

AERONAUTICS CODE OF THE STATE OF MICHIGAN (EXCERPT)

Act 327 of 1945

CHAPTER VII

ACQUISITION AND OPERATION OF AIRPORTS, LANDING FIELDS AND OTHER AERONAUTICAL FACILITIES BY POLITICAL SUBDIVISIONS OF THIS STATE.

259.126 Airports; acquisition and operation by political subdivisions.

Sec. 126. Every political subdivision in this state is hereby authorized through its governing body to acquire property, real and personal, for the purpose of establishing, constructing, and enlarging airports, landing fields and other aeronautical facilities, and to acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate such airports, landing fields and other aeronautical facilities, and other property incidental to their operation, either within or without the territorial limits of such political subdivision, and within or without the state of Michigan, in the manner provided by the laws of this state for the acquisition of real property for public purposes. Acquisition may be by purchase, lease, gift, condemnation or dedication: Provided, That, except with respect to the enlargement of existing airports, landing fields and other aeronautical facilities, a verdict of necessity in any condemnation case pending on the effective date of this act, or hereafter instituted pursuant to the provisions of this section, shall not be rendered by the condemnation jury, in case the proposed site is wholly or partially located within a charter township of more than 35,000 population according to the latest census or is wholly or partially located within a political subdivision next adjoining such charter township and the proposed site is located in a county other than that in which the condemning authority is situated, until such time as evidence is presented to the court showing that the board of supervisors of the county within which the proposed site is wholly or partially located and the board of supervisors of the county within which the adjoining political subdivision is located have approved the acquisition and condemnation of such property for such purposes by a majority vote of its members elect.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.126;—Am. 1953, Act 39, Imd. Eff. May 3, 1953.

Former law: See sections 1, 2, 3, 4, and 6 of Act 182 of 1927, being CL 1929, §§ 4829, 4830, 4831, 4832, and 4834; Act 344 of 1939.

259.126a Aeronautical facilities; acquisition and operation by state of Wisconsin; reciprocity.

Sec. 126a. The governing body of a political subdivision in the state of Wisconsin whose laws permit, may acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain and operate airports, landing fields and other aeronautical facilities in this state, subject to all laws, rules and regulations of this state applicable to its political subdivisions in such aeronautical projects, but subject to the laws of Wisconsin in all matters relating to financing such projects. A political subdivision of the state of Wisconsin shall have the same privileges, rights and duties of like political subdivisions of this state. This section shall not apply unless the laws of Wisconsin permit political subdivisions of this state to acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain, operate and otherwise control such airport, landing field and other aeronautical facilities in Wisconsin with all privileges, rights and duties applicable to the other political subdivisions of the state of Wisconsin in such aeronautical projects.

History: Add. 1967, Act 271, Eff. Nov. 2, 1967.

Administrative rules: R 259.201 et seq.; R 259.801 et seq. of the Michigan Administrative Code.

259.126b Political subdivision of state of Ohio; privileges, rights, and duties.

Sec. 126b. The governing body of a political subdivision in the state of Ohio whose laws permit may acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain, and operate airports, landing fields, and other aeronautical facilities in this state, subject to all laws, rules, and regulations of this state applicable to its political subdivisions in such aeronautical projects, but subject to the laws of Ohio in all matters relating to financing of such projects. A political subdivision of the state of Ohio shall have the same privileges, rights, and duties of like political subdivisions of this state. This section does not apply unless the laws of Ohio permit political subdivisions of this state to acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain, operate, and otherwise control an airport, landing field, and other aeronautical facility in Ohio with all privileges, rights, and duties applicable to the other political subdivisions of the state of Ohio in such aeronautical projects.

History: Add. 1996, Act 370, Imd. Eff. July 3, 1996.

259.126c Political subdivision of state of Indiana; privileges, rights, and duties.

Sec. 126c. The governing body of a political subdivision in the state of Indiana whose laws permit may acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain, and operate airports,

landing fields, and other aeronautical facilities in this state, subject to all laws, rules, and regulations of this state applicable to its political subdivisions in such aeronautical projects, but subject to the laws of Indiana in all matters relating to financing such projects. A political subdivision of the state of Indiana shall have the same privileges, rights, and duties of like political subdivisions of this state. This section does not apply unless the laws of Indiana permit political subdivisions of this state to acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain, operate, and otherwise control an airport, landing field, and other aeronautical facility in Indiana with all privileges, rights, and duties applicable to the other political subdivisions of the state of Indiana in such aeronautical projects.

History: Add. 1996, Act 370, Imd. Eff. July 3, 1996.

259.127 Air space rights.

Sec. 127. Where necessary, in order to provide unobstructed air space for the safe landing or taking off of aircraft utilizing airports, landing fields, or other aeronautical facilities acquired or operated under this act, every political subdivision of this state is authorized to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports, landing fields, and other aeronautical facilities, and such other airport protection privileges as are necessary to insure safe approaches to the landing and takeoff areas. Political subdivisions are also authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from airport hazards, for the purpose of maintaining and repairing the lights and marks.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.127;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

259.128 Encroachments on airport protection privileges declared public nuisance; abatement.

Sec. 128. Encroachments on airport protection privileges a public nuisance. It shall be unlawful for anyone to build, rebuild, create, or cause to be built, rebuilt, or created any object, or plant, cause to be planted or permit to grow higher any tree or trees or other vegetation, which shall encroach upon any airport protection privileges acquired pursuant to the provisions of this chapter. Any such encroachment is declared to be a public nuisance and may be abated in the manner as is prescribed by law for the abatement of public nuisance.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.128.

259.129 Prior acquisitions; validation.

Sec. 129. Prior acquisition and operation of airport property validated. Any acquisition of property within or without the limits of any political subdivision of this state for airports, landing fields, or other aeronautical facilities, or of airport protection privileges and arrangements made for the operation of such facilities, heretofore made by any such political subdivision in any manner, together with the conveyance and acceptance thereof, is hereby legalized and made valid and effective.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.129.

259.130 Political subdivisions; appropriation of funds.

Sec. 130. Political subdivisions may appropriate funds and levy tax for airports, landing fields and other aeronautical facilities. Every political subdivision of this state is hereby authorized to appropriate funds for acquisition, improvement, maintenance and equipping of airports, landing fields and other aeronautical facilities as provided in this act, and may levy tax on property within such political subdivisions subject to taxation for public purposes, as provided by law; but said tax shall never exceed in any 1 year 1 mill on the assessed valuation of said political subdivision: Provided, That funds of any political subdivision not already appropriated or earmarked for other purposes may be used for the herein authorized purposes upon the majority vote of the legislative body of any such political subdivision.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.130.

Former law: See section 7 of Act 182 of 1927, being CL 1929, § 4835.

259.131 Aeronautical facilities; general obligation bonds; revenue bonds; additional security; “revenues” defined.

Sec. 131. (1) The legislative body of any political subdivision in this state may submit to the qualified electors of the political subdivision at any regular or special election called for that purpose the question of the issuance of general obligation bonds of the political subdivision, the proceeds of which shall be used for the acquisition, construction, operation, maintenance, and equipping of airports and landing fields, including

buildings, structures, or facilities relating to them and the necessary land for them. A majority vote of the qualified voters voting on the question shall authorize the issuance of the general obligation bonds. General obligation bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(2) Revenue bonds may be issued for the purposes set forth in subsection (1), and the legislative body of the political subdivision may pledge as security for the bonds all or any portion of the landing fees, concession fees, rents, charges, or any other revenues derived from the operation of the airport. The revenue bonds shall be issued in accordance with the applicable provisions of the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. However, the fees, rents, or charges pledged that are fixed and established under the provisions of a lease or contract shall not be subject to revision or change except in the manner provided in the lease or contract. As additional security for the payment of the principal of and interest on any revenue bonds issued under the provisions of this section, any issuing political subdivision may, by resolution adopted by a majority vote of its governing body, agree that if the funds pledged for the payment of the revenue bonds are not sufficient to pay the principal and interest on the bonds as they become due, the political subdivision shall advance sufficient money out of its general funds for the payment of the principal and interest, if the proceeds of the revenue bonds are used exclusively within the territorial limits of the county in which the political subdivision is located, and the treasurer of the political subdivision shall promptly make the advancement. The political subdivision shall be reimbursed for any money advanced out of funds pledged for the payment of the revenue bonds subsequently paid or collected.

(3) Except for the additional security that may be agreed upon by resolution of the governing body as provided in this section, the principal of and interest on the revenue bonds shall be payable solely from the revenues described in this section. As used in this section, "revenues" means net revenues after operating expenses.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.131;—Am. 1955, Act 34, Imd. Eff. Apr. 19, 1955;—Am. 1956, Act 163, Imd. Eff. Apr. 16, 1956;—Am. 1957, Act 228, Imd. Eff. June 6, 1957;—Am. 1958, Act 194, Eff. Sept. 13, 1958;—Am. 2002, Act 342, Imd. Eff. May 23, 2002.

259.131a Repealed. 1996, Act 370, Imd. Eff. July 3, 1996.

Compiler's note: The repealed section pertained to issuance of capital city airport revenue bonds.

259.132 Declaration of public purpose and necessity.

Sec. 132. Declaration of public purpose and as a public necessity. The acquisition of any lands for the purpose of establishing airports, landing fields or other aeronautical facilities; the acquisition, of airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment and operation of airports, landing fields and other aeronautical facilities, and the exercise of any other powers herein granted to political subdivisions of this state, are hereby declared to be public, governmental and municipal functions, exercised for a public purpose, and matters of public necessity.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.132.

Former law: See section 3 of Act 182 of 1927, being CL 1929, § 4831.

259.133 Additional powers of political subdivision establishing aeronautical facility.

Sec. 133. In addition to the general powers conferred by this act, a political subdivision that has established or establishes an airport, landing field, or other aeronautical facility may do 1 or more of the following:

(a) Vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation of the airport, landing field, or other aeronautical facility, in an officer, a board, or body of a political subdivision, by ordinance or resolution that prescribes the powers and duties of the officer, board, or body. In counties operating under the county road system with a population of more than 2,000,000, the board of county road commissioners may implement this section for that county.

(b) Employ a regular airport manager for the airport, landing field, or other aeronautical facility under its control, or in cases where an airport board or body is established, the airport manager may be employed by the board or body.

(c) Adopt and amend all necessary rules, regulations, and ordinances, for the management, government, and use of any properties under its control, whether within or outside of its territorial limits; appoint airport guards or police, with full police powers; establish penalties for the violation of the rules, regulations, and ordinances, and enforce the penalties.

(d) Adopt and enact rules, regulations, and ordinances designed to safeguard the public upon or beyond the limits of private airports, landing fields, or other aeronautical facilities within the political subdivision or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules adopted

pursuant to this subdivision shall be consistent with and conform as nearly as possible with the laws of this state and the rules of the state transportation department.

(e) Lease for a term of years, donate, or sell, the airport, landing field, or other aeronautical facility, or buildings and structures relating to the airport, landing field, or other aeronautical facility, or real property acquired or set apart for these purposes, to any person or persons, any other political subdivision or the state, or the federal government, or any department of a political subdivision, or the state or federal government, either exclusively or in common with others, for operation and public use; confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities; enter into leases, contracts, agreements, or grants of privileges of concessions with any person or persons, any other political subdivision or the state government or the federal government, or any department of a political subdivision or the state or federal government, for the operation, use, or occupancy, either exclusively or in common with others, of all or any part of the airport, landing field, or other aeronautical facility, including any buildings and structures of the airport, landing field, or aeronautical facility, under its control, for a term or terms not to exceed 50 years, establishing the charges, rentals, or fees at a fixed or variable rate binding upon the parties for the full term of the lease, contract, agreement, or grant, which lease, contract, agreement, or grant may provide for the resolution of disputes or for the fixing of variable terms through arbitration or similar procedure. The terms, charges, rentals, and fees shall be equal and uniform for the same type of facilities provided, services rendered, or privileges granted with no unjust discrimination between users of the same class for like facilities provided, services rendered, or privileges granted. However, the public shall not be deprived of its rightful, equal, and uniform use of facilities provided, services rendered, or privileges granted. Terms, charges, rentals, and fees may vary if necessary, to provide security and funds for payment of bonds to be issued as authorized by this act to finance improvements to any airport, or to allow for other differing costs of financing, construction of facilities, or maintenance and operation of the facility.

(f) Sell, donate, or lease any property, real or personal, acquired for such purposes and belonging to the political subdivision, which in the judgment of its governing body, may not be subsequently required for aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the political subdivision, governing the sale or leasing of similarly owned property.

(g) Determine the charges, rentals, or fees for the use of any properties under its control, and the charges for any services or accommodations, and the terms and conditions under which the properties may be used, which rentals, fees, charges, terms, and conditions shall be equal and uniform for the same type of use provided, services rendered, or accommodations granted with no unjust discrimination between users of the same class for like use provided, services rendered, or accommodations granted, except that any charges, rentals, and fees as may be fixed or determined by any lease, contract, agreement, or grant of privileges of concessions to which the political subdivision is a party or is the grantor, shall be binding upon all parties for the full term prescribed in the lease, contract, agreement, or grant unless the same is sooner modified or terminated by mutual consent of the parties. However, the public shall not be deprived of its rightful, equal, and uniform use of such property. Terms, charges, rentals, and fees may vary if necessary, to provide security and funds for payment of bonds to be issued as authorized by this act to finance improvements to any airport, or to allow for other differing costs of financing, construction of facilities, or maintenance and operation of any such facility. Liens may be attached and enforced by law, as provided in such cases, and their enforcement, for repairs to or improvements or storage or care of any personal property, to enforce the payment of the charges.

(h) Exercise all powers necessarily incidental to the exercise of the general and special powers granted under this section.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.133;—Am. 1955, Act 187, Eff. Oct. 14, 1955;—Am. 1956, Act 163, Imd. Eff. Apr. 16, 1956;—Am. 1959, Act 181, Eff. Mar. 19, 1960;—Am. 1968, Act 238, Imd. Eff. June 26, 1968;—Am. 1974, Act 261, Imd. Eff. Aug. 6, 1974;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

Former law: See section 1 of Act 182 of 1927, being CL 1929, § 4829; Act 344 of 1939; and Act 333 of 1941.

259.134 Joint operation; board, compensation, term; condemnation proceedings; expenditures.

Sec. 134. Joint operation. (a) All powers, rights and authority granted to any political subdivision in this act may be exercised and enjoyed by 2 or more of them, or by this state and 1 or more such political subdivisions, acting jointly, either within or without the territorial limits of either or any of them, and within or without this state; or by this state or any political subdivision acting jointly with any other state or political subdivision thereof, whether within or without this state; provided the laws of such other state permit such joint action; and contracts may be entered with each other for the herein provided and authorized joint action.

(b) Political subdivisions of this state acting jointly as herein authorized shall create a board from the

inhabitants thereof for the purpose of acquiring property for, establishing, constructing, enlarging, improving, maintaining, equipping, operating and regulating the airports, landing fields and other aeronautical facilities, and airport protection privileges to be jointly acquired, controlled and operated. Such board shall consist of members to be appointed by the governing body of each political subdivision involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

(c) Such board may exercise, on behalf of the political subdivisions acting jointly by which it is appointed, all the powers of each such political subdivision granted by this act.

(d) Condemnation proceedings shall be instituted in the names of the political subdivisions jointly, and the property acquired shall be held by the political subdivisions as tenants in common.

(e) For the purpose of providing funds for necessary expenditures in carrying out the provisions of this act, a joint fund shall be created and maintained, into which each of the political subdivisions involved shall deposit its proportionate share as provided by the joint agreement; revenues in excess of cost of maintenance and operating expenses of the joint properties to be divided as may be provided in the original agreement for the joint venture.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.134.

Former law: See section 6 of Act 182 of 1927, being CL 1929, § 4834.

259.135 Federal or other assistance to political subdivisions; submittal of project application to administrator of federal aviation administration; commission as agent; terms and conditions of agency; disbursements.

Sec. 135. (1) A political subdivision of this state is empowered to accept federal or other assistance in the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports, landing fields, and other aeronautical facilities.

(2) A political subdivision of this state, whether acting alone or jointly with another political subdivision or with the state, shall not submit directly to the administrator of the federal aviation administration or its successor agency any project application under the provisions of an act of Congress for airport and airway systems, unless the project and the project application have been first approved by the commission.

(3) A political subdivision shall not directly accept, receive, receipt for, or disburse any funds granted by the United States for the purpose of acquisition, construction, enlargement, maintenance, equipment, or improvement of airports, landing fields, or other aeronautical facilities, but it shall designate the commission as its agent and in its behalf to accept, receive, receipt for, and disburse such funds. A political subdivision shall enter into an agreement with the commission which shall prescribe the terms and conditions of the agency in accordance with federal laws, rules, and regulations and the applicable laws of this state. Money paid over by the United States government for the acquisition, construction, improvement, enlargement, equipment, or maintenance of airports, landing fields, or other aeronautical facilities shall be channeled through the state treasury and disbursed for and in behalf of the political subdivision under the terms and conditions of the respective grants. The disbursements shall be made in accordance with the accounting laws and procedures of this state.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.135;—Am. 1948, Ex. Sess., Act 32, Imd. Eff. May 10, 1948;—Am. 1982, Act 466, Imd. Eff. Dec. 30, 1982.

259.136 Board of county commissioners; vote to provide aid.

Sec. 136. The county board of commissioners of any county may vote to provide aid for any publicly owned or operated airport, landing field, or other aeronautical facility within the county, and include the aid in the county tax, or provide for the payment of the aid from money available in the general fund of the county.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.136;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

Former law: See section 7 of Act 182 of 1927; Act 103 of 1929, being CL 1929, § 4835.