

SENATE BILL NO. 651

BY SENATOR HEBERT

1 AN ACT

2 To amend and reenact R.S. 2:381, 385(A), and 802(A)(1) and to enact R.S. 2:802(A)(3),
3 relative to aviation safety; to provide relative to airport zoning regulations; to
4 provide relative to the adoption by certain political subdivisions of airport zoning
5 regulations which comply with certain United States Department of Transportation,
6 Federal Aviation Administration regulations; to provide relative to funding from the
7 airport construction or development priority program; to provide terms and
8 conditions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 2:381, 385(A), and 802(A)(1) are hereby amended and reenacted and
11 R.S. 2:802(A)(3) is hereby enacted to read as follows:

12 §381. Authority of municipalities and parishes

13 For promoting safety or the general welfare of the community the governing
14 body of all incorporated cities, towns and villages and of the parishes may
15 promulgate, administer, and enforce airport zoning regulations limiting the height
16 of structures and objects of natural growth and otherwise regulate the use of property
17 in the vicinity of airports and landing fields. **Any regulations adopted shall comply**
18 **with any United States Department of Transportation, Federal Aviation**
19 **Administration, advisory circular, order, regulation, safety guideline,**
20 **recommendation, or other official document in order to ensure aviation safety**

1 and compatible land use.

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3 §385. Permits; variances; obstruction marking and lighting

4 A. Permits. ~~Where advisable to facilitate the enforcement of zoning~~
5 ~~regulations adopted pursuant to this Chapter,~~ **If airport zoning regulations are**
6 **adopted a** system ~~may~~ **shall** be established by any ~~parish or other~~ political
7 subdivision for the granting of permits to establish or construct new structures and
8 other uses and to replace existing structures and other uses or make substantial
9 changes therein or substantial repairs thereof. In any event, before any non-
10 conforming structure or tree may be replaced, substantially altered or repaired,
11 rebuilt, allowed to grow higher, or replanted, a permit shall be secured from the
12 administrative agency authorized to administer and enforce the regulations,
13 authorizing such replacement, change, or repair. No such permit shall be granted that
14 would allow the structure or tree in question to be made higher or become a greater
15 hazard to air navigation than it was when the applicable regulation was adopted; and
16 whenever the administrative agency determines that a non-conforming structure or
17 tree has been abandoned or more than eighty percent torn down, destroyed,
18 deteriorated, or decayed: (1) no permit shall be granted that would allow ~~said~~ **the**
19 structure or tree to exceed the applicable height limit or otherwise deviate from the
20 zoning regulations; and (2) whether application is made for a permit under this
21 paragraph or not, the ~~said~~ agency may by appropriate action compel the owner of the
22 non-conforming structure or tree, at his own expense, to lower, remove, reconstruct,
23 or equip such object as may be necessary to conform to the regulations or, if the
24 owner of the non-conforming structure or tree shall neglect or refuse to comply with
25 such order for ten days after notice thereof, the ~~said~~ agency may proceed to have the
26 object so lowered, removed, reconstructed, or equipped and assess the cost and
27 expense thereof upon the object or the land whereon it is or was located. Unless such
28 an assessment is paid within ninety days from the service of notice thereof on the
29 agent or owner of such object or land, the sum shall bear interest at the rate of ten
30 percent per annum until paid, and shall be collected in the same manner as are

1 general taxes. Except as indicated, all applications for permits for replacement,
2 change or repair of non-conforming uses shall be granted.

3 * * *

4 §802. Methodology for airport project evaluation

5 A.(1) Applications for funding of any airport construction or development
6 project may be submitted by any airport authority, except as provided in R.S. 2:806,
7 However, to be eligible for state funding from the Airport Construction and
8 Development Priority Program for an airport project, an airport authority
9 located in a political subdivision which has adopted airport zoning regulations,
10 shall certify to the Department of Transportation and Development that the
11 political subdivision's regulations are in compliance with United States
12 Department of Transportation, Federal Aviation Administration, advisory
13 circulars, orders, regulations, safety guidelines, recommendations, or other
14 official documents that have been issued for the purpose of ensuring aviation
15 safety and compatible land use. and equal Equal consideration shall be given to
16 rural aviation and commercial urban aviation. Applications shall be made to the
17 Department of Transportation and Development by November first of each year,
18 ~~beginning in 1989~~, for consideration of funding in the following fiscal year, ~~except~~
19 ~~for the projects already on the priority list for 1989-90, which will be funded in the~~
20 ~~current year.~~ Applications submitted in accordance with the provisions of this
21 Chapter shall not be subject to the provisions of R.S. 39: ~~61 and 62~~ 104, 111, 114,
22 and 121. Information to be provided in the application shall include but not be
23 limited to the following:

- 24 (a) Description of the project and demonstration of immediate need for the
25 project.
- 26 (b) Preliminary project design and cost estimate.
- 27 (c) Description of project area.

28 * * *

29 (3) Projects being funded on the effective date of this Paragraph and
30 projects on the proposed Airport Priority Program for FY 2010-2011 on the

1 effective date of this Paragraph are exempt from the requirements of this

2 Subsection.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____