. 2] (1626-2)

**360.32 JURISDICTION, AUTHORITY, REGULATIONS.** After the land has been acquired for the purpose of a municipal flying field, the council, chief governing body, or board of park commissioners, having jurisdiction of the same, shall have power and authority to expend the necessary money for the purpose of properly and adequately equipping the field for use by airplanes and for the purposes hereinafter set out. The council, chief governing body, or board of park commissioners, as the case may be, shall have full and complete authority to govern this land so acquired, and to regulate by general ordinance the use of the field for the purpose of flying or for other purposes. The council, chief governing body, or board of park commissioners, as the case may be, shall have power to lease such portions of the land so designated for a flying field to the United States government for purposes of the air mail or for other public purposes, and to the state of Minnesota or any branch of the state government for public purposes, and also shall provide rules, regulations, and ordinances providing for the proper use of the field by individuals, copartnerships, and corporations desiring to use the same as a public landing or starting place for airplanes, whether used for pleasure, experiment, or for commercial purposes.

[1927 c. 62 s. 3] (1626-3)

**360.33 BOND ISSUE.** In order to carry out the purposes of sections 360.30 to 360.35, each city of the first class, in the event of the designation, purchase, or acquisition of the flying field, shall be authorized to issue the necessary bonds, not in excess of \$450,000, for the payment of the same, in such form and amounts, and bearing such interest as the council, governing body, or board of park commissioners may determine.

[1927 c. 62 s. 4] (1626-4)

**360.34 AUTHORITY OF BOARD OF PARK COMMISSIONERS; ONLY ONE FIELD TO BE ACQUIRED.** The board of park commissioners of any such city shall have full power and authority to acquire, maintain, govern, and provide the bonds necessary to purchase or otherwise acquire land necessary for a municipal flying field, upon the conditions set forth in sections 360.30 to 360.33. Such city shall be entitled to purchase one flying field only under the terms of sections 360.30 to 360.35. A city which has already acquired a flying field shall not be authorized to acquire an additional or new flying field under sections 360.30 to 360.35.

[1927 c. 62 s. 5] (1626-5)

**360.35 BONDS ISSUED; PROCEDURE.** Any bonds to be issued by any city under or pursuant to sections 360.30 to 360.35 shall be authorized and issued in the manner prescribed by the charter of such city for the issuance and authorization of the issuance of bonds thereof.

[1927 c. 62 s. 7] (1626-7)

**360.36 FLYING FIELDS; ACQUISITION OF LAND; ERECTION.** Every village of this state, situated in a county having an assessed valuation of not more than \$2,000,000 and a population of not more than 5,000, is hereby authorized, by resolution of the council, to establish and maintain a municipal flying field and airport, to acquire land by lease, gift, purchase, devise, or condemnation, from time to time, necessary for that purpose, and to erect thereon terminal and other buildings and structures necessary and suitable for the operation thereof.

[Ex. 1934 c. 55 s. 1] (1263-1)

**360.37 TAKING POSSESSION OF LAND, CONDEMNED.** Such village may, at any time after the filing of the petition in the condemnation proceedings, take possession of these lands to be used and, except as provided in sections 360.36 to 360.38, such condemnation proceedings shall be exercised only under and pursuant to the provisions of the statutes of this state relating to eminent domain.

[Ex. 1934 c. 55 s. 2] (1263-2)

**360.38 EXPENSE, HOW PAID; LEVY OF TAX.** The cost of establishing and maintaining any airport established and maintained in pursuance of the provisions of sections 360.36 to 360.38 shall be paid from the funds of the water and light department of any such village, and if the funds are not sufficient therefor, the

council of the village is hereby authorized to levy a tax, upon all taxable property of the village, in an amount sufficient to pay the balance of the costs.

[Ex. 1934 c. 55 s. 3] (1263-3)

**360.39 CITIES MAY ESTABLISH MUNICIPAL AIRPORTS.** Each city of the first class is hereby authorized and empowered to establish and maintain a municipal flying field and airport, to acquire land from time to time necessary for that purpose, and to erect thereon terminal and other buildings and structures necessary and suitable for the operation thereof. When deemed necessary land may be leased by any such city for the purposes hereof.

[1929 c. 125 s. 1; 1929 c. 379 s. 1] (1626-8)

**360.40 CITIES MAY ESTABLISH AIRPORTS.** The land so to be used, or acquired and used, by each such city may be used, or so acquired and used, whether the land be located within or without the limits of the city. The land may be acquired, from time to time, by purchase, gift, devise, condemnation, or otherwise, and the title so acquired by condemnation or purchase shall be in fee simple absolute, unqualified in any way. When the right of condemnation is to be exercised such condemnation proceedings shall be exercised only under and pursuant to the provisions of the statutes of the state relating to eminent domain; provided, that wherever such city has already established an airport, such additional land should be contiguous thereto.

[1929 c. 125 s. 2; 1929 c. 379 s. 2; 1931 c. 123 s. 1] (1626-9)

**360.41 TO FIX CHARGES.** Each such city shall have the authority to determine the charges for the use of the municipal flying field and airport and the terms and conditions under which the municipal flying field and airport and its facilities may be used; provided, that such charges shall be reasonable and uniform for the same class of service, to lease parts thereof to individuals, copartnerships, or corporations, to any municipal or state government, or to the national government or to foreign governments, or any department of either thereof, for flying purposes or any purpose incidental thereto, and to determine the terms and conditions of the leasing by the lessees, and any lands acquired, owned, controlled, or occupied by such cities, as herein provided, shall and hereby are declared to be acquired, owned, controlled, and occupied for a public purpose and as a matter of public necessity.

[1929 c. 125 s. 3; 1929 c. 379 s. 3] (1626-10)

**360.42 DISPOSAL OF REVENUES.** The revenues obtained from the ownership and operation of any such municipal flying field and airport shall be used to finance the maintenance and the operating expenses thereof and to make payment of interest on and current principal requirements of any outstanding bonds or certificates issued for the acquisition or improvement thereof, and to make payment of interest on any mortgage heretofore made. That portion of the revenue in excess of the foregoing requirements may be applied to finance the extension or improvement of the flying field and airport.

[1929 c. 125 s. 4; 1929 c. 379 s. 4] (1626-11)

**360.43 BOND ISSUE.** The limitation of bonds to the amount of \$150,000 for airport purposes and the limitation of one airport to each city of the first class, found in sections 360.33 and 360.34, are hereby expressly repealed, and each such city shall be authorized to issue bonds for the purposes defined in sections 360.39 to 360.45 to an amount not to exceed \$450,000, in addition to all bonds heretofore issued for such purposes; except that in cities where a bond issue has been authorized in an ordinance approved by popular vote of the voters, the amount of such bond shall be limited to the amount authorized in this ordinance. No indebtedness, mortgage, lien, or security shall be made, created, suffered, or incurred in the acquisition of land for such airport except as expressly authorized in sections 360.39 to 360.45. No land shall be purchased at an average price of more than \$600.00 per acre unless by condemnation proceedings.

[1929 c. 125 s. 5; 1929 c. 379 s. 5] (1626-12)

**360.44 ISSUE OF BONDS; RATE OF INTEREST.** In order to carry out the purposes of sections 360.39 to 360.45, each such city is hereby authorized to issue municipal flying field or airport bonds or certificates of indebtedness to secure funds for the purchase and improvement of the specified land or to meet the cost of purchase or erection of designated buildings and structures. The bonds or certificates of indebtedness shall be issued by each such city in the manner prescribed by law or by the charter thereof for the issuance and authorization of issuance of bonds.

In any city having a board of estimate and taxation the bonds hereby authorized may be issued, from time to time, by vote of five-sevenths of all the members of the board after request thereto by vote of two-thirds of all the members of the council and in no other manner, and if so authorized shall be issued by the board of estimate and taxation. In cities not having a board of estimate and taxation such bonds may be issued and sold, from time to time, by vote of two-thirds of all the members of the council or other chief governing body, subject to the right of referendum where provided in the charter of any such city. The bonds shall bear interest at not exceeding five per cent per annum, payable semiannually. The principal shall be payable serially in not more than 30 annual instalments as nearly equal as may be. The council or other chief governing body shall levy annually a tax on all the taxable property of the city sufficient to meet the interest and principal about to mature. The bonds or certificates hereby authorized, or any part thereof, may be issued and sold by each such city notwithstanding any limitation contained in the charter of the city or in the law of this state prescribing or fixing limitations upon the bonded indebtedness of the city, but the full faith and credit of the city shall at all times be pledged for the payment thereof at maturity, and for the payment of the current interest thereon.

In case the jurisdiction of the airport be under a board of park commissioners, in the cases provided in section 360.45, the board shall first request the council that it request the issuance of bonds for such purposes.

The amount of all bonds heretofore or hereafter issued by any such city for the acquisition or improvement of a flying field or airport shall not be counted or included in the net indebtedness of the city or in any computation of the city's outstanding indebtedness for the purpose of determining the limit of net indebtedness of the city.

[1929 c. 125 s. 6; 1929 c. 379 s. 6] (1626-13)

**360.45 AUTHORITY MAY BE EXERCISED BY GOVERNING BODY OR BOARD OF PARK COMMISSIONERS.** The authority hereby granted may be exercised by the council, or chief governing body thereof, by whatever name designated, or may be exercised by the board of park commissioners or other body in charge of the park system of the city. When the authority shall have been so vested in the latter body, either under the provisions of sections 360.39 to 360.45 or the provisions of sections 360.30 to 360.35, that authority shall continue to be exercised by the body in control of the park system of the city, and whichever body shall be vested with such authority shall have full and complete authority to govern the field so acquired and to regulate by general ordinance the use of the land for flying and for other aviation purposes.

[1929 c. 125 s. 7; 1929 c. 379 s. 7] (1626-14)

**360.46 APPLICATION OF SECTIONS 360.39 TO 360.45.** Sections 360.39 to 360.45 shall not apply to any city which has issued or shall issue bonds for municipal flying field and airport purposes as authorized by an ordinance referred to and approved by the voters of such city by popular vote.

[1929 c. 125 s. 9; 1929 c. 379 s. 9] (1626-16)

**360.47 AIRPORTS MAY BE ENLARGED IN CERTAIN CASES.** The governing body of any city of the first class in this state now or hereafter existing, which city owns, maintains, and operates an airport within its corporate limits, is hereby authorized and empowered from time to time, as funds are available, to extend, enlarge, and improve the facilities of the airport. Land necessary therefor may be acquired in the manner provided by the charter of any such city.

[1937 c. 388 s. 1] (1626-16a)

**360.48 TAX LEVY FOR MUNICIPAL AIRPORT.** Each city of the first class of this state, acting through its council or chief governing body, by whatever name known, or board of park commissioners is hereby authorized and empowered to levy annually on real and personal property of the city a tax not exceeding one-twentieth of a mill on each dollar on the assessed valuation of the city for the purpose of operating and maintaining the municipal airport of the city.

[1931 c. 273 s. 1] (1626-17)

**360.49 POWERS ADDITIONAL.** The provisions of sections 360.48 and 360.49 shall be in full force and effect notwithstanding any provision in the charter of the city to the contrary thereof. No such levy shall be made unless authorized by

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the board of estimate and taxation of the city, according to the provisions of the charter of the city establishing the board of estimate and taxation.

[1931 c. 273 s. 2] (1626-18)

**360.50 OPERATION OF FLYING MACHINES.** No person shall operate, or cause to be operated, any heavier than air flying machine or any aircraft of any kind or description over any city of the first class within this state except as hereinafter provided. *R 1943-653-24*

[1921 c. 433 s. 1] (1627)

**360.51 ALTITUDE.** It shall be unlawful to operate, or cause to be operated, any aircraft at a lower altitude than 2,000 feet above any such city and all exhibition flights over any such city which include trick flying or aerial acrobatics are hereby prohibited. *R 1943-653-24*

[1921 c. 433 s. 2] (1928)

**360.515 TRICK FLYING, CERTAIN ADVERTISING, AND NOISES PROHIBITED.** Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this state, shall engage in trick or acrobatic flying, or in any acrobatic feat, or, except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath, or drop any object except loose water or loose sand ballast, or engage in advertising through the playing of music, or transcribed or oral announcements, or make noise with any siren, horn, whistle, or other audible device which is not necessary for the normal operation of the aeroplane, shall be guilty of a misdemeanor. *R 1943-653-24*

[1929 c. 219 s. 10; 1941 c. 386] (5494-16)

**360.52 LOCATION OF LANDING FIELDS.** No landing field for aircraft shall be established within 1,000 feet of any public school or other educational institution wherein pupils under the age of 16 years are enrolled. Sections 360.50, 360.51, 360.52, and 360.53 shall not apply to any property which, at the time of the passage of those sections, was utilized for the purpose of a flying field. *R 1943-653-24*

[1921 c. 433 s. 3] (1629)

**360.53 VIOLATIONS; PENALTIES.** Any violation of sections 360.50, 360.51, 360.52, and 360.53, shall be a gross misdemeanor and punishable by a fine of not to exceed \$100.00 or imprisonment in the county jail for a period of not to exceed 60 days, or by both.

[1921 c. 433 s. 4] (1630)