

SENATE BILL No. 113

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-21-10.

Synopsis: Structures at public use airports. Adds "cranes" to the included items under the definition of "structure" for the purpose of aeronautics. Requires written authorization from the owner or operator of a public use airport before a structure may be erected or modified to add height to the structure within the primary or approach imaginary surface of the airport. Allows the owner or operator to insert terms and conditions related to aviation safety into the written authorization. Requires the person erecting the structure to comply with all terms and conditions in the written authorization. Allows the owner or operator
(Continued next page)

Effective: July 1, 1998.

Gard

January 8, 1998, read first time and referred to Committee on Roads and Transportation.



Digest Continued

of a public use airport to revoke the authorization and order the immediate removal of the structure if the written authorization is violated or if no written authorization is obtained. Provides that the removal does not require a hearing and that the owner or operator may enlist the aid of law enforcement officers to effect the removal. Provides that the written authorization requirement applies to changes in existing structures.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 113

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-21-10-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. As used in this
3 chapter:
4 "Department" refers to the Indiana department of transportation.
5 "Permit" means a permit issued by the department under this
6 chapter.
7 "Person" means any individual, firm, partnership, corporation,
8 company, limited liability company, association, joint stock
9 association, or body politic, including any trustee, receiver, assignee,
10 or other similar representative.
11 "Public-use airport" means any area, site, or location, either on land,
12 water, or upon any building, which is specifically adapted and
13 maintained for the landing and taking off of aircraft, and utilized or to
14 be utilized in the interest of the public for such purposes. The term
15 does not include:

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- 1 (1) any private use airport or landing field; or
 2 (2) any military airport solely occupied by any federal branch of
 3 government using that airport for military air purposes.

4 "Structure" means any object constructed or installed by man
 5 including, but not limited to, **cranes**, buildings, towers, smokestacks,
 6 electronic transmission or receiving towers, and antennae and overhead
 7 transmission lines.

8 SECTION 2. IC 8-21-10-3.1 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 1998]: **Sec. 3.1. (a) As used in this section, "surface" means an**
 11 **airport's primary or approach imaginary surface established by**
 12 **section 8 of this chapter.**

13 (b) Before a person may:

- 14 (1) erect;
 15 (2) install; or
 16 (3) modify to add to the height of;

17 a structure within the surface of a public use airport, the person
 18 must obtain a written authorization from the public use airport
 19 owner or operator.

20 (c) The written authorization may contain terms and conditions
 21 to ensure aviation safety that are considered necessary by the
 22 owner or operator of the public use airport.

23 (d) A person who obtains written authorization shall strictly
 24 comply with any terms and conditions required by the written
 25 authorization.

26 (e) The public use airport owner or operator may require the
 27 immediate removal of a structure from a surface if:

- 28 (1) the person who obtains written authorization under
 29 subsection (c) violates any part of the written authorization;
 30 or
 31 (2) the person erecting, installing, or modifying the structure
 32 fails to obtain written authorization under subsection (c) from
 33 the owner or operator of the public use airport.

34 (f) Removal of a structure for violation of this section may be
 35 immediate and does not require a hearing or notification of the
 36 department. The public use airport owner or operator may enlist
 37 the aid of law enforcement officers in effecting the removal of the
 38 structure.

39 SECTION 3. IC 8-21-10-14 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. **Except for the**
 41 **requirements of section 3.1 of this chapter**, this chapter does not
 42 apply in respect to the location, relocation, erection, construction,



- 1 reconstruction, change, alteration, maintenance, removal, use, or
- 2 enlargement of any existing structures, except radio and television
- 3 towers.

