

# **AIRPORT ZONING REGULATIONS**

*Tekamah, NE Airport Joint Zoning Board*

**Whereas**, the Hazard Areas of an airport are designed to facilitate safe flight into and out of airports, and

**Whereas**, the Turning Zone Hazard Areas and Approach Zone Hazard Areas are designed for maneuvering an aircraft from cruise flight into landing (arrival), or from ground operations into cruise flight (departure), and

**Whereas**, these transitional stages of flight are particularly critical in nature, and

**Whereas**, failures, whether human or mechanical, are historically higher during these flight stages, and

**Whereas**, historically, such failures often result in a forced off-airport landing, and

**Whereas**, because low altitude operations necessitated by arriving and departing greatly diminish a pilot's available time to choose an emergency off-airport landing site:

**Therefore**, the Tekamah Airport Joint Zoning Board, by virtue of the authority vested in said board by the Statutes of the State of Nebraska has adopted the following regulations to assure safe flight into and out of the Tekamah, Nebraska Municipal Airport.

## **Terms**

Terms, defined.

For purposes of the Airport Zoning Act, unless the context otherwise requires:

(1)(a) Airport means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft and includes any related buildings and facilities;

(b) Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans;

(2)(a) Airport hazard means any structure or tree or use of land that penetrates any approach, operation, transition, or turning zone, excepting as;

(b) for the purposes of the Close Turning Zones and the Close Approach Zones, airport hazard shall include any structure or tree or use of land that is above the surface of the ground, except as is allowed by Section 1 Subdivision 4;

(3) Airport hazard area means any area of land or water upon which an airport hazard might be established if not prevented as provided in the act, but such area shall not extend in any direction a distance in excess of the limits provided for approach, operation, transition, and turning zones;

(4) Airport layout plan means a scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines;

(5) Approach zone means a zone that extends from the end of each operation zone and is centered along the extended runway centerlines. Approach zone dimensions are as follows:

(a) For an existing or proposed instrument runway:

(i) An approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is one thousand feet wide at the end of the zone nearest the runway and expands uniformly to sixteen thousand eight hundred forty feet wide at the farthest end of the zone; and

(ii) The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every fifty feet horizontally, except that the height limit shall not exceed one hundred fifty feet above the nearest existing or proposed runway end elevation within three miles of the end of the operation zone at that runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every fifty feet horizontally and continues to the ten-mile limit; and

(b) For an existing or proposed visual runway:

(i) An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is five hundred feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is three thousand seven hundred feet wide; and

(ii) The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every forty feet horizontally, except that the height limit shall not exceed one hundred fifty feet above the nearest existing or proposed runway end elevation within three miles of the end of the operation zone at that runway end;

(6) Electric facility means an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in Neb. Rev. Stat. §70-1001.01, for the transmission or distribution of electrical power to the electric supplier's customers;

(7) Existing runway means an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction;

(8) Instrument runway means an existing runway with precision or nonprecision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or nonprecision instrument approaches reflected on the airport layout plan. After September 6, 2013, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation;

(9) Operation zone means a zone that is longitudinally centered on each existing or proposed runway. Operation zone dimensions are as follows:

(a) For existing and proposed paved runways, the operation zone extends two hundred feet beyond the ends of each runway. For existing and proposed turf runways, the operation zone begins and ends at the same points as the runway begins and ends;

(b) For existing and proposed instrument runways, the operation zone is one thousand feet wide, with five hundred feet on either side of the runway centerline. For all other existing and proposed runways, the operation zone is five hundred feet wide, with two hundred fifty feet on either side of the runway centerline; and

(c) The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher;

(10) Person means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof;

(11) Political subdivision means any municipality, city, village, or county;

(12) Proposed runway means an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration;

(13) Runway means a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length;

(14) Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines;

(15) Transition zone means a zone that extends outward at a right angle to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally. The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty feet above the highest elevation on the existing or proposed runway;

(16) Tree means any object of natural growth;

(17) Turning zone's outer limit means the area located at a distance of three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway; and

(18) Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

## Source

- Laws 1945, c. 233, § 1, p. 682;
- Laws 1993, LB 121, § 84;
- Laws 2013, LB140, § 1.

## Neb. Rev. Stat. §3-302.

Airport hazard; public nuisance; prevention.

(1) It is hereby found that an airport hazard endangers the lives and property of the users of an airport and occupants of land in its vicinity and also, if of the obstruction type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

(2) Accordingly, it is hereby declared that (a) the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question, (b) it is necessary in the interest of the public health, public safety, and general welfare that

the creation or establishment of airport hazards be prevented, and (c) the prevention of airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.

(3) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

## Source

- Laws 1945, c. 233, § 2, p. 683;
- Laws 2013, LB140, § 2.

## Neb. Rev. Stat. §3-303.

Airport hazard; zoning regulations; modifications and exceptions.

In order to prevent the creation or establishment of airport hazards, every political subdivision that has an airport hazard area within the area of its zoning jurisdiction shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions prescribed in the Airport Zoning Act, airport zoning regulations for such airport hazard area. The regulations shall meet the minimum regulations as prescribed by the Division of Aeronautics of the Department of Transportation and may divide such area into zones and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures may be erected and trees allowed to grow, except that a political subdivision or a joint airport zoning board provided for in Neb. Rev. Stat. §3-304 may include modifications or exceptions to the airport zoning regulations adopted under the Airport Zoning Act that the political subdivision or joint airport zoning board deems appropriate. Such modifications and exceptions shall not be considered a conflict for purposes of Neb. Rev. Stat. §3-306. The authority of a political subdivision to adopt airport zoning regulations shall not be conditional upon prior adoption of a comprehensive development plan or a comprehensive zoning ordinance.

### **Definitions**

The following additional words, terms, and phrases, when used in this document, shall have the meaning provided herein, except where the context clearly indicates otherwise:

**Commercial:** Not private. Intended to be used for gain in commerce, whether through direct sales, distribution, or re-distribution.

**Ground Mounted Panels:** Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.

**Photovoltaic System:** An active solar energy system that converts solar energy directly into electricity.

Private Solar Energy System: A solar energy system to be used for generation of energy that is to be utilized on site, whether by load, storage, or loss, but not to be conducted off site by any means.

Solar Array: An ordered series, arrangement, or collection of multiple solar panels, whether ground mounted or not, that generate electricity as a system, regardless of their proximity to one another.

Solar Collector: A device, structure, or part or a device or structure that the principal purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal, or chemical means.

Solar Farm: A commercial facility the converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices, or other conversion technology, for the principal purpose of wholesale sales of generated electricity.

## **SECTION 1. LOCATION, BOUNDARIES, ZONES AND HEIGHT RESTRICTIONS.**

The location, boundaries, zones and height restrictions described below are intended to provide airspace protection within the Airport Hazard Area of the Tekamah Municipal Airport, which airport is located in East ½, Section 28, Township 21, Range 11E, Arizona Township in Burt County, Nebraska. The areas located within the Airport Hazard Area as described in this Section are hereby zoned as follows:

### **Subdivision 1. Airport Hazard Area Description.**

The **Airport Hazard Area** shall consist of Operation Zones, Approach Zones, Close Approach Zones, Turning Zones, Close Turning Zones, and Transition Zones as described in this section.

These Zones shall be applicable to existing Runway 15-33, including proposed 400' extension to Runway 33 (northwest end), and proposed crosswind Runway 02-20.

Proposed crosswind Runway 02-20 shall be paved, shall be a visual runway, shall be oriented to the compass points of 020° and 200°, shall be seventy five feet (75') wide by three thousand four hundred feet (3400') long, shall cross the existing Runway 15-33 at a point approximately forty six feet, ten and one half

inches (46.875') south of Airport Reference Point (ARP), and the northeast end of Runway 02-20 shall be approximately one thousand seven hundred six feet (1706') from the ARP.

Ref:

1. Tekamah Airport Authority Meeting Minutes 2021/03/11.
2. Tekamah Airport Authority Airport Layout Plan dated 1972/11/01 drawn by Frank Kruska, consulting engineer. Approved by Wm. Jack Nasser, Chief Airports Div, NE Dept of Aero (now NDOT) 1980/07/22. Approved by Tekamah Airport Authority 1980/08/05.

### **Subdivision 2. Zone Descriptions.**

A. The **Operation Zones** are longitudinally centered on each existing or proposed runway.

1. **Length.** For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway. For existing and proposed turf runways, the operation zones begin and end at the runway ends.
2. **Width.** For existing and proposed instrument runways, the operation zones are 1,000 feet wide, with 500 feet on either side of the runway centerline. For all other existing and proposed runways, the operation zones are 500 feet wide, with two hundred fifty feet on either side of the runway centerline.
3. **Height.** The height limit of the operation zones is the same as the height of the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.

B. The **Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. An approach zone's dimensions are as follows:

#### **1. Instrument Runways**

- a. **Length and Width.** The approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is one thousand (1,000) feet wide at the end of the nearest the runway (i.e., adjacent to the operation zone) and expands uniformly to sixteen thousand eight hundred forty (16,840) feet wide at the farthest end of the zone (i.e., ten miles (10) from the operation zone).
- b. **Height Limit.** The height limit of an approach zone begins at the elevation of the runway end for which it is the approach

and rises one foot vertically for every fifty feet horizontally (50:1), except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. At three (3) miles from said operation zone, the height limit resumes sloping one foot vertically for every fifty feet horizontally (50:1) and continues to the ten (10) mile limit.

## 2. **Visual Runways**

- a. **Length and Width.** An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is five hundred (500) feet wide at the end of the zone nearest the runway (i.e., adjacent to the operation zone) and expands uniformly so that at a point on the extended runway centerline three (3) miles from the operation zone, the approach zone is three thousand seven hundred feet (3700') wide.
- b. **Height.** The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every forty (40) feet horizontally, except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three miles of the end of the operation zone at that runway end.

C. The **Close Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. Close approach zones are yellow colored overlays on NDOT (NE Dept. of Aero.) charts, and are referenced in the key. Close approach zones are below their parent approach zone. A close approach zone's dimensions are as follows:

### 1. **Instrument Runways**

- a. **Length and Width.** The close approach zone extends three miles from the operation zone, measured along the extended runway centerline. The close approach zone is one thousand (1,000) feet wide at the end nearest the runway (i.e., adjacent to the operation zone) and expands uniformly to three thousand seven hundred (5752) feet wide at the farthest end of the zone (i.e., three (3) miles from the operation zone). The ends of the Close Approach Zones are perpendicular to the runway extended centerline, and are straight from corner to corner.

- b. **Height.** The close approach zone extends from the surface of the ground to the height limit gradient of the parent approach zone of which it is below.

## 2. **Visual Runways**

- a. **Length and Width.** A close approach zone extends from the operation zone to the limits of the turning zone (except as noted below), measured along the extended runway centerline. The close approach zone is five hundred (500) feet wide at the end of the zone nearest the runway (i.e., adjacent to the operation zone) and expands uniformly so that at a point on the extended runway centerline three (3) miles from the operation zone, the close approach zone is three thousand seven hundred (3700) feet wide. The ends of the Close Approach Zones are perpendicular to the runway extended centerline, and are straight from corner to corner.
- b. **Height.** The close approach zone extends from the surface of the ground to the height limit gradient of the parent approach zone of which it is below.

- D. The **Transition Zones** extend outward at a right angle to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty (150) feet above the highest elevation on the existing or proposed runway.
- E. The **Turning Zones** extend a distance of three miles (3) radius from the corners of the operational zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the operation zone, approach zone, or transition zone. The height limit of the turning zone is one hundred fifty (150) feet above the highest elevation on the existing or proposed runway.
- F. The **Close Turning Zones** extend a distance of one and one-half miles (1.5) radius from the edge or corner of each runway or proposed runway and connecting adjacent arcs with tangent lines. Close Turning Zones are yellow colored overlays on NDOT (NE Dept. of Aero.) charts, and are referenced in the key. Close turning zones are below their parent turning zone. Close turning zones extend from the surface of the ground to the height limit gradient of the parent turning zone of which it is below.

### **Subdivision 3. Height Restrictions.**

No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be



allowed to grow, above the heights described in above in Subdivision 2. Said height restrictions are applicable to all entities, including public or private utility and communication companies, and other governing bodies and political subdivisions.

**Subdivision 4. Height Restrictions in Close Turning Zones, Close Approach Zones.**

Height limits as imposed by Subdivision 3 of Section 1 shall be further restricted in the Close Turning Zones and Close Approach Zones as noted, but shall not exclude the growing of agricultural crops or natural vegetation and grasses not to exceed fifteen (15) feet above ground level, or the natural growth of a tree not to exceed forty (40) feet above ground level. Said height restrictions are applicable to all entities, including public or private utility and communication companies, and other governing bodies and political subdivisions.

**Subdivision 5. Excepted Height Restrictions in Approach Zones.**

Height limits as imposed by Subdivision 3 of Section 1 shall be further restricted by Section 3.1 Subdivision 2 *Non-Permitted Structures*. Said height restrictions are applicable to all entities, including public or private utility and communication companies, and other governing bodies and political subdivisions.

**SECTION 2. LOCATION SKETCH AND ZONING MAP.**

The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Airport Zoning Map, which is attached hereto and made a part hereof by reference. A copy of the Airport Zoning Regulations and Airport Zoning Map shall at all times be on file in the office of the Tekamah Airport; the Burt County Planning and Zoning Office, Tekamah, Nebraska; the City of Tekamah Office, Tekamah, Nebraska; the Washington County Planning and Zoning Office, Blair, Nebraska; and the Harrison County Planning and Zoning Office, Logan, Iowa.

**SECTION 3. PERMIT REQUIRED AND EXCEPTIONS.**

**Subdivision 1. Permit Required.**

Anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character; or to plant or replant any tree or other object of natural growth which, when mature, would exceed one hundred (100) feet in height above the highest elevation on the existing or proposed runway, within the Airport Hazard Area must first obtain a permit from the Tekamah Airport Joint Zoning Board, except as noted in Section 3, Subdivision 2. Permit(s) may also be required by the respective administrative agency of the political subdivision for the location of said construction; either the Burt County Planning and Zoning Office, Tekamah, Nebraska; the City of Tekamah Office, Tekamah, Nebraska; the Washington County Planning and Zoning Office, Blair, Nebraska; or the Harrison County Planning and Zoning Office, Logan, Iowa and, if Neb. Rev. Stat. §3-403 is applicable, from the

Nebraska Department of Aeronautics. *(Please note that Neb. Rev. Stat. §3-311 also requires the acquisition of a permit before non-conforming structures or trees may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted).*

All said permit requirements are applicable to all entities, including public or private utility and communication companies, and other governing bodies and political subdivisions.

**Subdivision 2. Exceptions.**

Within the Turning Zones and within Tekamah City Limits but outside of the Close Turning Zones and Close Approach Zones, anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character; or to plant or replant any tree or other object of natural growth which, when mature, would exceed seventy five (75) feet in height above the highest elevation on the existing or proposed runway, and within the Airport Hazard Area must first obtain a permit from the Tekamah Airport Joint Zoning Board. No permit shall be required for any construction or planting that is not higher than seventy-five (75) feet above the nearest existing or proposed runway end.

**Subdivision 3. Application Form.**

Application for a permit as required under these regulations shall be made on a form to be available in the offices of either the Tekamah Municipal Airport, the Burt County Planning and Zoning Office, Tekamah, Nebraska; the City of Tekamah Office, Tekamah, Nebraska; the Washington County Planning and Zoning Office, Blair, Nebraska; or the Harrison County Planning and Zoning Office, Logan, Iowa, and shall indicate the approximate location, ground elevation with reference to the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation).

**Subdivision 4. Permit Fee.**

All said permit fees are applicable to all entities, including public or private utility and communication companies, and other governing bodies and political subdivisions. The Tekamah Airport Joint Zoning Board reserves the right to waive fees for said governing bodies and political subdivisions, whether partial or in whole, at the Board's discretion. All fees collected will become the revenue of the appropriate political subdivision, and will not be refunded if a Permit or Conditional Use Permit is denied.

The fee for each permit application shall be determined according to the cost of the proposed construction project per individual structure, and shall be determined based on the current **Tekamah, Nebraska (KTQE) Joint Airport Zoning Board Permit Fee Schedule**. Each structure that is any part of an array or project shall require a separate permit application, and each application shall require said fee

appropriate to that structure, and all fees so paid shall be made payable to the political subdivision which has zoning jurisdiction over the area in which applicant structure is to be built; either the City of Tekamah; Burt County, NE; Washington County, NE; or Harrison County, IA. Fees are due and payable with the permit application, not after approval or denial. No permit application will be considered until fees are paid.

**Subdivision 5. Zoning Board Permit Expenses, Other Expenses.**

Expenses incurred by the Tekamah Airport Joint Zoning Board relating to a specific permit application, including but not limited to secretarial fees, meeting room fees, printing expenses, site inspection and review, legal counsel, survey counsel, shall be itemized and invoiced to the political subdivision which has jurisdiction over the zoned area of said permit applicant, and shall be presented to that political subdivision within 45 days after the final meeting for the consideration of said permit application.

Expenses incurred by the Tekamah Airport Joint Zoning Board relating to the Boards regular semi-annual meetings or regular activity necessary for the administering of Tekamah Airport Zoning Regulations shall be divided equally between all four of the political subdivisions on which or over which the Tekamah Airport Hazard Zones lie, those subdivisions being the City of Tekamah, NE, Burt County, NE, Washington County, NE, and Harrison County, IA. These expenses shall be itemized and presented to each subdivision within 45 days after they are incurred.

**SECTION 3.1. CONDITIONAL PERMITTED and NON-PERMITTED STRUCTURES.**

**Subdivision 1. Conditional Permit Required.**

Anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character; or to plant or replant any tree or other object of natural growth which, when mature, would violate the requirements of Section 1 above pertaining to the Turning Zones, Close Turning Zones, Approach Zones, and Close Approach Zones within the Airport Hazard Area must first obtain a conditional use permit from the Tekamah Airport Joint Zoning Board. Permit(s) may also be required by the respective administrative agency of the political subdivision for the location of said construction; either the Burt County Planning and Zoning Office, Tekamah, Nebraska; the City of Tekamah Office, Tekamah, Nebraska; the Washington County Planning and Zoning Office, Blair, Nebraska; or the Harrison County Planning and Zoning Office, Logan, Iowa and, if Neb. Rev. Stat. §3-403 is applicable, from the Nebraska Department of Aeronautics. *(Please note that Neb. Rev. Stat. §3-311 also requires the acquisition of a permit before non-conforming structures or trees may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted).*

**Subdivision 2. Non-Permitted Structures.**

Within the Close Turning Zones and the Close Approach Zones, no solar collector, solar farm or array (except private), or wind tower, wind farm, or electrical wind generation array (except private) shall be permitted. Within the Close Turning Zones and the Close Approach Zones, no communications tower or antenna, or private wind tower, wind farm, or electrical wind generation array which exceeds a height of forty (40) feet above ground, or which penetrates the floor of the overlaying Turning Zone or Approach Zone at any point of the structure shall be permitted. Within the Approach Zones, but outside the Close Approach Zones, no wind tower, wind farm, electrical wind generation array, or communications tower or antenna which exceeds a height of one hundred fifty (150) feet above ground at any point of the structure, including rotor tips when spinning, shall be permitted.

**SECTION 4. NON-CONFORMING STRUCTURES.**

Within the Airport Hazard Area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth; and no such structures or objects of natural growth that have been torn down, destroyed, deteriorated or decayed to an extent of 50% or more of their original condition, or abandoned for a period of twelve (12) months or more; shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted, or allowed to grow, as the case may be, to a height above the heights permitted by these regulations. Transmission lines and other communication lines shall be interpreted as poles, wires, guys and all other equipment necessary for the operation and maintenance of the same within the regulated zone.

**SECTION 5. MARKING OF NON-CONFORMING STRUCTURES.**

Whenever the respective zoning and planning office of the political subdivision determines that a specific structure or object in the Airport Hazard Area exceeds the height restrictions and existed prior to the promulgation of these regulations, the owner(s) and the lessor(s) of the premises on which the structure or object is located shall be notified in writing by the respective zoning and planning office of the political subdivision. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object. The respective zoning and planning office of the political subdivision shall specify the required marking and lighting, consistent with Chapter 3 of these regulations entitled “Marking and Lighting of Structures”. The cost of marking or lighting shall not be assessed against the owner or lessor of said premise.

**SECTION 6. ADMINISTRATIVE AGENCY.**

Each respective Zoning Administrator of the political subdivision shall enforce these regulations and shall be the administrative agency of the Airport Joint Zoning Board as provided for in Neb. Rev. Stat. §3-319 (Reissued 2013), and shall have all the powers and perform all the duties of the administrative agency of the Joint Airport Zoning Board and of the political subdivision as provided in the Airport Zoning Act.

**SECTION 7. ZONING BOARD OF ADJUSTMENT.**

A board of adjustment for the Airport Joint Zoning Board shall be appointed by the Airport Joint Zoning Board and shall be the Board of Adjustment with respect to these regulations. Such Airport Joint Zoning Board of Adjustment shall be made up of five members appointed by the Airport Joint Zoning Board. These members shall be from the political subdivisions which underlay the Hazard Zones, and shall not include any person who is a member of any city council, a county supervisor, a member of any other board of adjustment, a member of any other zoning board, or a zoning administrator or deputy thereof.

Said board shall have and exercise the powers conferred by Neb. Rev. Stat. §3-320, et. Seq. (Reissued 2013) and such other powers and duties as are conferred and imposed by law.

Appendix:

1. Tekamah Airport Zoning Map, NE Dept of Aeronautics, 01/13/2015, with additions depicting Close Zones, KTQE Joint Zoning Board, 2021/04/12.
2. 005.02 Illustration of an Instrument Runway, NE Dept of Aeronautics, 09/12/2013
3. Application for Conditional Use Permit
4. Application for Permit
5. Tekamah, NE Joint Airport Zoning Board Permit Fee Schedule

The foregoing document, including Tekamah Airport Zoning Regulations, appendix, amendments (depicted in high-lighted yellow) and this signature page, was adopted by vote of the Tekamah Airport Joint Zoning Board

on \_\_\_\_\_, 20\_\_\_\_\_.

_____	_____	_____
signature	title	date

_____	_____	_____
signature	title	date

_____	_____	_____
signature	title	date

These regulations, their appendix, amendments, and addendum supersede and replace all previously adopted regulations.