

## SENATE BILL No. 113

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DIGEST OF SB 113 (Updated January 27, 1998 5:15 pm - DI 92)

**Citations Affected:** IC 8-21.

**Synopsis:** Structures at public use airports. Adds "cranes" to the included items under the definition of "structure" for the purpose of aeronautics. Provides that the term "structure" does mean certain towers principally used for the attachment of radio communications equipment. 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 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  
(Continued next page)

**Effective:** July 1, 1998.

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January 6, 1998, read first time and referred to Committee on Roads and Transportation.  
January 22, 1998, reported favorably — Do Pass.  
January 27, 1998, read second time, amended, ordered engrossed.

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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.

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Reprinted  
January 28, 1998

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.

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## SENATE BILL No. 113

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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, "structure" does not**  
 11 **mean a tower that is principally used for the attachment of radio**  
 12 **communications transmission or reception equipment if the tower**  
 13 **and its location:**

- 14 (1) comply with all Federal Aviation Administration  
 15 regulations;  
 16 (2) comply with section 3 of this chapter; and  
 17 (3) are approved by the local zoning board.

18 (b) As used in this section, "surface" means an airport's  
 19 primary or approach imaginary surface established by section 8 of  
 20 this chapter.

21 (c) Before a person may:

- 22 (1) erect;  
 23 (2) install; or  
 24 (3) modify to add to the height of;

25 a structure within the surface of a public use airport, the person  
 26 must obtain a written authorization from the public use airport  
 27 owner or operator.

28 (d) The written authorization may contain terms and conditions  
 29 to ensure aviation safety that are considered necessary by the  
 30 owner or operator of the public use airport.

31 (e) A person who obtains written authorization shall strictly  
 32 comply with any terms and conditions required by the written  
 33 authorization.

34 (f) The public use airport owner or operator may require the  
 35 immediate removal of a structure from a surface if:

- 36 (1) the person who obtains written authorization under  
 37 subsection (c) violates any part of the written authorization;  
 38 or  
 39 (2) the person erecting, installing, or modifying the structure  
 40 fails to obtain written authorization under subsection (c) from  
 41 the owner or operator of the public use airport.

42 (g) Removal of a structure for violation of this section may be

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1 **immediate and does not require a hearing or notification of the**  
2 **department. The public use airport owner or operator may enlist**  
3 **the aid of law enforcement officers in effecting the removal of the**  
4 **structure.**  
5 SECTION 3. IC 8-21-10-14 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. **Except for the**  
7 **requirements of section 3.1 of this chapter,** this chapter does not  
8 apply in respect to the location, relocation, erection, construction,  
9 reconstruction, change, alteration, maintenance, removal, use, or  
10 enlargement of any existing structures, except radio and television  
11 towers.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Roads and Transportation, to which was referred Senate Bill 113, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 113 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 113 be amended to read as follows:

Page 2, line 10, after "(a)" insert "**As used in this section, "structure" does not mean a tower that is principally used for the attachment of radio communications transmission or reception equipment if the tower and its location:**

**(1) comply with all Federal Aviation Administration regulations;**

**(2) comply with section 3 of this chapter; and**

**(3) are approved by the local zoning board.**

**(b)".**

Page 2, line 13, delete "(b)" and insert "**(c)**".

Page 2, line 20, delete "(c)" and insert "**(d)**".

Page 2, line 23, delete "(d)" and insert "**(e)**".

Page 2, line 26, delete "(e)" and insert "**(f)**".

Page 2, line 34, delete "(f)" and insert "**(g)**".

(Reference is to Senate Bill 113 as printed January 23, 1998.)

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