360.062 AIRPORT HAZARD PREVENTION; PROTECTING EXISTING LAND USES.

(a) It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and may reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft, thereby impairing the utility of the airport and the public investment therein. It is also found that the social and financial costs of disrupting existing land uses around airports often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses.

(b) Accordingly, it is hereby declared: (1) the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (2) it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented and that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation; and (3) the elimination or removal of existing land uses or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety.

(c) It is further declared that the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are essential public services for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

History: *1945 c 303 s 25; 1978 c 654 s 1; 1Sp2019 c 3 art 3 s 93*