

6:1-80 to 6:1-88

LEGISLATIVE HISTORY CHECKLIST

NJSA: 6:1-80 to 6:1-88; 40:55D - 28 et al

"Air Safety and Hazardous Zoning Act"

LAWS OF: 1983

CHAPTER: 260

Bill No: A696

Sponsor(s): Schwartz and others

Date Introduced: February 8, 1982

Committee: Assembly: Transportation and Communications

Senate: Transportation and Communications

Amended during passage: Yes

Amendments during passage denoted by asterisks.

Date of Passage: Assembly: November 29, 1982

Senate: April 25, 1983

Date of Approval: July 7, 1983

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

DORIS M. HARRIS
CLERK OF THE SENATE
ASSEMBLY

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 696

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Assemblyman SCHWARTZ, Assemblywoman PERUN, Assemblymen PELLY and PATERO

Referred to Committee on Transportation and Communications

AN ACT to promote airport safety by regulating hazards about certain airports*, amending P. L. 1975, c. 291* and supplementing P. L. 1938, c. 48 (C. 6:1-20 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
 2 *of New Jersey:*

1 1. **(New section)** It is found and declared by the Legislature
 2 that an airport hazard endangers the lives and property of the
 3 users of the airport and of occupants of land in the vicinity thereof,
 4 and also, if the hazard is of the obstruction type, it reduces the size
 5 of the area available for landing, taking-off and maneuvering of
 6 aircraft, thus tending to destroy or impair the utility of the airport
 7 and the public benefit therein. Accordingly, it is declared:

8 a. That the creation or establishment of an airport hazard is a
 9 public nuisance and an injury to the community served by the
 10 airport in question; therefore, it is necessary in the interest of the
 11 public health, public safety, and general welfare that the creation
 12 or establishment of airport hazards be prevented; and,

13 b. That the prevention of the creation or establishment of airport
 14 hazards should be accomplished, to the extent legally possible, by
 15 the exercise of the police power of the State, without compensation.

1 2. ***[This]*** **(New section) Sections 1 through 9 of this* act*
 2 shall be known and may be cited as the "Air Safety and Hazardous
 3 Zoning Act of ***[1982]*** **1983*."*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
 is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate amendments adopted February 24, 1983.

1 3. **(New section)** As used in this **amendatory and supple-*
 2 *mentary** act:

3 a. "Airport" means any area of land or water, or both, designed
 4 and set aside for the landing and taking-off of **fixed wing** aircraft,
 5 utilized or to be utilized **[in the interest of]** **by** the public for
 6 such purposes, publicly or privately owned, and **[included in the*
 7 *New Jersey State Airport System Plan as prepared or revised*
 8 *from time to time by the New Jersey Department of Transporta-*
 9 *tion]** **licensed by the commissioner as a public use airport or*
 10 *landing strip, or an area designated by the commissioner which has*
 11 *been determined by him as likely to be so licensed within 1 year of*
 12 *such determination*.*

13 b. "Airport hazard" means (1) any use of land or water, or both,
 14 which creates a dangerous condition for persons or property in or
 15 about an airport or aircraft during landing or taking-off at an
 16 airport, or (2) any structure or tree which obstructs the air
 17 space required for the flight of aircraft in landing or taking-off
 18 at an airport.

19 c. "Airport hazard area" means any area of land or water, or
 20 both, upon which an airport hazard might be created or established
 21 if not prevented as provided in this supplementary act.

22 d. **["Director"]** *""Commissioner""* means the **[Director of*
 23 *the Division of Aeronautics]** **Commissioner** of the Department
 24 of Transportation.

25 e. **["Division"]** *""Department""* means the **[Division of*
 26 *Aeronautics of the]** Department of Transportation.

27 f. "Structure" means any object constructed or installed by
 28 man, including, but not limited to, buildings, towers, smokestacks,
 29 chimneys, and overhead transmission lines.

30 g. "Tree" means an object of natural growth.

1 **[4. To prevent the creation or establishment of airport hazards,*
 2 *the director shall adopt, administer, and enforce airport zoning*
 3 *regulations for airport hazard areas in the State, which regulations*
 4 *shall divide each area into zones, and, within such zones, specify*
 5 *the land uses prohibited or permitted and regulate and restrict*
 6 *the height to which structures may be erected and trees allowed to*
 7 *grow.]**

1 **[5. In the event of conflict between any airport zoning regu-*
 2 *lation adopted under this act and any municipal ordinance or*
 3 *other regulation applicable to the same area, whether the conflict*
 4 *be with respect to the height of structures or trees, the use of land,*
 5 *or any other matter, and whether the ordinance or other regulation*
 6 *was adopted by or under the authority of the State or by or under*

7 the authority of a municipality, the more stringent limitation or
8 requirement with respect to preventing airport hazards shall
9 govern and prevail.]*

1 ***[6. a.** The regulations established by the director shall be rea-
2 sonable and none shall impose any requirement or restriction which
3 is not reasonably necessary to effectuate the purposes of this act. In
4 adopting or revising the airport zoning regulations the director
5 shall consider, among other things, the safety of airport users and
6 persons and property in and about the airport, the character of the
7 flying operations expected to be conducted at the airport, the
8 present and future traffic patterns and regulations affecting flying
9 operations at the airport, the nature of the terrain outside and
10 within the airport hazard area, the character of the neighborhood in
11 which the airport is located, the uses to which the property to be
12 zoned is put and adaptable, and the views of the agency of the
13 federal government charged with the fostering of civil aeronautics,
14 as to the aerial approaches necessary to safe flying operations at
15 the airport.

16 b. No airport zoning regulation adopted under this act shall
17 require the removal, lowering, or other change or alteration of any
18 structure or tree not conforming to the regulation when adopted or
19 amended, or otherwise interfere with the continuance of any non-
20 conforming use, except as provided in section 7 of this act.]*

1 ***[7. a.** Airport zoning regulations adopted under this act may
2 require that before any new structure, tree, or use may be con-
3 structed, planted, or established, and before any existing use, tree,
4 or structure may be substantially changed, replanted, or sub-
5 stantially altered or repaired, a permit be obtained authorizing
6 such construction, planting, establishment, change, replanting,
7 alteration, or repair. In any event, the regulations shall provide
8 that before any nonconforming structure or tree may be replaced,
9 substantially altered or repaired, rebuilt, or replanted, a permit
10 shall be secured from the Division of Aeronautics authorizing the
11 replacement, alteration, repair, rebuilding, or replanting. No per-
12 mit shall be granted that would allow the establishment, main-
13 tenance, or creation of an airport hazard.

14 b. In granting any permit under this act, the director may, if he
15 deems such action advisable to effectuate the purposes of this act
16 and reasonable under the circumstances, so condition such permit
17 as to require the owner of the structure or tree in question to
18 permit the State, at its own expense, to install, operate, and main-
19 tain thereon such markers and lights as may be necessary to in-
20 dicate to operators of aircraft the presence of an airport hazard.]*

1 *4. (New section) After public hearing upon notice, including
 2 notice to each affected municipality, and pursuant to the "Adminis-
 3 trative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the
 4 commissioner shall adopt rules and regulations which delineate
 5 airport hazard areas for all airports subject to this amendatory and
 6 supplementary act. The regulations shall describe the methodology
 7 used to make the delineation and may delineate subzones.

1 5. (New section) The commissioner shall adopt rules and regula-
 2 tions, pursuant to the "Administrative Procedure Act," P. L. 1968,
 3 c. 410 (C. 52:14B-1 et seq.), promulgating standards which specify
 4 permitted and prohibited land uses, including the specification of
 5 the height to which structures may be erected and trees allowed to
 6 grow, within airport hazard areas. These standards shall be uni-
 7 form for all airport hazard areas, except that where the commis-
 8 sioner determines that local conditions require it, he may adopt an
 9 amended or special standard. No standard adopted under this
 10 amendatory and supplementary act shall be construed to require
 11 the removal, lowering or other change or alteration of any structure
 12 or tree not conforming to the standard when adopted or amended,
 13 or otherwise interfere with the continuance of any nonconforming
 14 use, except as provided in section 9 of this amendatory and supple-
 15 mentary act.

1 6. (New section) Each municipality which contains within its
 2 boundaries any part of a delineated airport hazard area shall enact
 3 an ordinance or ordinances incorporating the standards promul-
 4 gated by the commissioner pursuant to section 5 of this amendatory
 5 and supplementary act and providing for their enforcement within
 6 those delineated areas. A valid copy of this ordinance or ordinances
 7 including any amendments that may be made from time to time,
 8 shall be transmitted to the commissioner.

1 7. (New section) The commissioner shall adopt rules and regula-
 2 tions, pursuant to the "Administrative Procedure Act," P. L. 1968,
 3 c. 410 (C. 52:14B-1 et seq.) providing for the issuing of permits
 4 and the charging of appropriate fees in cases where, upon request
 5 by a municipality and upon the submission of such information as
 6 he may require, he determines it to be in the public interest to allow
 7 the creation or establishment of a nonconforming use which would
 8 be prohibited under the standards promulgated pursuant to section
 9 5 of this amendatory and supplementary act.*

1 8. ***[a.** Any person who willfully violates any provision of this
 2 act shall be liable to a penalty of not more than \$1,000.00 for each
 3 offense, to be collected by the director in a summary proceeding
 4 under "the penalty enforcement law," (N. J. S. 2A:58-1 et seq.).

b.]* *(New section)** The ***[director]*** *commissioner** may institute, in any court of competent jurisdiction, an action in the name of the State to prevent, restrain, correct, or abate any violation of any provision of this act, and the court shall adjudge to the State such relief, by way of injunction or otherwise, as may be proper under all the facts and circumstances of the case, to effectuate the purposes of this act.

9. *(New section)** In any case in which it is desired to remove, lower, or otherwise terminate a nonconforming use; or in which the necessary protection from an airport hazard cannot, because of constitutional limitations, be provided by zoning regulations; or if it appears advisable that the necessary protection from an airport hazard be provided by acquisition of property rights rather than by zoning regulations, the ***[division]*** *commissioner** may acquire by purchase, grant, condemnation, or otherwise in the manner provided by law, such air right, easement, or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purposes of this act, including acquisition of a fee simple estate.

***[10.** The director shall adopt rules and regulations to achieve the objectives contemplated by this act, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).]*

*10. Section 19 of P. L. 1975, c. 291 (C. 40:55D-28) is amended to read as follows:

19. Preparation; contents; modification. a. The planning board may prepare and, after public hearing adopt or amend a master plan, or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting where appropriate, the following elements:

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element (a) taking into account the other master plan elements and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands[.], (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, edu-

22 cational and other public and private purposes or combination of
23 purposes, [and] (c) *showing the existing and proposed location of*
24 *any airports and the boundaries of any airport hazard areas de-*
25 *lineated pursuant to the "Air Safety and Hazardous Zoning Act*
26 *of 1983," P. L. 19 , c. (C.), and (d) including a*
27 statement of the standards of population density and development
28 intensity recommended for the municipality[.];

29 (3) A housing plan element, including but not limited to, residen-
30 tial standards and proposals for the construction and improvement
31 of housing;

32 (4) A circulation plan element showing the location and types
33 of facilities for all modes of transportation required for the efficient
34 movement of people and goods into, about, and through the
35 municipality;

36 (5) A utility service plan element analyzing the need for and
37 showing the future general location of water supply and distribu-
38 tion facilities, drainage and flood control facilities, sewerage and
39 waste treatment, solid waste disposal and provision for other
40 related utilities;

41 (6) A community facilities plan element showing the location
42 and type of educational or cultural facilities, historic sites, libraries,
43 hospitals, fire houses, police stations and other related facilities,
44 including their relation to the surrounding areas;

45 (7) A recreation plan element showing a comprehensive system
46 of areas and public sites for recreation; [and]

47 (8) A conservation plan element providing for the preservation,
48 conservation, and utilization of natural resources, including, to
49 the extent appropriate, open space, water, forests, soil, marshes,
50 wetlands, harbors, rivers and other waters, fisheries, wildlife and
51 other natural resources;

52 (9) An energy conservation plan element which systematically
53 analyzes the impact of each other component and element of the
54 master plan on the present and future use of energy in the muni-
55 cipality, details specific measures contained in the other plan
56 elements designed to reduce energy consumption, and proposes
57 other measures that the municipality may take to reduce energy
58 consumption and to provide for the maximum utilization of renew-
59 able energy sources; and

60 (10) Appendices or separate reports containing the technical
61 foundation for the master plan and its constituent elements.

62 c. The master plan and its plan elements may be divided into
63 subplans and subplan elements projected according to periods of
64 time or staging sequences.

65 d. The master plan shall include a specific policy statement indi-
66 cating the relationship of the proposed development of the munici-
67 pality as developed in the master plan to (1) the master plans of
68 contiguous municipalities, (2) the master plan of the county in
69 which the municipality is located and (3) any comprehensive guide
70 plan pursuant to section 15 of P. L. 1961, c. 47 (C. 13:1B-15.52).

1 11. Section 29 of P. L. 1975, c. 291 (C. 40:55D-38) is amended
2 to read as follows:

3 29. Contents of ordinance. An ordinance requiring approval by
4 the planning board of either subdivisions or site plans or both
5 shall include the following:

6 a. Provisions, not inconsistent with other provisions of this act,
7 for submission and processing of applications for development,
8 including standards for preliminary and final approval and pro-
9 visions for processing of final approval by stages or sections of
10 development;

11 b. Provisions ensuring:

12 (1) Consistency of the layout or arrangement of the subdivision
13 or land development with the requirements of the zoning ordinance;

14 (2) Streets in the subdivision or land development of sufficient
15 width and suitable grade and suitably located to accommodate
16 prospective traffic and to provide access for firefighting and emer-
17 gency equipment to buildings and coordinated so as to compose
18 a convenient system consistent with the official map, if any, and
19 the circulation element of the master plan, if any and so oriented
20 as to permit, within the limits of practicability and feasibility the
21 buildings constructed thereon to maximize solar gain; provided
22 that no street of a width greater than 50 feet within the right-of-way
23 lines shall be required unless said street constitutes an extension
24 of an existing street of the greater width or already has been
25 shown on the master plan at the greater width, or already has
26 been shown in greater width on the official map;

27 (3) Adequate water supply, drainage, shade trees, sewerage
28 facilities and other utilities necessary for essential services to
29 residents and occupants;

30 (4) Suitable size, shape and location for any area reserved for
31 public use pursuant to section 32 of this act;

32 (5) Reservation pursuant to section 31 of this act of any open
33 space to be set aside for use and benefit of the residents of
34 planned development resulting from the application of standards
35 of density or intensity of land used contained in the zoning
36 ordinance pursuant to subsection 52 c. of this act;

37 (6) Regulation of land designated as subject to flooding pursuant
38 to subsection 52 e. to avoid danger to life or property; **[and]**

39 (7) Protection and conservation of soils from erosion by wind
40 or water or from excavation or grading; *and*

41 (8) *Conformity with standards promulgated by the Commis-*
42 *sioner of Transportation pursuant to the "Air Safety and Hazard-*
43 *ous Zoning Act of 1983," P. L. 19 , c. (C.), for*
44 *any airport hazard areas delineated under that act;*

45 c. Provisions governing the standards for grading, improvement
46 and construction of streets or drives and for any required walk-
47 ways, curbs, gutters, street lights, shade trees, fire hydrants and
48 water, and drainage and sewerage facilities and other improve-
49 ments as shall be found necessary and provisions ensuring that
50 such facilities shall be completed either prior to or subsequent to
51 final approval of the subdivision or site plan;

52 d. Provisions ensuring that when a municipal zoning ordinance
53 is in effect, a subdivision or site plan shall conform to the applica-
54 ble provisions of the zoning ordinance, and where there is no
55 zoning ordinance, appropriate standards shall be specified in an
56 ordinance pursuant to this article; and

57 e. Provisions ensuring performance in substantial accordance
58 with the final development plan; provided that the planning board
59 may permit a deviation from the final plan if caused by change of
60 conditions beyond the control of the developer since the date of
61 final approval, and the deviation would not substantially alter the
62 character of the development or substantially impair the intent
63 and purpose of the master plan and zoning ordinance.

1 12. Section 49 of P. L. 1975, c. 291 (C. 40:55D-62) is amended
2 to read as follows:

3 49. Power to zone. a. The governing body may adopt or amend
4 a zoning ordinance relating to the nature and extent of the uses
5 of land and of buildings and structures thereon. Such ordinance
6 shall be adopted after the planning board has adopted the land
7 use plan element of a master plan and all of the provisions of
8 such zoning ordinance or any amendment or revision thereto shall
9 either be substantially consistent with the land use plan element
10 of the master plan or designed to effectuate such plan element;
11 provided that the governing body may adopt a zoning ordinance
12 or amendment or revision thereto which in whole or part is in-
13 consistent with or not designed to effectuate the land use plan
14 element, but only by affirmative vote of a majority of the full
15 authorized membership of the governing body with the reasons
16 of the governing body for so acting recorded in its minutes when

17 adopting such a zoning ordinance; and provided further that, not-
 18 withstanding anything aforesaid, the governing body may adopt
 19 an interim zoning ordinance pursuant to subsection 77 b. of this act.

20 The zoning ordinance shall be drawn with reasonable considera-
 21 tion to the character of each district and its peculiar suitability for
 22 particular uses and to encourage the most appropriate use of land.
 23 The regulations in the zoning ordinance shall be uniform throughout
 24 each district for each class or kind of buildings or other structures
 25 or uses of land, including planned unit development, planned unit
 26 residential development and residential cluster, but the regulations
 27 in one district may differ from those in other districts.

28 b. No zoning ordinance and no amendment or revision to any
 29 zoning ordinance shall be submitted to or adopted by initiative or
 30 referendum.

31 c. *The zoning ordinance shall provide for the regulation of any*
 32 *airport hazard areas delineated under the "Air Safety and Hazard-*
 33 *ous Zoning Act of 1983," P. L. 19 , c. (C.), in*
 34 *conformity with standards promulgated by the Commissioner of*
 35 *Transportation.*

1 13. Section 57 of P. L. 1975, c. 291 (C. 45:55D-70) is amended
 2 to read as follows:

3 57. Powers. The board of adjustment shall have the power to:

4 a. Hear and decide appeals where it is alleged by the appellant
 5 that there is error in any order, requirement, decision or refusal
 6 made by an administrative officer based on or made in the enforce-
 7 ment of the zoning ordinance;

8 b. Hear and decide in accordance with the provisions of any
 9 such ordinance, requests for interpretation of the zoning map or
 10 ordinance or for decisions upon other special questions upon which
 11 such board is authorized to pass by any zoning or official map ordi-
 12 nance in accordance with this act;

13 c. Where by reason of exceptional narrowness, shallowness or
 14 shape of a specific piece of property, or by reason of exceptional
 15 topographic conditions, or by reason of other extraordinary and
 16 exceptional situation or condition of such piece of property the
 17 strict application of any regulation pursuant to article 8 of this
 18 act would result in peculiar and exceptional practical difficulties to,
 19 or exceptional and undue hardship upon the developer of such
 20 property, grant, upon an application or an appeal relating to such
 21 property, a variance from such strict application of such regulation
 22 so as to relieve such difficulties or hardship, including a variance
 23 for a conditional use; provided, however, that no variance shall
 24 be granted under this subsection to allow a structure or use in a

25 district restricted against such structure or use; and provided
 26 further that the proposed development does not require approval
 27 by the planning board of a subdivision, site plan or conditional use
 28 in conjunction with which the planning board shall review a re-
 29 quest for a variance pursuant to subsection 47 a. of this act; and,

30 d. In particular cases and for special reasons, grant a variance
 31 to allow departure from regulations pursuant to article 8 of this
 32 act, including, but not limited to, allowing a structure or use in a
 33 district restricted against such structure or use, but only by affirma-
 34 tive vote of at least 5 members, in the case of a municipal board,
 35 or $\frac{2}{3}$ of the full authorized membership, in the case of a regional
 36 board pursuant to article 10 of this act.

37 No variance or other relief may be granted under the terms of
 38 this section unless such variance or other relief can be granted
 39 without substantial detriment to the public good and will not sub-
 40 stantially impair the intent and the purpose of the zone plan and
 41 zoning ordinance. *In respect of any airport hazard areas delineated*
 42 *under the "Air Safety and Hazardous Zoning Act of 1983," P. L.*
 43 *19 , c. (C.), no variance or other relief may be*
 44 *granted under the terms of this section permitting the creation or*
 45 *establishment of a nonconforming use which would be prohibited*
 46 *under the standards promulgated pursuant to that act except upon*
 47 *issuance of a permit by the Commissioner of Transportation.*

48 An application under this section may be referred to any appro-
 49 priate person or agency, including the planning board pursuant to
 50 section 17 of this act, for its report; provided that such reference
 51 shall not extend the period of time within which the zoning board
 52 of adjustment shall act.*

1 ***[11.]*** *14.* This act shall take effect immediately *but section
 2 6 of this act shall take effect on March 1, 1984*.

10 stances of the case, to effectuate the purposes of this act.

1 9. In any case in which it is desired to remove, lower, or otherwise
 2 terminate a nonconforming use; or in which the necessary protec-
 3 tion from an airport hazard cannot, because of constitutional
 4 limitations, be provided by zoning regulations; or if it appears
 5 advisable that the necessary protection from an airport hazard be
 6 provided by acquisition of property rights rather than by zoning
 7 regulations, the division may acquire by purchase, grant, condem-
 8 nation, or otherwise in the manner provided by law, such air right,
 9 easement, or other estate or interest in the property or noncon-
 10 forming structure or use in question as may be necessary to
 11 effectuate the purposes of this act, including acquisition of a fee
 12 simple estate.

1 10. The director shall adopt rules and regulations to achieve the
 2 objectives contemplated by this act, pursuant to the "Administra-
 3 tive Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

1 11. This act shall take effect immediately.

SPONSORS' STATEMENT

An aeronautical hazard endangers the lives and property of the users of an airport, as well as the residents in the immediate vicinity. This bill authorizes the Director of the Division of Aeronautics to prevent the creation or establishment of airport hazards by adopting and enforcing airport zoning regulations. These regulations would provide for the division of the area around an airport into zones and, within those zones, specify the land uses prohibited or permitted and regulate and restrict the height to which structures may be erected and trees allowed to grow.

This bill does not require the removal, lowering or alteration of any structure or tree not conforming to the regulations when adopted or otherwise interfere with the continuance of any nonconforming land use. However, the airport zoning regulations must provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, or replanted, a permit to do such must be secured from the Division of Aeronautics, but no permit may be granted that would allow the establishment, maintenance or creation of an airport hazard.

Any person who willfully violates the provisions of this bill would be liable to a penalty of not more than \$1,000.00. He may also be subject to a court injunction to prevent, restrain, correct or abate any violation.

A696 (1982)

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 696

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 1982

This bill authorizes the Director of the Division of Aeronautics of the Department of Transportation to prevent the creation or establishment of airport hazards by adopting and enforcing airport zoning regulations. These regulations would provide for the division of the area around an airport into zones and, within those zones, specify the land uses prohibited or permitted and regulate and restrict the height to which structures may be erected and trees allowed to grow.

This bill does not require the removal, lowering or alteration of any structure or tree not conforming to the regulations when adopted or otherwise interfere with the continuance of any nonconforming land use. The airport zoning regulations, however, must provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, or replanted, a permit to do such must be secured from the Division of Aeronautics, but no permit may be granted that would allow the establishment, maintenance or creation of an airport hazard.

In the event of conflict between any airport zoning regulation adopted under this act and any municipal ordinance or other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

Any person who willfully violates the provisions of this act would be liable to a penalty of not more than \$1,000.00. He may also be subject to a court injunction to prevent, restrain, correct or abate any violation.