

# AVIATION

## CHAPTER 91

(H. B. No. 99—McDowall and Crockett.)

### LICENSE REQUIREMENT AIRCRAFT

An Act to amend and re-enact Section 3 of Chapter 85 of the 1929 Session Laws relating to aircraft license.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 3 of Chapter 85 of the 1929 Session Laws of the State of North Dakota be amended and re-enacted as follows:

§ 3. AIRCRAFT LICENSE REQUIRED.] No civil aircraft shall be flown in this state for hire unless such aircraft is licensed as provided by Section 5 of this act, or shall have been licensed under the federal law.

Approved February 13, 1931.

## CHAPTER 92

(H. B. No. 223—Thompson by Request.)

### PUBLIC AIRPORTS AND LANDING FIELDS

An Act authorizing counties, cities, towns, villages and townships to acquire, operate and maintain airports or landing fields; to provide for air rights for approaches thereto; to adopt regulations and establish charges, fees and tolls for the use thereof; to lease such airports or landing fields and equipment to private parties for operation; granting police powers over such airports or landing fields; and limiting liability in the operation thereof.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. All counties, cities, towns, villages and townships of this state are hereby authorized, separately or jointly, to 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 geographical limits of such political subdivisions, and may use for such purpose or purposes any available property that is now or may at any time hereafter be owned or controlled by such political subdivisions.

§ 2. Any property acquired, owned, leased, controlled, or occupied by such counties, cities, towns, villages and townships for the purpose or purposes enumerated in Section 1 of this act shall be and is hereby declared to be acquired, owned, leased, controlled, or occupied for a public purpose and as a matter of public need; and

there shall be no liability on the part of (any) county, city, village or township in connection therewith, or operation thereof, except to its own employees.

§ 3. Private property needed by a county, city, town, village and 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 such political subdivision is able to agree with the owners of said property on the terms of such acquisition, and otherwise by condemnation and/or excess condemnation in the manner provided by law under which such political subdivision is authorized to acquire real property for public purposes.

§ 4. The purchase price or award for real property acquired in accordance with the provisions of this act 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, towns, villages and townships as the proper officials of such political subdivisions shall determine; provided, however, that any bonds for such purpose shall be authorized and issued under the provisions of Chapter 196, Laws of 1927, and acts amendatory thereto.

§ 5. 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 act, such counties, cities, towns, villages and townships are hereby granted authority to acquire such air rights over private property as are necessary to insure safe approaches to the landing areas of said airports and landing fields. Such air rights may be acquired by grant, purchase, lease, or condemnation in the same manner as is provided in Section 3 of this act for the acquisition of the airport or landing field itself or the expansion thereof.

§ 6. Such counties, cities, towns, villages and townships 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 this act. Such rights or easements may be acquired by grant, purchase, lease, or condemnation in the same manner as is provided in Section 3 of this act for the acquisition of the airport or landing field itself or the expansion thereof.

§ 7. Said counties, cities, towns, villages and townships which have established or may hereafter establish airports or landing fields or which acquire, lease, or set apart real property for such purpose or purposes, are hereby authorized:

(a) To construct, equip, maintain, and operate the same, or to 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 shall be a responsibility of said political subdivision.

(b) To 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.

(c) To lease such airports or landing fields to private parties for operation or to lease or assign to private parties for operation, space, area, improvements, and equipment on such airports or landing fields, provided in each case that in so doing the public is not deprived of its rightful use thereof.

§ 8. The local public authorities having power to appropriate moneys within the counties, cities, towns, villages and townships acquiring, establishing, developing, operating, maintaining, or controlling airports or landing fields under the provisions of this act, are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such political subdivisions, moneys sufficient to carry out therein the provisions of this act; also, to use for such purpose or purposes moneys derived from said airports or landing fields.

§ 9. Counties, cities, towns, villages and townships acquiring, establishing, developing, operating, maintaining, or controlling airports or landing fields under the provisions of this act without the geographical limits of such subdivisions are hereby specifically granted the same police powers over such airports or landing fields as they may now exercise or may hereafter be authorized to exercise within the geographical limits of such subdivisions.

§ 10. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1931.