

AIRCRAFT, OR THE SAFETY OF PERSONS AND PROPERTY ON LAND OR WATER.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON MAY NOT BUILD, PERMIT TO BE BUILT, OR PERMIT ANY OBJECT TO GROW TO A HEIGHT THAT CONSTITUTES AN OBSTRUCTION TO AIR NAVIGATION AT OR NEAR ANY LICENSED PUBLIC USE AIRPORT IN VIOLATION OF ADMINISTRATION RULES AND REGULATIONS.

(D) (1) POLITICAL SUBDIVISIONS' AND JOINT ZONING BOARDS ESTABLISHED UNDER §8-801 MAY GRANT ANY VARIANCE TO SUBSECTION (B) OF THIS SECTION THAT WILL NOT ENDANGER THE PUBLIC HEALTH, SAFETY, AND WELFARE.

(2) UNLESS THE LEGISLATIVE BODY OF THE APPROPRIATE POLITICAL SUBDIVISION OR JOINT ZONING BOARD OF POLITICAL SUBDIVISIONS PROVIDES OTHERWISE, A PERSON DESIRING A MAXIMUM HEIGHT VARIANCE MAY APPLY IN ACCORDANCE WITH THE LOCAL PROCEDURE FOR REQUESTING A VARIANCE TO THE COMPREHENSIVE ZONING REGULATIONS OF THE POLITICAL SUBDIVISION.

(3) A POLITICAL SUBDIVISION OR JOINT ZONING BOARD SHALL NOTIFY THE ADMINISTRATION TEN DAYS BEFORE ANY HEARING ON A VARIANCE TO SUBSECTION (B) OF THIS SECTION.

(E) THIS SECTION DOES NOT REQUIRE ANY CHANGE IN HEIGHT OR LOCATION OF ANY STRUCTURE OR OBJECT OF NATURAL GROWTH IN EXISTENCE OR ANY STRUCTURE UNDER CONSTRUCTION BEFORE THE EFFECTIVE DATE OF THIS SECTION.

(F) THE ADMINISTRATION, POLITICAL SUBDIVISIONS, AND JOINT ZONING BOARDS MAY REQUIRE THE OWNER OF ANY STRUCTURE OR OBJECT OF NATURAL GROWTH THAT EXCEEDS THE HEIGHT LIMITATIONS OF SUBSECTION (B) OF THIS SECTION TO INSTALL, OPERATE, AND MAINTAIN SUITABLE OBSTRUCTION MARKERS AND OBSTRUCTION LIGHTS.

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IF ANY AIRPORT ZONING REGULATION ADOPTED UNDER THIS ARTICLE CONFLICTS WITH ANY OTHER REGULATION APPLICABLE TO THE SAME AREA, THE MORE STRINGENT REGULATION SHALL PREVAIL.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1976.

Approved May 4, 1976.

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CHAPTER 410

(House Bill 682)