

CHAPTER 360

AERONAUTICS

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360.018 AIRCRAFT, AIRMEN, AIRPORTS, AIR INSTRUCTION; REGULATION.

Subdivision 1. **Generally.** The general public interest and safety, the safety of persons receiving instruction concerning or operating, using, or traveling in aircraft and of persons and property on the ground, and the interest of aeronautical progress requiring that aircraft operated within this state should be airworthy, that airmen and those engaged in air instruction should be properly qualified, and that airports, restricted landing areas, and air navigation facilities should be suitable for the purposes for which they are designed; the purposes of sections 360.013 to 360.075, requiring that the commissioner should be enabled to exercise the powers of supervision therein granted; and the advantages of uniform regulation making it desirable that aircraft operated within this state should conform with respect to design, construction and airworthiness to the standards prescribed by the United States government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this state should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States, the commissioner is authorized:

(1) To require the registration annually of federal licenses, permits, or certificates of civil aircraft engaged in air navigation within this state, and to issue certificates of such registration, which certificates may be the same as the certificates issued pursuant to section 360.59, subdivision 3. The application for registration made pursuant to sections 360.54 to 360.67 shall be considered as the application for registration required by this section.

(2) The certificates of registration of aircraft issued pursuant to this section shall constitute licenses of such aircraft for operations within this state to the extent permitted by the federal licenses, certificates, or permits so registered. The application for registration shall contain such information as the commissioner may by rule, regulation, or order prescribe. The first application for registration made in this state shall be verified by the applicant. The second and succeeding applications for registration need not be verified. Each application for registration of aircraft shall be made as required by sections 360.54 to 360.67.

(3) To license any person engaged in commercial operations in accordance with rules and regulations to be adopted by the commissioner and to annually renew such a license. The rules and regulations adopted hereunder shall provide for:

(a) compliance with all requirements of the United States government relating to permits or certificates governing aircraft and airmen; and

(b) compliance with all laws of the state of Minnesota and rules and regulations of any state department or agency promulgated thereunder.

The fee for an original license or renewal license is \$30.

(4) To approve airport and restricted landing area sites and to license airports, restricted landing areas, or other air navigation facilities, in accordance with rules and regulations to be adopted by the commissioner, and to renew such licenses. Licenses granted under this subdivision or under any prior law shall be renewed annually or every three years upon payment of the fee therefor, and licenses shall be granted for airports and restricted landing areas which were being operated under a license on the 1st day of July 1943, without requirements of a certificate of approval, unless the commissioner shall reasonably determine, after a public hearing to be called by him and held in the same manner and upon the same notice as is provided for hearings upon certificates of approval or original licenses, that the operation of such airport or restricted landing area is hazardous to persons operating, using, or traveling in aircraft or to persons and property on the ground. He shall make no charge for approval certificates of proposed property acquisition for airport or restricted landing area purposes. The fee for the issuance of each original license for an airport or restricted landing area is \$15 per year and \$40 for three years.

(5) To suspend or revoke any license or certificate of registration of an aircraft or licensee of commercial operations issued by him, or to refuse to issue any such license or certificate of registration, when he shall reasonably determine that any aircraft is not airworthy or that any licensee of commercial operations is not qualified has engaged in advertising by means of false or deceptive statements, has been found guilty of gross incompetency or gross negligence, has been found guilty of fraud, dishonesty, forgery, or theft, has willfully violated the provisions of sections 360.013 to 360.075, the rules and regulations prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of congress or any rule or regulation promulgated pursuant thereto, is addicted to the use of narcotics or other habit forming drug or to the excessive use of intoxicating liquor, has made any false statement in any application for registration of a federal license, certificate or permit, or has been guilty of other conduct, acts, or practices dangerous to the public safety and the safety of those engaged in aeronautics.

[For text of subds 2 to 11, see M.S.1982]

History: 1983 c 293 s 100

360.019 ORDERS OF COMMISSIONER; REVIEW.

[For text of subd 1, see M.S.1982]

Subd. 2. **Hearings before commissioner; appeal.** Any person aggrieved by an order of the commissioner or by the granting or denial of any license, permit, certificate, or registration may request a hearing before the commissioner. The commissioner shall hold a public hearing and may stay the order until after the hearing. Orders of the commissioner reached after a public hearing may be reviewed by appeal in accordance with chapter 14.

History: 1983 c 247 s 141

360.024 AIR TRANSPORTATION SERVICES.

The commissioner shall charge users of air transportation services provided by the commissioner for all direct and indirect operating costs, excluding salaries and acquisition of aircraft. All receipts for these services shall be deposited in the air transportation services account in the state airports fund and are appropriated to

the commissioner to pay all direct and indirect air service operating costs, excluding salaries.

History: 1983 c 293 s 102

360.063 ZONING REGULATIONS.

[For text of subd 1, see M.S.1982]

Subd. 3. Joint airport zoning board. (1) Where an airport is owned or controlled by a municipality and an airport hazard area appertaining to the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport may request a county or municipality in which an airport hazard area is located:

(a) To adopt and enforce airport zoning regulations for the area in question that conform to standards prescribed by the commissioner pursuant to subdivision 4; or

(b) To join in creating a joint airport zoning board pursuant to clause (2). The owning or controlling municipality shall determine which of these actions it shall request, except as provided in clause (5) for the metropolitan airports commission. The request shall be made by certified mail to the governing body of each county and municipality in which an airport hazard area is located.

(2) Where an airport is owned or controlled by a municipality and an airport hazard area appertaining to the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport and the county or other municipality within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subdivision 1 in the municipality within which the area is located. A joint board shall have as members two representatives appointed by the municipality owning or controlling the airport and two from the county or municipality, or in case more than one county or municipality is involved two from each county or municipality, in which the airport hazard is located, and in addition a chairman elected by a majority of the members so appointed. All members shall serve at the pleasure of their respective appointing authority. Notwithstanding any other provision of law to the contrary, if the owning and controlling municipality is a city of the first class it shall appoint four members to the board, and the chairman of the board shall be elected from the membership of the board.

(3) If a county or municipality, within 60 days of receiving a request from an owning or controlling municipality pursuant to clause (1), fails to adopt, or thereafter fails to enforce, the zoning regulations or fails to join in creating a joint airport zoning board, the owning or controlling municipality, or a joint airport zoning board created without participation by the subdivisions which fail to join the board, may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between the regulations and airport zoning regulations adopted by the county or municipality within which the airport hazard area is located, section 360.064, subdivision 2, applies.

(4) "Owning or controlling municipality," as used in this subdivision, includes:

(a) A joint airport operating board created pursuant to section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(b) A joint airport operating board created pursuant to section 360.042 that has not been granted zoning powers under the agreement creating the board, provided that the board shall not itself adopt zoning regulations nor shall a joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board; and

(c) The metropolitan airports commission established and operated pursuant to chapter 473.

(5) The metropolitan airports commission shall request creation of one joint airport zoning board for each airport operated under its authority.

Subd. 4. Airport approach. The commissioner may recommend an airport approach plan for each publicly owned airport in the state and for each privately owned airport of the publicly owned class and from time to time recommend revisions of the plan. A plan shall indicate the circumstances in which structures or trees are or would be airport hazards, the airport hazard area, and what measures should be taken to eliminate airport hazards. The commissioner shall prescribe airport approach and turning standards for airports of various classes, and airport zoning regulations adopted by a municipality, county, or joint airport zoning board shall conform to the standards, except as provided in sections 360.065 and 360.066.

Subd. 6. Procedure when zoning board fails to act. If a municipality, county, or joint airport zoning board fails to adopt within a reasonable time airport zoning regulations in accordance with the provisions of sections 360.011 to 360.076, or adopts regulations or amendments which do not conform to the standard prescribed by the commissioner, the commissioner may, for the protection of the public safety, adopt or supplement and from time to time as may be necessary amend, supplement, or repeal the regulations for the municipality or county until airport zoning regulations provided for in sections 360.011 to 360.076, are adopted by the municipality, county, or joint airport zoning board. The commissioner shall have the same powers with reference to the airport zoning regulations as are granted in sections 360.011 to 360.076, to municipalities, administrative boards, and boards of adjustment. An action of the commissioner taken under this subdivision is subject to review by the courts as provided in section 360.072.

[For text of subs 6a to 8, see M.S.1982]

History: 1983 c 326 s 4-6

360.065 REGULATION, PROCEDURE FOR ADOPTION.

[For text of subd 1, see M.S.1982]

Subd. 2. Regulations submitted to commissioner. Prior to adopting zoning regulations for an airport hazard area under sections 360.011 to 360.076, the municipality, county, or joint airport zoning board which is to adopt the regulations shall submit its proposed regulations to the commissioner in order that the commissioner may determine whether it conforms to the standards prescribed by him. The commissioner shall immediately examine the proposed regulations and report to the municipality, county, or joint airport zoning board his approval, or objections, if any. If objections are made by him on the ground that the regulations do not conform to the standards prescribed by him for the class of

airport involved, the municipality, county, or joint zoning board shall make amendments as are necessary to meet the objections unless it demonstrates that the social and economic costs of restricting land uses in accordance with the standards outweigh the benefits of a strict application of the standards. The governing body of the municipality or county or the joint airport zoning board shall not adopt the regulations or take other action until the proposed regulations are approved by the commissioner. The commissioner may approve local zoning ordinances that are more stringent than the standards. A copy of the regulations as adopted shall be filed with the county recorder in each county in which the zoned area is located.

Substantive rights existing prior to the passage of this subdivision and previously exercised are not affected by the filing of the regulations.

History: 1983 c 326 s 7

360.066 ZONING REQUIREMENTS.

Subdivision 1. **Reasonableness.** Standards of the commissioner defining airport hazard areas and the categories of uses permitted and airport zoning regulations adopted under sections 360.011 to 360.076, shall be reasonable, and none shall impose a requirement or restriction which is not reasonably necessary to effectuate the purposes of sections 360.011 to 360.076. In determining what minimum airport zoning regulations may be adopted, the commissioner and a local airport zoning authority shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the location of the airport, the nature of the terrain within the airport hazard area, the existing land uses and character of the neighborhood around the airport, the uses to which the property to be zoned are planned and adaptable, and the social and economic costs of restricting land uses versus the benefits derived from a strict application of the standards of the commissioner.

[For text of subds 1a to 2, see M.S.1982]

History: 1983 c 326 s 8

360.067 PERMITS, VARIANCES.

Subdivision 1. **Permits.** (1) Airport zoning regulations adopted under sections 360.011 to 360.076, may require that a permit be obtained before a new structure or use may be constructed or established and before an existing use or structure may be substantially changed or substantially altered or repaired. In any event, all regulations shall provide that before a nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing the replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

(2) Whenever the administrative agency determines that a nonconforming use or nonconforming structure or tree has been abandoned or more than 80 percent torn down, deteriorated, or decayed: (a) no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and (b), whether application is made for a

permit under this subdivision or not, the agency may by appropriate action compel the owner of the nonconforming structure or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree neglects or refuses to comply with the order for ten days after notice of the order, the agency may proceed to have the object lowered, removed, reconstructed, or equipped and assess the cost and expense upon the object of the land where it is or was located. Unless an assessment is paid within 90 days from the service of notice on the agent or owner of the object or land, the sum will bear interest at the rate of eight percent per annum until paid, and shall be collected in the same manner as are general taxes.

(3) Except as provided in this subdivision, all applications for permits shall be granted.

[For text of subds 2 to 4, see M.S.1982]

History: 1983 c 326 s 9

360.072 JUDICIAL REVIEW.

Subdivision 1. **Appeal.** Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or of any action of the commissioner taken under section 360.063, subdivisions 6 or 6a, or any governing body of a municipality or county, or any joint airport zoning board, which believes that a decision of a board of adjustment or action of the commissioner is illegal may appeal in accordance with chapter 14.

Subd. 2. [Repealed, 1983 c 247 s 219]

Subd. 3. [Repealed, 1983 c 247 s 219]

Subd. 4. [Repealed, 1983 c 247 s 219]

Subd. 5. [Repealed, 1983 c 247 s 219]

[For text of subds 6 and 7, see M.S.1982]

History: 1983 c 247 s 142

360.302 MINNESOTA AERONAUTICS BONDS.

Subdivision 1. To provide moneys appropriated from time to time by the legislature for aeronautics purposes in accordance with the Constitution, article 10, sections 4 and 5, and article XI, section 5, clause (g), upon request of the commissioner of transportation, the commissioner of finance is directed to issue and sell bonds of the state of Minnesota, not exceeding the amount required from time to time to meet the appropriations so made, for the prompt and full payment of which, with the interest thereon, the full faith, credit, and taxing powers of the state are hereby irrevocably pledged. Such bonds shall be known as "Minnesota aeronautics bonds." The principal amount thereof shall be credited to the state airports fund created by sections 360.017 and 270.077, together with any interest received by the state upon investment of such bond proceeds, but the accrued interest and any premium received upon sale of the bonds shall be credited to the state bond fund except that the principal amount of any bonds authorized to refund existing obligations shall be credited to the fund or funds from which those obligations are payable.

Subd. 2. Such bonds shall be issued and sold upon sealed bids after published notice, unless sold to the state board of investment. They shall be issued and sold in the manner, at times, in form and denominations, bearing

interest at a rate or rates, maturing on dates and in amounts, with or without option of prior redemption upon notice and at specified times and prices, payable at a bank or banks, within or without the state, with provisions, if any, for registration, conversion, and exchange and for the issuance of temporary bonds or notes in anticipation of the sale and delivery of definitive bonds, and in accordance with further regulations as the commissioner of finance may determine, subject to any limitations stated in the acts authorizing such bonds and appropriating the proceeds thereof (but not subject to the provisions of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62). The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures of these officers on the face of and the interest coupons appertaining to any bond, and their seals, may be printed, lithographed, stamped, engraved, or otherwise reproduced thereon, provided that the signature of one of the officers, or of an authorized representative of a corporate registrar or other agent designated by the commissioner of finance to authenticate the bonds, shall be manually subscribed on the face of each bond.

Subd. 3. The commissioner of finance is authorized and directed to ascertain and certify to purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota in accordance with their terms. Any act authorizing the issuance of bonds pursuant to this section shall, together with this section, constitute complete authority for such issue, and such bonds shall not be subject to the restrictions or limitations contained in any other law.

[For text of subd 4, see M.S.1982]

History: 1983 c 301 s 195-197

360.531 TAXATION.

[For text of subds 1 to 3, see M.S.1982]

Subd. 4. **Base price for taxation.** For the purpose of fixing a base price for taxation from which depreciation in value at a fixed percent per annum can be counted, such price is defined as follows:

(1) The base price for taxation of an aircraft shall be the manufacturer's list price.

(2) The commissioner shall have authority to fix the base value for taxation purposes of any aircraft of which no such similar or corresponding model has been manufactured, and of any rebuilt or foreign aircraft, any aircraft on which a record of the list price is not available, or any military aircraft converted for civilian use, using as a basis for such valuation the list price of aircraft with comparable performance characteristics, and taking into consideration the age and condition of the aircraft.

[For text of subds 5 to 9, see M.S.1982]

History: 1983 c 326 s 10

360.63 DEALER'S LICENSE.

Subdivision 1. Any person engaged in the business of selling, purchasing, or dealing in aircraft, new or used, and who desires to withhold aircraft owned by him from tax as provided in sections 360.511 to 360.67, may apply to the commissioner for an aircraft dealer's license. In order to qualify for an aircraft dealer's license the applicant shall show that he has an established place of

business on an airport licensed as a public airport by the commissioner and that he has the necessary buildings, facilities and equipment for the proper storage and maintenance of aircraft in accordance with such rules and regulations as may be established by the commissioner. The commissioner may charge a fee of \$10 for each license which license shall be effective for one year from the date of its issuance or he may authorize an aircraft dealer to operate under a flight operator's license as otherwise provided by chapter 360. The commissioner is empowered to suspend or revoke any license issued by him when he shall determine that the holder thereof has violated any of the provisions of sections 360.511 to 360.67 or has failed to maintain any of the requirements necessary to obtain such license.

Subd. 2. Any licensed aircraft dealer may apply to the commissioner for one or more aircraft dealers' plates. A charge of \$15 shall be made for each such plate. Any aircraft owned by said dealer may be used for the purpose of demonstration or for any purpose incident to the usual conduct and operation of his business as an aircraft dealer provided aircraft dealers' plates are conspicuously attached to the aircraft when so used, and provided said aircraft has been first listed with the commissioner on an aircraft withholding form provided by him.

History: 1983 c 293 s 103