CHAPTER 2-02
AIRPORTS AND LANDING FIELDS

2-02-01. Authority to acquire, operate, and regulate airports.

The North Dakota aeronautics commission and all counties, cities, park districts, and townships of this state, separately or jointly, may acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports and landing fields for the use of aircraft either within or without the geographic limits of such political subdivisions, and may use for such purpose or purposes any available property owned or controlled by the state aeronautics commission or such political subdivisions. Any property acquired, owned, leased, controlled, or occupied for the purpose or purposes enumerated herein hereby is declared to be acquired, owned, leased, controlled, or occupied for a public purpose and as a matter of public need, and there is no liability on the part of the state aeronautics commission or any county, city, park district, or township in connection therewith, or in the operation thereof, except to its own employees.

2-02-02. Property - How acquired.

Private property needed by a county, city, park district, or township for an airport or landing field, or for the expansion of an airport or landing field, may be acquired by grant, purchase, lease, or other means, if the political subdivision is able to agree with the owners of the property on the terms of the acquisition, and otherwise, subject to chapter 32-15, by right of eminent domain.

2-02-03. Purchase price - How paid - Bond issue.

The purchase price or award for real property acquired in accordance with the provisions of this chapter 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 said counties, cities, park districts, and townships, as the proper officials of such political subdivisions shall determine, but any bonds for such purpose must be authorized and issued under the provisions of chapter 21-03.

2-02-04. Air rights - How acquired.

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 this chapter, the counties, cities, park districts, and townships may acquire such air rights over private property as are necessary to ensure safe approaches to the landing areas of said airports and landing fields. Such air rights may be acquired by grant, purchase, lease, or by right of eminent domain in the same manner as is provided in section 2-02-02 for the acquisition of the airport or landing field itself or the expansion thereof.

2-02-05. Rights for marking fields - How acquired.

Such political subdivisions may 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 nighttime 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 this chapter. Such rights or easements may be acquired in the manner provided in section 2-02-02.

2-02-06. Authority to construct, operate, regulate, or lease airports.

Counties, cities, park districts, and townships which have established airports or landing fields, or which acquire, lease, or set apart real property for such purpose or purposes, may:

1. Construct, equip, maintain, and operate the same, or vest authority for the construction, equipment, improvement, maintenance, and operation thereof, in an officer, board, or body of such political subdivision. The expenses of such construction,

equipment, improvement, maintenance, and operation are a responsibility of said political subdivision.

2. Adopt regulations and establish charges, fees, and tolls for the use of such airports or landing fields and fix penalties for the violation of said regulations.
3. Lease such airports or landing fields to private parties for operation, or lease or assign to private parties for operation, space, area, improvements, and equipment on such airports or landing fields, if in each case the public, in so doing, is not deprived of its rightful use thereof.
4. Establish toll access roadways leading to air carrier terminal buildings. The toll access charge may not exceed one dollar per vehicle.

2-02-07. Authority to raise money by taxation and use airport income.

The local public authorities having power to appropriate moneys within the political subdivisions acquiring, establishing, developing, operating, maintaining, or controlling airports under the provisions of this chapter may appropriate and cause to be raised by taxation under section 2-06-15 or from revenue derived from general fund levy authority in such political subdivisions, moneys sufficient to carry out therein the provisions of this chapter, and also may use for such purpose or purposes moneys derived from said airports.

2-02-08. Police power outside geographic limits.

Counties, cities, park districts, and townships acquiring, establishing, developing, operating, maintaining, or controlling airports or landing fields under the provisions of this chapter without the geographic limits of such subdivisions have the same police powers over such airports or landing fields as they may exercise within the geographic limits of such subdivisions.

2-02-09. Authorization for airport liability insurance - Exceptions.

After June 30, 1967, any airport authority, county, city, township, or other political subdivision which operates an airport, is hereby authorized to carry liability insurance for its own protection and the protection of any employee from claim for loss or damage for bodily injury or property damage arising out of or by reason of its operation and maintenance of airport facilities in connection therewith or landing fields; provided, that any airport authority or political subdivision, and its agents, servants, and employees have full government immunity for any claims in excess of the limits afforded by such insurance policies or full governmental immunity in the event no insurance is carried. The existence of insurance coverage may not be conveyed to the jury in the event of suits thereon, either directly or indirectly. If a dispute exists concerning the amount or nature of the insurance coverage, the dispute must be tried separately before the main trial determining the claims and damages of the claimant. This statute confers no right for a claimant to sue the insurer directly.