

MINNESOTA STATUTES 1979 SUPPLEMENT

AERONAUTICS 360.061

penses. When a prosecution in the name of the state fails, or the defendant proves insolvent, escapes, or is unable to pay the fees when convicted, they shall be paid out of the county treasury, unless otherwise ordered by the court. The clerk of court upon request of the county attorney or the attorney general may issue subpoenas and compel the attendance of witnesses in behalf of the state or county without payment of fees in advance; and, in criminal cases, the witnesses for the defendant shall also be compelled to attend without payment of fees in advance, and failure to attend after being served with a subpoena shall subject any witness to be proceeded against in the same manner as provided by law in other cases where payment of fees is required to be paid in advance. The clerk of any court in which a witness has attended on behalf of the state in a civil action shall give the witness a certificate of attendance and travel, which entitles him to receive the amount from the county treasurer.

[1979 c 233 s 2]

CHAPTER 360. AERONAUTICS

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360.015 Commissioner; powers and duties.

[For text of subs 1 to 19, see M.S.1978]

Subd. 20. The commissioner may continue the air transportation revolving account within the trunk highway fund. The commissioner shall charge users of any air transportation services provided by the department for all direct and indirect operating costs, excluding salaries and initial cost of acquisition of aircraft. All receipts for these services shall be deposited in the air transportation revolving account and are appropriated to the commissioner to pay all direct and indirect air service operating expenses, excluding salaries.

[Ex1979 c 1 s 47]

360.035 Exemption from taxation.

Any properties, real or personal, acquired, owned, leased, controlled, used, or occupied by a municipality for any of the purposes of sections 360.011 to 360.076, are declared to be acquired, owned, leased, controlled, used, or occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any of its political subdivisions. Nothing contained in sections 360.011 to 360.076 shall be construed as exempting properties, real or personal, leased from the municipality to a tenant or lessee who is a private person, association, or corporation from assessments or taxes. If any such leased municipal airport property is taxable to the lessee, the municipality shall not be subject to payment of any portion of rentals under section 272.68, subdivision 3.

[1979 c 303 art 2 s 35]

360.061 Definitions.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. "Municipality" does not include a county unless the county owns or controls an airport, in which case such county may exercise all the powers granted by said sections to other municipalities. It specifically includes a town, the metropolitan airports commission established and operated pursuant to chapter 473, and the state of Minnesota.

[For text of subd 4, see M.S.1978]

[1979 c 302 s 1]

MINNESOTA STATUTES 1979 SUPPLEMENT

360.063 AERONAUTICS

360.063 Zoning regulations.

[For text of subd 1, see M.S.1978]

Subd. 3. **Joint airport zoning board.** (1) Where an airport is owned or controlled by a municipality and any airport hazard area appertaining to such airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport may request any county or municipality in which an airport hazard area is located:

(a) To adopt and enforce airport zoning regulations for the area in question that conform to minimum standards prescribed by the commissioner pursuant to subdivision 4; or

(b) To join in creating a joint airport zoning board pursuant to clause (2). The owning or controlling municipality shall determine which of these actions it shall request, except as provided in clause (5) for the metropolitan airports commission. The request shall be made by certified mail to the governing body of each county and municipality in which an airport hazard area is located.

(2) Where an airport is owned or controlled by a municipality and any airport hazard area appertaining to such airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport and the county or other municipality within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subdivision 1 in the municipality within which such area is located. Each such joint board shall have as members two representatives appointed by the municipality owning or controlling the airport and two from the county or municipality, or in case more than one county or municipality is involved two from each county or municipality, in which the airport hazard is located, and in addition a chairman elected by a majority of the members so appointed. All members shall serve at the pleasure of their respective appointing authority. Notwithstanding any other provision of law to the contrary, if the owning and controlling municipality is a city of the first class it shall appoint four members to the board, and the chairman of the board shall be elected from the membership of the board.

(3) If any county or municipality, within 60 days of receiving a request from an owning or controlling municipality pursuant to clause (1), fails to adopt, or thereafter fails to enforce, such zoning regulations or fails to join in creating a joint airport zoning board, the owning or controlling municipality, or a joint airport zoning board created without participation by the subdivisions which fail to join the board, may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between such regulations and any airport zoning regulations adopted by the county or municipality within which the airport hazard area is located, the regulations of the municipality owning or controlling the airport or the joint zoning board shall govern and prevail.

(4) "Owning or controlling municipality," as used in this subdivision, includes:

(a) A joint airport operating board created pursuant to section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(b) A joint airport operating board created pursuant to section 360.042 that has not been granted zoning powers under the agreement creating the board, provided that such a board shall not itself adopt zoning regulations nor shall any joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board; and

(c) The metropolitan airports commission established and operated pursuant to chapter 473.

(5) The metropolitan airports commission shall request creation of one joint airport zoning board for each airport operated under its authority.

[For text of subds 4 to 8, see M.S.1978]

[1979 c 302 s 2]

AERONAUTICS 360.71

360.065 Regulation, procedure for adoption.

Subdivision 1. **Notice, hearing.** No airport zoning regulations shall be adopted, amended or changed under sections 360.011 to 360.076, except by action of the governing body of the municipality or county in question, or the boards provided for in section 360.063, subdivisions 3 and 7, or by the commissioner as provided in subdivisions 6 and 8, after public hearings, at which parties in interest and citizens shall have an opportunity to be heard. A public hearing shall be held on the proposed regulations before they are submitted for approval to the commissioner and after that approval but before final adoption by the local zoning authority. Notice of a hearing required pursuant to this subdivision shall be published by the local zoning authority at least three times during the period between 15 days and five days before the hearing in an official newspaper and in a second newspaper designated by that authority which has a wide general circulation in the area affected by the proposed regulations. The notice shall not be published in the legal notice section of a newspaper. Notice of a hearing shall also be mailed to the governing body of each political subdivision in which property affected by the regulations is located. Notice shall be given by mail at least 15 days before each hearing to any persons in municipalities that own land proposed to be included in safety zones A or B as provided in the rules of the department of transportation and to persons or municipalities that have previously requested such notice from the authority. For the purpose of giving mailed notice, the authority may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. A notice shall describe the property affected by the proposed regulations and the restrictions to be imposed on the property by the regulations and shall state the place and time at which the proposed regulations are available for public inspection.

Subd. 2. **Regulations submitted to commissioner.** Prior to adopting any zoning regulations for any airport hazard area under sections 360.011 to 360.076, the municipality, county, or joint airport zoning board which is to adopt the regulations shall submit its proposed regulations to the commissioner in order that he may determine whether it conforms to the minimum standards prescribed by him. He shall immediately examine such proposed regulations and report to the municipality, county, or joint airport zoning board his approval, or his objections, if any. If any objections are made by him on the ground that such regulations do not conform to the minimum standards prescribed by him for the class of airport involved, the municipality, county, or joint zoning board shall make such amendments as are necessary to meet such objections. The governing body of the municipality or county or the joint airport zoning board shall not adopt the regulations or take other action until the proposed regulations are approved by the commissioner as conforming to such minimum standards. A copy of such regulations as adopted shall be filed with the county recorder in each county in which such zoned area is located.

Substantive rights existing prior to the passage of this subdivision and heretofore exercised shall not be affected by the filing of such regulations.

[1979 c 302 s 3]

360.71 Revenue certificates.

Such revenue certificates shall bear such date, mature at such times, bear such rates of interest not exceeding 7-1/2 percent per annum and be sold at such times and under such terms as the governing body or governing bodies as the case may be may deem to be for the best interests of the municipality. Such certificates shall not be sold for less than face value. The total face amount unpaid and outstanding shall not exceed at any time \$10 for each person residing in the municipality or \$10 for each person residing in the county in the case of joint ownership by a city and county all according to the last official census.

[1979 c 163 s 1]