

Act No. 89
Public Acts of 2009
Approved by the Governor
September 10, 2009
Filed with the Secretary of State
September 10, 2009
EFFECTIVE DATE: September 10, 2009

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2009**

Introduced by Senators Van Woerkom, Barcia, Stamas and Gilbert

ENROLLED SENATE BILL No. 430

AN ACT to amend 1950 (Ex Sess) PA 23, entitled "An act to empower and direct the Michigan aeronautics commission to adopt airport approach plans for publicly owned airports within this state; to empower the Michigan aeronautics commission, municipalities, and other political subdivisions to promulgate, adopt, establish, administer, and enforce airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of publicly owned airports, and to acquire, by purchase, grant, condemnation, or otherwise, air rights and other interests in land; to provide for the establishment of zoning commissions, administrative agencies, and boards of appeals to administer the provisions of this act, and to provide for their organization and procedure and appeals therefrom; and to provide penalties and remedies for violations of this act or ordinances or regulations made under the authority herein conferred; to provide for reciprocity with adjoining states maintaining and operating airports; and to repeal any inconsistent act or parts of acts," (MCL 259.431 to 259.465) by adding section 24a.

The People of the State of Michigan enact:

Sec. 24a. An application for a permit or variance under section 23 or 24, respectively, to construct, establish, rebuild, or substantially change, alter, or repair a structure or to replant a tree or allow a tree to grow tall shall be considered to be granted if all of the following apply:

- (a) The applicant has been granted a permit for the activity under the tall structure act, 1959 PA 259, MCL 259.481 to 259.493.
- (b) The applicant has been granted any necessary permits or other approvals for the activity from the federal aviation administration.
- (c) Ninety days have elapsed since the application was filed pursuant to the procedures specified in the applicable airport zoning regulations and the administrative agency authorized to enforce the airport zoning regulations has neither granted nor denied the application.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor