

Missouri Revised Statutes

Chapter 305 Aircraft and Airports

- [←Chapter: 304](#)
- [Chapter: 306→](#) August 28, 2015

Definitions.

[305.010](#). 1. In sections [305.010](#) to [305.110](#) "aircraft" includes balloon, airplane, hydroplane, and every other vehicle used for navigation through the air.

2. A hydroplane while at rest on water and while being operated on or immediately above water shall be governed by the rules regarding water navigation; while being operated through the air otherwise than immediately above water it shall be treated as an aircraft.

3. "Aeronaut" includes aviator, pilot, balloonist, and every other person having any part in the operation of aircraft while in flight.

4. "Passenger" includes any person riding in aircraft but having no part in its operation.

(RSMo 1939 § 15106)

Prior revision: 1929 § 13905

Ownership of space.

[305.020](#). The ownership of the space above the lands and waters of this state is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in section [305.030](#).

(RSMo 1939 § 15107)

Prior revision: 1929 § 13906

Lawful flight--unlawful landing.

[305.030](#). Flight in aircraft over the lands and waters of this state is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing.

(RSMo 1939 § 15108)

Prior revision: 1929 § 13907

Liability of aircraft owner determined by tort law.

[305.040](#). The liability of the owner of one aircraft, to the owner of another aircraft, or to aeronauts or passengers on either aircraft, for damage caused by collision on land or in the air shall be determined by the rules of law applicable to torts on land.

(RSMo 1939 § 15109)

Prior revision: 1929 § 13908

Laws of state to govern.

[305.050](#). All crimes, torts and other wrongs committed by or against an aeronaut or passenger while in flight over this state shall be governed by the laws of this state; and the question whether damage occasioned by or to an aircraft while in flight over this state constitutes a tort, crime or other wrong by or against the owner of such aircraft shall be determined by the laws of this state.

(RSMo 1939 § 15110)

Prior revision: 1929 § 13909

Contractual and other relations entered while in flight, effect of.

[305.060](#). All contractual and other legal relations entered into by aeronauts or passengers while in flight over this state shall have the same effect as if entered into on the land or water beneath.

(RSMo 1939 § 15111)

Prior revision: 1929 § 13910

Uniform construction and interpretation of law.

[305.070](#). Sections [305.010](#) to [305.110](#) shall be so interpreted and construed as to effectuate its general purpose and to make uniform the law of those states which enact it and to harmonize, as far as possible, with federal laws and regulations on the subject of aeronautics.

(RSMo 1939 § 15116)

Prior revision: 1929 § 13915

Certain acts a misdemeanor.

[305.080](#). Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this state, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall, except while in landing or taking off, fly at such low level as to endanger the persons on the surface beneath, or drop any object except water or loose sand ballast, shall be deemed guilty of a misdemeanor.

(RSMo 1939 § 15112)

Prior revision: 1929 § 13911

Tampering with aircraft--penalty.

[305.090](#). Any person who shall tamper with any aircraft, or put into motion the engine of such aircraft without the permission of the owner shall be punished by imprisonment in the penitentiary for a period not to exceed five years or by imprisonment in a county jail for a period not to exceed one year or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment.

(RSMo 1939 § 15113, A.L. 1959 H.B. 152)

Prior revision: 1929 § 13912

Tampering with airport a misdemeanor.

[305.100](#). Any person who shall interfere or tamper with any airdrome, flying field or airway, or the lights, markers or other equipment thereof, shall be deemed guilty of a misdemeanor.

(RSMo 1939 § 15114)

Prior revision: 1929 § 13913

Leaving aircraft running--penalty.

[305.110](#). Any person who shall leave any aircraft with its engine running, and unoccupied by a person able to control the same, and without blocking the same in such manner as to prevent such aircraft from moving, shall be deemed guilty of a misdemeanor.

(RSMo 1939 § 15115)

Prior revision: 1929 § 13914

Definitions.

[305.120](#). As used in sections [305.120](#) to [305.270](#), the following terms mean:

(1) "Aeronautics" includes the art and science of flight; aviation; the construction, operation, navigation of aircraft and all component parts thereof; air navigation aids, such as markings, lighting, electric and electronic devices that transmit or receive visual, audible or electronic signals, sounds or displays; navigation and piloting; and also includes airports and the planning, design, construction, repair, improvement, or maintenance thereto or any part thereof; and the dissemination of information and instruction pertaining to all of the foregoing;

(2) "Aircraft", any device now known or hereafter invented, used or designed for navigation of or flight through the air;

(3) "Airman", a person, including the person in command of an aircraft or a pilot, mechanic, or member of the crew, who engages in the navigation of an aircraft while under way;

(4) "Airman certificate", a certificate issued to an airman pursuant to 49 U.S.C. 44702;

(5) "Airport", an area on land or water that is used or intended to be used for the landing and takeoff of aircraft including buildings, equipment, facilities, rights-of-way, property and appurtenant areas;

(6) "Airport authority", an entity established in accordance with state law which may plan for, acquire, construct, operate, and maintain an airport or airports as a political subdivision within this state;

(7) "Pilot", any person licensed to operate aircraft;

(8) "Political subdivision", any county, city, town, village or other political entity having the authority to tax and to exercise the power of eminent domain;

(9) "Runway", a defined rectangular area on a land airport prepared specifically for the landing and takeoff of aircraft.

(RSMo 1939 § 15117, A.L. 1991 S.B. 6, A.L. 2002 S.B. 701)

Prior revision: 1929 § 13916

Beginning January 1, 2017--Refusal to submit to test, effect,penalties.

[305.125](#). If a person refuses upon the request of the officer to submit to a chemical test under section [577.041](#), then no test shall be given. Any refusal to submit to a test shall be an infraction which may be punished by a fine of up to one thousand dollars. The officer shall inform the person that his or her failure to submit to the test may result in a fine and administrative penalties by the Federal Aviation Administration.

(L. 1993 H.B. 562 § 10 subsec. 1, A.L. 2014 S.B. 491)

Transferred 2014; formerly [577.217](#); Effective 1-01-17

Beginning January 1, 2017--Positive test results, test refusals andconvictions of violations to be reported to the Federal AviationAdministration.

[305.126](#). Whenever a person operating an aircraft or acting as a flight crew member of any aircraft has a positive chemical test under chapter 577 or refuses a chemical test under section [577.041](#), the test result and refusal shall be reported by law enforcement agencies to the Federal Aviation Administration. If a person pleads guilty to or is found guilty of a violation of sections[577.015](#) and [577.016](#), a report of the conviction shall be forwarded by the court in which the conviction occurred to the Federal Aviation Administration.

(L. 1993 H.B. 562 § 10 subsec. 2, A.L. 2014 S.B. 491)

Transferred 2014; formerly [577.221](#); Effective 1-01-17

Unlawful to operate without an airman certificate and certificate ofairworthiness.

[305.130](#). It shall be unlawful for any person to operate any aircraft within this state in carrying a passenger or passengers, or any property, or in the prosecution of a business or commercial enterprise, or for instruction in the art of flying, without an* airman certificate for such purposes issued by the Federal Aviation Administration, and without a valid certificate of airworthiness for such aircraft issued by the Federal Aviation Administration.

(RSMo 1939 § 15118, A.L. 2002 S.B. 701)

Prior revision: 1929 § 13917

*Word "a" appears in original rolls.

Airman certificate to be kept in personal possession.

[305.140](#). The airman certificate and certificate of airworthiness required by sections [305.120](#) to [305.160](#) shall be kept in the personal possession of the licensee when operating aircraft within this state, and must be presented for inspection upon the demand of any passenger, or any peace officer, or any official, manager or person in charge of any airport, or landing field in this state upon which he shall land.

(RSMo 1939 § 15119, A.L. 2002 S.B. 701)

Prior revision: 1929 § 13918

Exceptions to license requirements.

[305.150](#). The provisions of sections [305.120](#) to [305.160](#) shall not apply to public aircraft owned by, or to pilots in the service of, the government of the United States, or the state of Missouri.

(RSMo 1939 § 15121)

Prior revision: 1929 § 13920

Violation of law a misdemeanor.

[305.160](#). Any person who violates any provision of sections [305.120](#) to [305.160](#) shall be guilty of a misdemeanor.

(RSMo 1939 § 15120)

Prior revision: 1929 § 13919

Operation of airports by cities.

[305.170](#). The local legislative body of any city, including cities under special charter, village or town in this state is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate, in whole or in part, alone or jointly or concurrently with others, airports or landing fields for the use of airplanes and other aircraft either within or without the limits of such cities, villages, or towns, and may use for such purpose or

purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such city, village, or town.

(RSMo 1939 § 15122)

Prior revision: 1929 § 13921

Operation of airports by counties.

[305.180](#). The county commission of any county in this state is hereby authorized after a hearing to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate, in whole or in part, alone or jointly or concurrently with others, airports or landing fields for the use of airplanes and other aircraft within the limits of such counties, and may use for such purpose or purposes any property suitable therefor, that is now or may at any time hereafter be owned or controlled by such county.

(RSMo 1939 § 15123)

Prior revision: 1929 § 13922

Declaration of acquisition of land a public necessity.

[305.190](#). Any lands acquired, owned, controlled or occupied by such cities, villages, towns or counties for the purposes enumerated in sections [305.170](#) and [305.180](#) hereof shall and are hereby declared to be acquired, owned, controlled, and occupied for a public purpose and as a matter of public necessity, and such cities, villages, towns, or counties shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public necessity.

(RSMo 1939 § 15124)

Prior revision: 1929 § 13923

Acquisition of property--definition--issuance of bonds.

[305.200](#). 1. Any county, city or city under special charter shall have the power to acquire by purchase, property for an airport or landing field or addition thereto, and if unable to agree with the owners on the terms thereof, may acquire such property by condemnation in the manner provided by law under which such county or city is authorized to acquire real property for public purposes, or if there be no such law, then in the same manner as is now provided by law for the condemnation of property by any railroad corporation.

2. The term "property" as used in this section shall mean and include any real and personal property whether privately or publicly owned or any easement or use therein, including, but not by way of limitation, property owned by school districts, water districts, fire districts, road districts, sewer districts, drainage districts, levee districts, railroads, and property both real and personal owned by any other corporation and shall include churches, graveyards, graveyard associations, parks, private roads, bridges, culverts, pipelines, waterlines, water reservoirs or storage tanks, canals, ditches, and levees, railroads or other rights-of-way, streetcar or traction lines and tracks, telegraph, telephone

and power lines, poles and conduits and including state roads or roads under the jurisdiction of the state highways and transportation commission.

3. The purchase price or the award of compensation or damages for the taking of any real or personal property or any easement or use therein acquired for an airport or a landing field or any addition thereto may be paid for wholly or in part from the proceeds of the sale of bonds of such county, city or city under special charter as the governmental or legislative body of such county, city or city under special charter shall determine, subject, however, to the adoption of a proposition therefor at any election to be held in such county, city or city under special charter for such purpose; also to permit said municipality or municipalities mentioned in this section to issue revenue bonds for said above mentioned purpose on authority of the governing body of said municipality; provided, that no airport or landing field shall be established or located in any county, city or city under special charter in violation of any plan or master airport plan or zoning regulation restricting the location of an airport or landing field adopted by the planning commission of any such county, city or city under special charter.

(RSMo 1939 § 15125, A.L. 1943 p. 326)

Prior revision: 1929 § 13924

(2000) Adding of additional runways to existing airport, and expansion of existing facilities of such airport, is not deemed an establishment of new landing field or of new airport. City of Bridgeton v. City of St. Louis, 18 S.W.3d 107 (Mo.App.E.D.).

Revenue bonds authorized, first class counties.

[305.205](#). The governing body of any county of the first class is authorized to pay the purchase price or the award of compensation or damages, as provided for in section [305.200](#), by the issuance of revenue bonds for the taking of any real or personal property or any easement or use thereof for an airport or a landing field or an addition thereto or for any improvement or improvements on the airport, landing field, or any addition thereto.

(L. 1981 S.B. 39)

Manner of operating airports--fees.

[305.210](#). The local legislative body of a city, including cities under special charter, village, town or county which has established an airport or landing field and acquired, leased, or set apart real property for such purpose may construct, improve, equip, maintain, and operate the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance, and operation thereof, in any suitable officer, board or body of such city, village, town or county, or may by franchise or contract authorize others, in whole or in part, to construct, equip, maintain, and operate the same. The expense of such construction, improvement, equipment, maintenance and operation shall be a city, village, town or county charge, in whole or in part, as the case may be. The local legislative body of a city, village, town, or county may adopt regulations and establish fees for charges for the use of such airport or landing field.

(RSMo 1939 § 15126)

Prior revision: 1929 § 13925

Authority to appropriate money.

305.220. The local authorities of a city, including cities under special charter, village, town or county to which sections 305.170 to 305.220 are applicable having power to appropriate money therein may annually appropriate a sum sufficient to carry out the provisions of sections 305.170 to 305.220.

(RSMo 1939 § 15127)

Prior revision: 1929 § 13926

Aeronautics program, highways and transportation commission to administer--purposes--aviation trust fund, administration, uses--appropriation--immediate availability of funds in the event of a disaster.

305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration shall be made from the aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080 relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to ninety percent state/ten percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

(h) For the erection of fencing on or around the perimeter of an airport;

(i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;

(j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;

(k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans, airport layout plans, airport business plans, and strategic plans at existing airports;

(l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(m) If at least four million five hundred thousand dollars is deposited into the aviation trust fund in the previous calendar year, funds may be spent for the study or promotion of expanded domestic or international scheduled commercial service, the study or promotion of intrastate scheduled commercial service, the promotion of aviation in the state, or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service, subject to the following provisions:

a. No more than two million dollars may be spent from the aviation trust fund for the purposes provided in this paragraph in any calendar year; and

b. The commission shall be required to expend at least four million dollars of the annual, calendar year deposits into the aviation trust fund for purposes other than the purposes described in this paragraph;

(2) As total funds, with no local match:

(a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;

(b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the commission;

(c) For the conducting of aviation safety workshops;

(d) For the promotion of aerospace education;

(3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the United States Department of Defense, except no more than one hundred sixty-seven thousand dollars per year may be used for any individual control tower;

(4) As total funds with a local match, up to five hundred thousand dollars per year may be used for air traffic control towers partially funded by the federal government under a cost-share program. Any expenditures under this program require a nonfederal match, comprised of a ratio of fifty percent state and fifty percent local funds. No more than one hundred thousand dollars per year may be expended for any individual control tower.

5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the commission. For projects designated as emergencies by the commission, all requirements relating to normal procurement of engineering and construction services are waived.

6. As used in this section, the term "instrumentality of the state" shall mean any state educational institution as defined in section [176.010](#) or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport.

(L. 1945 p. 1315 § 1, A.L. 1965 p. 501, A.L. 1971 S.B. 351, A.L. 1978 H.B. 1116 & 1117, A.L. 1985 S.B. 145 & 166, A.L. 1986 S.B. 550, A.L. 1991 S.B. 6, A.L. 1998 S.B. 619, A.L. 2002 H.B. 1196, A.L. 2005 S.B. 396, A.L. 2008 S.B. 930 & 947, A.L. 2014 H.B. 2141 merged with S.B. 818)

Effective 8-28-14 (S.B. 818)

1-01-16 (H.B. 2141)

CROSS REFERENCE:

Aviation trust fund, created, [155.090](#)

Technical advice, who shall give--approved airport design maintained.

[305.233](#). 1. The department of transportation may provide free technical advice in planning, constructing, and operating a public airport to any city, town or* county operating or proposing to operate an airport. In order to insure compatibility with and maximum participation in federal programs for the operation and improvement of airports, the department shall provide technical representation, promotion, planning and engineering advice to the cities, towns or* counties for the advancement of an aviation program, and in order to insure effective and efficient use of state funds to aid the cities, towns and counties in the operation, construction and improvement of airports shall develop and maintain a state airport plan.

2. The department shall also develop and maintain an "approved airport design" using standard design criteria to assure the safety and well-being of the airport user and the best uses of state and local funds.

(L. 1971 S.B. 351)

*Word "or" does not appear in original rolls.

Department of transportation to provide assistance, when.

[305.234](#). Pursuant to the stated intent of section [305.233](#), any city, town or county individually or jointly with any other city, town or county planning to build, develop, improve or expand a public airport shall channel such request through the state department of transportation. Provided further, that land airports serving Civil Aeronautics Board certificated air carriers and so certificated under CFR14 Part 139 are exempt from the requirements of channelization supra; but may request the state department of transportation to provide such service. The department of transportation is authorized to cooperate with the government of the United States and any agency or department thereof, in the acquisition, construction, improvement, maintenance and operation of airports and other navigation facilities in this state and to comply with the provisions of the laws of the United States and any regulations made thereunder for the expenditure of federal money upon such airports and other navigation facilities.

(L. 1978 H.B. 1116 & 1117)

Transportation department to accept federal and other moneys for airfacilities.

[305.237](#). The department of transportation is authorized to accept and receive federal moneys, and other moneys, either public or private, for or on behalf of the state, or the political subdivisions of the state at the request of such political subdivisions, for the acquisition, construction, development, improvement, operation and maintenance of airports or other air navigation facilities in the state upon such terms and conditions as are or may be prescribed by the laws of the United States.

(L. 1989 S.B. 448 § 1)

Political subdivision funding air facilities with federal grants may request department to act as agent--laws and rules governing.

[305.238](#). 1. The department of transportation is authorized to act as agent of any political subdivision of the state upon the request of such political subdivision in accepting and receiving federal grant moneys for airports or other air navigation purposes, and in contracting for the acquisition, construction, development, improvement, operation and maintenance of airports or other air navigation facilities in this state, financed either in whole or in part by federal moneys.

2. The governing body of any political subdivision is authorized to designate the department as its agent for such purposes and to enter into an agreement with it prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and with sections [305.170](#) to [305.270](#).

3. Moneys paid over by the United States government shall be retained by the state or paid over to such political subdivisions under such terms and conditions as may be imposed by the United States government in making such grants.

(L. 1989 S.B. 448 § 2)

Contracts for air facilities with federal funding, laws and rules governing.

[305.239](#). All contracts for the acquisition, construction, development, improvement, operation and maintenance of airports, or other air navigation facilities, made by the department of transportation, either as the agent of the state or the agent of any political subdivision, shall be made pursuant to the laws of the state governing the making of such contracts, except that, where the acquisition, construction, development, improvement, operation and maintenance of any airport or other air navigation facility is financed wholly or partially with federal money, the department, as agent of the state or any political subdivision thereof, may let contracts in the manner prescribed by federal authorities, acting under the laws, rules or regulations of the United States, and in the manner prescribed by the charters of the charter cities of the state, notwithstanding any provision of state law to the contrary.

(L. 1989 S.B. 448 § 3)

Establishment of air facilities in adjoining state.

[305.240](#). This state or the governing body of any political subdivision of this state is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate airports, or restricted landing areas, or other air navigation facilities in an adjoining state whose laws permit, subject to the laws of such state, but subject to the laws of this state in all matters relating to financing such projects.

(L. 1947 V. II p. 334 § 1)

Adjoining state may establish air facilities.

[305.250](#). An adjoining state or political subdivision thereof, if the laws of such state permit, is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate airports, or restricted landing areas, or other air navigation facilities in this state, subject to all laws, rules and regulations of this state applicable to such aeronautical facilities, but subject to the laws of its own state in all matters relating to financing such projects.

(L. 1947 V. II p. 334 § 2)

Rights and privileges of adjoining state.

[305.260](#). Such adjoining state or political subdivision thereof shall have all the rights, privileges, and duties of like political subdivisions of this state, except the right to exercise eminent domain.

(L. 1947 V. II p. 334 § 3)

Dependent upon reciprocity by adjoining state.

[305.270](#). Sections [305.240](#) to [305.270](#) shall not apply unless the laws of such adjoining state shall permit this state and its political subdivisions to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate airports, or restricted landing areas, or other air navigation facilities therein, with all privileges, rights and duties applicable to such aeronautical projects in such adjoining state.

(L. 1947 V. II p. 334 § 4)

Establishment of an airport authority by an eligible entity, jurisdiction.

[305.295](#). Whenever the fiscal body of one or more eligible entities, acting individually or jointly, adopts an ordinance or a resolution in favor of the establishment of an airport authority under this chapter*, there is established an airport authority. The authority has jurisdiction over a district with boundaries conterminous with the jurisdictional boundaries of the entity or entities adopting the ordinance or resolution. The authority must have a name including the words "airport authority".

(L. 2012 S.B. 628 § 1)

*Original rolls of SB 628 numbered this section as "Section 1". This section was assigned to Chapter 305 by the Revisor under section [3.060](#).

County airport authority, procedure to establish.

[305.300](#). The governing body of any county may create an airport authority to build or acquire and operate one or more airports within the boundaries of the county or an adjoining county. The authority shall be created by resolution of the governing body not sooner than ten days after public notice is posted at the courthouse announcing the intention of forming such a body.

(L. 1985 S.B. 145 & 166 § 2 subsec. 1)

Boards of directors--number of members, terms--election--election notrequired when--certain exceptions, St. CharlesCounty--expenses--meetings--officers, terms.

[305.304](#). 1. (1) The authority shall be governed by an elected seven-member board of directors, except as provided in subdivision (2) of this subsection. The seven directors shall be elected at large by the qualified voters of the county at the first municipal election following the creation of the authority, provided that, the authority is created at a time prior to such election sufficient to allow the notice requirement of section [115.125](#) to be met. Otherwise, the directors shall be elected at the following municipal election. The two directors receiving the highest total number of votes shall serve terms of six years. From among the remaining directors, the three receiving the next highest total number of votes shall be elected for terms of four years. The remaining directors shall be elected for terms of two years. Thereafter, all directors shall serve terms of four years. All directors shall serve until their successors are elected and qualified. None shall hold any other public office. Notwithstanding any other provision of law to the contrary, if the number of candidates is no greater than the number of directors to be elected, no election shall be held, and the candidate or candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected.

(2) In any first class county which does not have a charter form of government and which adjoins a first class county having a charter form of government and not containing all or part of a city with a population of more than three hundred thousand, and not more than one second class county, the authority shall be governed by a five-member board of directors. Such directors shall be elected as provided in subdivision (1) of this subsection, except that, the two directors receiving the highest total number of votes shall serve terms of six years. From among the remaining directors, the two receiving the highest total number of votes shall be elected for terms of four years and the remaining director shall serve a term of two years. Thereafter, all directors shall serve terms of four years. All directors shall serve until their successors are elected and qualified. None shall hold any other public office.

2. Directors shall not be compensated for services, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties from funds of the authority.

3. The board of directors shall meet and organize within sixty days after the election, and shall select one member to be chairman and another to be vice chairman, which officers shall be selected every two years.

4. In any county which has adopted the provisions of sections [305.300](#) to [305.333](#) prior to May 6, 1986, an election of directors shall be conducted as provided in this section. All directors appointed under prior law shall serve until their successors are elected and qualified.

(L. 1985 S.B. 145 & 166 § 2 subsecs. 2 to 4, A.L. 1986 S.B. 550, A.L. 1989 S.B. 193)

Effective 2-1-89

Powers of board--condemnation authorized.

[305.307](#). 1. The authority shall be a body corporate and a political subdivision of the county wherein established. It may sue and be sued, and its actions are declared to be for a public purpose.

2. The authority may exercise any of the following governmental powers, including the power of eminent domain within the county which created the authority, and all other powers necessary, incidental, convenient or desirable to carry out and effectuate the express powers. The power of eminent domain may be exercised only in the acquisition of lands adjacent to the existing airport. It may:

(1) Acquire by purchase, lease or otherwise, for the purpose of establishing and constructing one or more airports, any land or water lying anywhere within its designated area;

(2) Acquire by purchase, lease or otherwise any airport or airports located within its designated area, and may assume and pay, or guarantee the payment of, the principal and interest of any bonds secured by any such airport, provided that:

(a) The rentals payable on any lease of any such airport shall be payable only from any part or all of the income and revenues derived from the airport, any other authority airport or airports, any related facilities of any such airport, or any other property owned by the authority or from any two or more of such sources, and the payment of such rentals may be secured by a pledge of any part or all of any such income or revenues;

(b) Any such assumption or guaranty of the principal and interest of any bonds secured by any such airport, the related facilities thereof, any other authority airport or airports and their respective related facilities, any other authority property, or from the proceeds derived from the sale of bonds authorized to be issued by the authority pursuant to section [305.315](#) which are issued for the purpose of refunding any such bonds so assumed or guaranteed or any two or more of the foregoing sources; and

(c) Any such lease, assumption or guaranty shall state on its face that it does not constitute a debt of the authority or the state of Missouri within the meaning of the constitution and the statutes of the state of Missouri;

(3) Plan for, establish, acquire by purchase, lease or otherwise, construct, reconstruct, expand, improve and maintain related facilities for any authority airport;

(4) Acquire by purchase, lease or otherwise, any land or water lying within its designated area, and within one mile of the boundaries of any proposed or existing authority airport, and may plan for, establish, construct, reconstruct, expand, improve and maintain related facilities which the authority deems necessary or appropriate;

(5) Enter into leases or agreements for the operation by the authority of any airport or airports located in its designated area and any part or all of the related facilities thereof;

(6) Require the removal or relocation of all buildings, railroads, mains, pipes, conduits, wires, poles and other structures, facilities and equipment which may interfere with the location, operation, expansion or improvement of any proposed or existing authority airport or with the safe approach to or takeoff from any such airport by aircraft; but if the authority shall determine that it is necessary

that any such facilities be relocated or removed entirely from any present or proposed authority airport, the person owning or operating such facilities shall relocate or remove the same in accordance with the order of the authority and all costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or locations, and the cost of any land or lands, or interest in land, or any other rights acquired to accomplish such relocation or removal shall be ascertained and paid by the authority as a part of the cost of any such present or proposed authority airport; and further, there shall be no rent, fee or other charge of any kind imposed upon the person owning or operating any facilities ordered relocated on the properties of the authority and the authority shall grant to the person owning or operating the facilities and his successors and assigns the right to operate the same in the new location or locations for as long a period and upon the same terms and conditions as he had the right to maintain and operate such facilities in their former location or locations;

(7) Receive and expend any funds from the state of Missouri, or any political subdivision thereof, which may be appropriated to further airport purposes.

(L. 1985 S.B. 145 & 166 § 3, A.L. 1986 S.B. 550)

Effective 5-6-86

Additional powers, competitive bids required, when--approval by authority of all transactions.

305.310. 1. The authority may operate any authority airport and may charge and collect rents, rates or other compensation for any use thereof or for any service rendered by the authority in the operation thereof pursuant to such contracts for such terms, not exceeding forty years, as the authority shall determine, which terms may begin in futuro, provided that, subject to the capacity thereof, the landing field, landing strips, and services of any authority airport shall be available to any person without unjust or unreasonable discrimination as to services and charges for landing and takeoff by any aircraft.

2. The authority may grant to any person concessions or privileges in any part of any authority airport, other than the landing field and landing strips, and any related facilities for the control and safe operation of aircraft, the sheltering, servicing or repair of aircraft, the receiving, discharging, sheltering, feeding and supplemental transportation of passengers, the parking of motor vehicles, and the receipt, transfer, storage and discharge of any cargo or for any purpose reasonably incident to any of the foregoing, provided that any leases and any grants of concessions or privileges may be for such terms, not exceeding twenty years, as the authority shall determine, and any such term may begin in futuro.

3. The authority may regulate, to the extent not regulated by federal law or regulations, the navigation of aircraft over any authority airport and the perimeter area of such airport, the approach of aircraft to and their takeoff from any authority airport, and the use of any airport or related facilities so as to be consistent with the safe and efficient operation of the airport.

4. No city, town, county, or other political subdivision, located within the authority boundaries which owns an airport, may sell, give title or interest in, franchise, lease, contract for operation or

maintenance, or otherwise convey, its airport to or with any other state, authority or political subdivision without the prior approval of the county airport authority.

5. All purchases, rentals, or leases of all goods, supplies, insurance, services, bonds, wares, commodities, or other items, tangible or intangible, by or for the authority, shall be based on competitive bids. The authority shall advertise for bids in at least one newspaper of general circulation in the area served by the authority at least five days before bids for the purchases, rentals, or leases are to be opened. All bids shall be mailed or delivered to the office of the authority so as to reach it before the time set for opening bids. The purchase shall be let to the lowest and best bidders. The authority may reject the bids and advertise for new bids. Purchases where the estimated expenditure is less than one thousand dollars may be made without the securing of bids.

(L. 1985 S.B. 145 & 166 § 4)

Additional powers of authority.

305.312. 1. The authority may also:

(1) Enter into contracts regarding any matter connected with any purpose within the objects and purposes of sections 305.300 to 305.333;

(2) Employ agents and employees necessary to carry out the duties and purposes of the authority;

(3) Adopt all necessary bylaws, rules and regulations for the conduct of the business and affairs of the authority, and for the management and use of facilities and sites acquired under the powers granted by sections 305.300 to 305.333;

(4) Have and use a common seal and alter the same at pleasure;

(5) Secure grants or loans, or both, from the United States government, or any agency thereof, for financing the establishment and construction of any airport, related facility, or any part of any of the foregoing authorized by sections 305.300 to 305.333. For such purposes the authority may issue and sell or pledge to the United States government, or any agency thereof, all or any part of the revenue bonds authorized under sections 305.315, 305.317 and 305.320, and may execute contracts and documents and do all things that may be required by the United States government, or any agency thereof, provided that such contract and documents do not conflict with the provisions of any resolution authorizing and securing the payment of outstanding bonds of the authority theretofore issued that are payable from the revenues derived from the operation of any authority airport, and related facility.

2. Nothing in this section or in any other provision of sections 305.300 to 305.333 shall be construed to authorize the authority to establish or enforce any regulation or rule in respect to the operations or maintenance of its airports and related facilities within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

(L. 1985 S.B. 145 & 166 § 8)

Bond issues authorized--interest rate--price of bonds--required provisions--refunding bonds, requirements.

305.315. 1. The authority may from time to time issue bonds in anticipation of its income and revenues from any one or more authority airports and related facilities to accomplish any of the purposes of sections 305.300 to 305.333, and to refund such bonds, or any bonds assumed or guaranteed pursuant to the provisions of sections 305.300 to 305.333. Such bonds shall be authorized by resolution and may be issued in one or more series, may bear such dates, mature at such time or times, bear interest at such rates, not exceeding the maximum amount allowed by law, payable semiannually, be in such form, be executed in such manner, including the use of facsimile signatures and seals, be payable in such medium of payment, at such places, be subject to such terms of redemption, with or without premium, and may be made registrable as to principal or as to both principal and interest, as the authority by resolution may provide. Any bonds issued hereunder may be issued in denominations of five thousand dollars or any multiple thereof. The bonds shall have all the qualities of negotiable paper within the meaning of such term as used in the laws of this state. The bonds shall be sold at a price, so that the interest cost of the proceeds thereof shall not exceed the maximum allowed by law, payable semiannually, computed to maturity according to standard tables of bond values, and shall be sold in such manner and at such time as the authority shall determine at a public sale. Pending the preparation or execution of definitive bonds, temporary receipts, certificates or bonds may be delivered to the purchasers or pledgees of these bonds. No holder of any bond issued under this section shall ever have the right to compel any exercise of the taxing power of the state of Missouri or any political subdivision thereof to pay the bond or the interest thereon. Each bond issued under this section shall recite in substance that the bond, including the interest thereon, is payable solely from the revenue pledged to the payment thereof or from any bonds issued for the purpose of refunding such bond, and that the bond does not constitute a debt of the authority or of the state of Missouri within any statutory or constitutional limitation of the state of Missouri.

2. Such bonds shall be executed by such officers of the authority as shall be designated by the authority. Any bonds bearing the signature of officers in office at the date of signing thereof shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers.

3. The authority may provide for the issuance of refunding bonds if the bonds to be refunded are due or callable or redeemable by their terms on or prior to the date that the refunding bonds are issued, or will become due, callable or redeemable by their terms within twelve months after the date of issue of the refunding bonds, or if the bonds to be refunded even though not becoming due, callable, or redeemable within such period are voluntarily surrendered by the holders thereof for cancellation at the time of the issuance of the refunding bonds. All or part of any issue may be so refunded and all parts of several issues may be refunded into a single issue of refunding bonds. Provision may be made for including with the refunding bonds, as part of a single issue, bonds of the authority for any other purpose or purposes for which bonds are herein authorized to be issued. Refunding bonds may be exchanged for not less than a like principal amount of the bonds authorized to be refunded, and may be sold or may be exchanged in part and sold in part.

(L. 1985 S.B. 145 & 166 § 5)

Bond issues, procedure to authorize--limitations--resolutioncontents--duties.

305.317. The authority, if it desires to issue bonds pursuant to section 305.315, shall adopt a resolution describing in a general way the airport or airports and the related facility or facilities to be acquired, established, constructed, reconstructed, expanded, or improved and refer to the plans and specifications therefor prepared for that purpose, or if refunding bonds, describing the bonds or other obligations to be refunded, or both. Any such resolution shall set out the estimated cost therefor, or in the case of refunding bonds, the amount of the bonds to be refunded, and shall fix the maximum amount of revenue bonds proposed to be issued therefor. This amount shall not exceed the estimated cost thereof, including engineering, legal, and other expenses together with interest cost to a date six months subsequent to the estimated date of completion, or, in the case of refunding bonds, the principal amount of the bonds to be refunded and legal and other expenses, and such other sums as in the discretion of the authority may be desirable to create a reserve fund sufficient to pay the maximum amount of principal and interest estimated to fall due on the bonds in any future twelve-month period. Such resolution may contain such covenants, which shall be part of the contract between the authority and the holder of the bonds and the trustee, if any, for such bondholders having such rights and duties as may be provided therein for the enforcement and protection of such covenants, as may be deemed necessary or advisable as to:

(1) The issuance of additional bonds that may thereafter be issued payable from the income and revenues derived from the operation of any such airport or airports, and related facility or facilities, and for the payment of the principal and interest upon such bonds;

(2) The regulations as to the use of any such airport or airports, and related facility or facilities, to assure the maximum use or occupancy thereof;

(3) The kind and amount of insurance to be carried, including use and occupancy insurance, the cost of which shall be payable only from the income and revenues derived from such airport or airports, and related facility or facilities;

(4) The operation, maintenance, management, accounting and auditing, employment of airport engineers and consultants and the keeping of records, reports and audits of any such airport or airports, and related facility or facilities;

(5) The obligation of the authority to maintain the airport or airports, and related facility or facilities, in good condition and to operate the same in an economical and efficient manner;

(6) Provide for setting aside of sinking funds, reserve funds, depreciation funds and such other special funds as may be found needful and the regulation and disposition thereof;

(7) Provide for the setting aside of a sinking fund, into which shall be payable from the income and revenues of such airport or airports, and related facility or facilities, from month to month, as such income and revenues are collected, such sums as will be sufficient to pay the accruing interest and retire the bonds at maturity;

(8) Fix and collect rents, rates of toll and other charges for the use of such airport or airports, and related facility or facilities, sufficient, together with other available money, to produce income and revenues adequate to pay the bonds at maturity and accruing interest and reserves therefor and sufficient to pay cost of maintenance, operation and depreciation thereof in such order of priority as shall be provided by the resolution authorizing the bonds;

(9) Fix procedures by which the terms of any contract with the holders of the bonds may be amended, the amount of bonds involved, the holders of which must consent;

(10) Provide the procedure for refunding such bonds;

(11) Provide whether and to what extent and upon what terms and conditions, if any, the holder of bonds or coupons issued under such resolution or the trustee, if any, therefor may, either in law or in equity, by suit, action, mandamus or other proceeding, enforce or compel the performance of all duties required by this section and section [305.315](#), including the fixing, maintaining and collecting of such rents, rates or other charges for the use of such airport or airports, and related facility or facilities, or for any service rendered by the authority in the operation thereof as will be sufficient, together with other available money, to pay the principal or interest upon those revenue bonds as the same become due and reserves therefor and sufficient to pay the cost of maintenance, operation and depreciation of the airport or airports, and related facility or facilities, in the order of priority as provided in the resolution authorizing the bonds, and the application of the income and revenues thereof;

(12) Such other covenants as may be deemed necessary or desirable to assure a successful and profitable operation of the airport or airports, and related facility or facilities, and prompt payment of the principal and interest upon the bonds so authorized.

(L. 1985 S.B. 145 & 166 § 6)

Security for bonds deposited in separate fund--purpose--subsequent resolutions, effect--surplus funds, authorized disbursement.

[305.320](#). Wherever revenue bonds are issued and outstanding under sections [305.315](#) and [305.317](#) inclusive, all of the income and revenues received from the operation of the airport or airports, and related facility or facilities, pledged to secure the payment of the interest and principal of such bonds shall be deposited in a separate fund which shall be used only in paying the principal and interest of these revenue bonds and reserves therefor and the cost of rental, maintenance, operation and depreciation of such airport or airports, and related facility or facilities, to such extent and in such order of priority as shall be provided by the respective resolutions authorizing revenue bonds; provided, however, no priority accorded by such a resolution may be impaired by a subsequent resolution authorizing revenue bonds unless specifically so permitted by a covenant of the kind authorized to be included in a resolution by section [305.317](#). Such income and revenues in excess of requirements for payment of principal of and interest upon these bonds and reserves therefor and for payment of cost of maintenance, operation and depreciation of the airport or airports, and related facility or facilities, may be used for rehabilitation, reconstruction and expansion of existing airports and related facilities, or for the retirement of any outstanding bonds

issued for airport purposes. After all such bonds have been paid, such income and revenues may be transferred to the general corporate fund of the authority and be used for maintenance, operation, repair and development of such airport or airports, and related facility or facilities, or for any other corporate purpose.

(L. 1985 S.B. 145 & 166 § 7)

Debts and obligations of authority not debts of state.

305.325. Nothing in sections 305.300 to 305.333 shall be construed to authorize the authority to create a debt, liability or obligation of the state of Missouri or of any of its political subdivisions, and all bonds issued by the authority shall be paid solely from the revenues and other funds provided therefor by the provisions of sections 305.300 to 305.333.

(L. 1985 S.B. 145 & 166 § 9)

Property of authority exempt from state taxes.

305.330. All property, real, personal or mixed, owned by the authority, which is located in the state of Missouri, is exempt from taxation under the laws of the state of Missouri.

(L. 1985 S.B. 145 & 166 § 10)

Tax levy--rate--procedure to adopt--election, when--ballot form--use of revenue.

305.333. 1. The board of directors of any county airport authority may levy, if a majority of the voters voting thereon approve, in addition to all other taxes heretofore approved, a tax of not more than twenty-five cents per one hundred dollars of assessed valuation to be used for the support of the authority.

2. The proposition to levy the tax authorized by subsection 1 of this section may be submitted by the board of directors at the next regular municipal or school election conducted by the county clerk in such county or at a special election called for the purpose, or upon petition of two hundred registered voters of the county. A separate ballot containing the question shall read as follows:

Shall the board of directors of the County Airport Authority be authorized to levy a tax of cents on the one hundred dollars assessed valuation to provide funds for the support of the authority?

FOR THE PROPOSITION

AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this section, but if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this section, no tax shall be levied.

3. Funds derived from the tax which may be levied pursuant to this section may be used to pay the principal and interest of any revenue bonds which may have been issued by the authority, or for any other purpose within the powers of the authority.

(L. 1985 S.B. 145 & 166 § 11)

Definitions (Greene County).

305.400. For purposes of sections **305.400** to **305.410** the following words or phrases shall mean the following:

(1) "Airport zone" is each area located wholly or in part outside a municipality in a county which is located within the following description:

Beginning at a point on the end of any runway and on the centerline of the runway; thence to the right a distance of five hundred feet on a course perpendicular to said centerline to a point; thence to a point two thousand feet to the right of and perpendicular to the centerline extended which point is directly opposite a point ten thousand feet from the end of the runway on the said centerline extended away from the runway; thence to a point two thousand feet to the left of and perpendicular to the centerline extended which point is directly opposite a point ten thousand feet from the end of the runway on the said centerline extended away from the runway; thence to a point five hundred feet to the left of the point of beginning and perpendicular to the said centerline; thence to the point of beginning.

(2) "County" is county of the first class having a population of more than one hundred and fifty thousand persons but less than six hundred thousand persons.

(3) "Dwelling" is a building or portion thereof, including mobile homes, designed for residential use and occupancy including one-family, two-family, multiple-family dwellings, boarding houses, or rooming houses.

(4) "Municipality" is a municipal corporation with a population of more than one hundred fifteen thousand but less than three hundred thousand persons.

(5) "Runway" is a surface used for landing or taking off of aircraft which is shown on a duly adopted airport master plan of the municipality and includes all such runways shown thereon, whether existing or proposed, including extension of such runways.

(L. 1979 H.B. 957 § 1)

Zoning regulations (Greene County).

305.405. Notwithstanding any other provision of the law to the contrary, a county in which there is located a municipality which owns an airport served by commercial airlines certificated by the Civil Aeronautics Board of the United States of America shall adopt zoning orders and regulations as set forth in this section, pursuant to procedures in chapter 64, and the following provisions shall be deemed to be included in the county zoning order and regulations:

(1) No dwellings shall be permitted to be constructed in an airport zone other than single-family dwellings each of which is on a lot or parcel of land of ten acres or more;

(2) No hospitals, health institutions, clinics, sanitariums, nursing homes, convalescent homes, institutional homes, or other similar facilities shall be permitted to be constructed in an airport zone;

(3) No public or private schools, libraries, sports arena, day care centers, churches or other places of worship, auditoriums or buildings for public assembly or use, theaters or any other similar facility shall be permitted to be constructed in an airport zone;

(4) No building or structure shall be constructed nor shall any growth be maintained which exceeds fifty feet in height in an airport zone; no building or structure shall be constructed nor any growth maintained which is more than one hundred feet in height within any area located outside of an airport zone but located otherwise within an area two thousand feet parallel to and on each side of the centerline of any runway extended ten thousand feet from the end of and away from the runway;

(5) No use or activity shall be conducted in an airport zone which emits radio signals, electronic emissions or interference of any kind with any navigational signal or radio communication between the airport or aircraft; nor anything which makes it difficult for pilots to distinguish airport lights or results in significant reflection of light or glare which impairs pilot visibility or otherwise creates a hazard for aircraft.

(L. 1979 H.B. 957 § 2)

Annexation of land within airport zone prohibited, exceptions--enforcement authority--board of adjustment authorized(Greene County).

305.410. 1. Notwithstanding any other law to the contrary, annexation of land located within an airport zone by any city, town or village other than the municipality which owns the airport is prohibited, nor shall any areas be incorporated in such airport zones.

2. Notwithstanding the provisions of subsection 1 of this section, a city, town, or village may annex land located within an airport zone if the city, town, or village has entered into an agreement under section **70.220** with the municipality that owns the airport. Under the agreement, the city, town, or village shall adopt the airport zoning ordinance of the municipality owning the airport and shall agree to enforce and administer the terms of such airport zoning ordinance. Any city, town, or village, including its officers or employees, that has agreed to enforce and administer the airport zoning ordinance of the municipality that owns the airport who fails to enforce or administer the airport zoning ordinance or the terms of an agreement for enforcement and administration shall be subject to injunction, quo warranto, mandamus, or the remedies set forth in the agreement. If the city, town, or village fails to enforce the municipality's airport zoning law, the municipality owning the airport shall, in addition to all other remedies provided for in this section, have the right to enforce the zoning law against the violator by injunction or declaratory judgment.

3. Notwithstanding any other law to the contrary, the powers of the board of adjustment under section **89.080** may be vested in a new board of adjustment consisting of members of the board of

adjustment of the municipality that own the airport and the members of the board of adjustment of the city, town, or village that annexes land within the airport zone in accordance with an agreement to enforce and administer the zoning regulations set forth in section [305.405](#) and the airport zoning ordinance of the municipality that owns the airport. Notwithstanding the provisions of section [89.090](#) or any other law to the contrary, the concurring vote of eight members of the new board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

(L. 1979 H.B. 957 § 3, A.L. 2008 H.B. 1888)

Short title.

[305.500](#). Sections [305.500](#) to [305.585](#) shall be known and may be referred to as "The Missouri-St. Louis Metropolitan Airport Authority Law".

(L. 1972 H.B. 1341 § 1)

Effective 2-4-72

Definitions.

[305.505](#). As used in sections [305.500](#) to [305.585](#), unless the context requires otherwise, the following words and terms mean:

(1) "Airport", an area of land or water, the boundaries of which shall be as designated by the authority for future airports, and as existing for present airports, which is intended for the landing and takeoff of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other related facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established, or for any purpose reasonably incident to any of the foregoing;

(2) "Airport hazard", any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, or interferes with the flight of, aircraft in landing or taking off at the airport;

(3) "Authority", The Missouri-St. Louis metropolitan airport authority;

(4) "Authority airport", any airport or airports acquired, constructed, reconstructed, expanded, improved or leased by the authority and within the Missouri-St. Louis metropolitan area;

(5) "Governor", the governor of the state of Missouri;

(6) "Greater St. Louis metropolitan area", The Missouri-St. Louis metropolitan area and the counties of Madison, Monroe and St. Clair in the state of Illinois;

(7) "Instrument airport", an airport which has one or more runways equipped or to be equipped with precision electronic navigation aids or landing aids or other air navigation facilities suitable to

permit the landing of aircraft by an instrumental approach under restricted visibility conditions by instrument flight rules;

(8) "Major airport", an airport serving air passengers, air cargo, and air freight by accommodating certified scheduled air carriers;

(9) "Missouri-St. Louis metropolitan area", the city of St. Louis and the counties of St. Louis, St. Charles, Franklin and Jefferson in the state of Missouri;

(10) "Noninstrument airport", an airport, other than an instrument airport, with no precision navigation or landing aids and suitable to permit the landing of aircraft by visual flight rules;

(11) "Person", any individual, partnership, firm, company, corporation, association, trust or estate or his or its legal representative or agent;

(12) "Related facilities", any buildings, structures, or other facilities necessary or appropriate for the control and safe operation of aircraft, the sheltering, servicing, or repair of aircraft, the receiving, discharging, sheltering, feeding, and supplemental transportation of passengers, the parking of motor vehicles, and the receipt, transfer, storage and discharge of cargo, or for any purpose reasonably incident thereto, and together with such residential, commercial, and industrial buildings, structures and facilities and public parks, recreation areas and conservation areas as shall be compatible with the operation of the authority airport and which may produce incidental income available for the expenses of any authority airport or public benefit, located or to be located on an authority airport and any aids to navigation necessary for the operation of any authority airport wherever located, and any land on which any aids are located;

(13) "Structure", an object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, light towers, and overhead transmission lines; and

(14) "Tree", any object of natural growth.

(L. 1972 H.B. 1341 § 2)

Effective 2-4-72

Authority established--state aid to terminate June 30, 1983.

305.510. 1. "The Missouri-St. Louis Metropolitan Airport Authority" is hereby established. The authority is a body corporate and a political subdivision of the state and shall be known as "The Missouri-St. Louis Metropolitan Airport Authority", and in that name may sue and be sued. Actions of the authority are declared to be in the public interest and for a public purpose, and the authority may exercise the powers herein granted or necessarily implied for the purpose of promoting the general welfare and to provide safe and convenient air travel and transportation to and from the greater St. Louis metropolitan area.

2. After June 30, 1983, the general assembly shall not appropriate or expend any state moneys for the implementation and continuation of this section or the Missouri-St. Louis metropolitan airport authority.

(L. 1972 H.B. 1341 § 3, A.L. 1974 S.B. 398, A.L. 1976 S.B. 517, A.L. 1978 S.B. 581, A.L. 1980 H.B. 1289, A.L. 1982 S.B. 521)

Members of authority, how appointed, terms, qualifications, compensation, oath, bond.

305.515. 1. The governor, with the advice and consent of the senate, shall appoint four members of the authority; and two of the members shall be appointed for a term of two years, and two for a term of three years. The governor shall designate one of the authority members as chairman for the first two years. Thereafter, the authority membership shall elect a member to serve as chairman. The mayor of the city of St. Louis and the supervisor of St. Louis County, with the advice and consent of their respective governing bodies, shall each appoint three members of the authority and of the three, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. The county commissions of Jefferson, Franklin and St. Charles counties shall each appoint one member of the authority, each such member to serve a term of four years. Thereafter, all appointments shall be for a term of four years. Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term.

2. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

3. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

4. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority.

(L. 1972 H.B. 1341 § 4)

Effective 2-4-72

General powers of authority.

305.520. 1. The authority may exercise any of the following governmental powers, and all other powers necessary, incidental, convenient or desirable to carry out and effectuate the express powers. It may:

(1) Acquire by purchase, lease or otherwise, for the purpose of establishing and constructing one or more airports, any land or water lying anywhere within the Missouri-St. Louis metropolitan area;

(2) Acquire by purchase, lease or otherwise any airport or airports located within the Missouri-St. Louis metropolitan area, and may assume and pay, or guarantee the payment of, the principal and interest of any bonds secured by any such airport, provided that

(a) The rentals payable on any lease of any such airport shall be payable only from any part or all of the income and revenues derived from the airport, any other authority airport or airports, any related facilities of any such airport, or any other property owned by the authority or from any two or more of such sources, and the payment of such rentals may be secured by a pledge of any part or all of any such income or revenues;

(b) Any such assumption or guaranty of the principal and interest of any bonds secured by any such airport, the related facilities thereof, any other authority airport or airports and their respective related facilities, any other authority property, or from the proceeds derived from the sale of bonds authorized to be issued by the authority pursuant to section [305.530](#) which are issued for the purpose of refunding any such bonds so assumed or guaranteed or any two or more of the foregoing sources; and

(c) Any such lease, assumption or guaranty shall state on its face that it does not constitute a debt of the authority or the state of Missouri within the meaning of the constitution and the statutes of the state of Missouri;

(3) Plan for, establish, acquire by purchase, lease or otherwise, construct, reconstruct, expand, improve and maintain related facilities for any authority airport;

(4) Acquire by purchase, lease or otherwise, any land or water lying within the Missouri-St. Louis metropolitan area, within one mile of the boundaries of any proposed or existing authority airport, and may plan for, establish, construct, reconstruct, expand, improve and maintain related facilities which the authority deems necessary or appropriate;

(5) Enter into leases or agreements for the operation by the authority of any airport or airports located in the Missouri-St. Louis metropolitan area and any part or all of the related facilities thereof;

(6) Require the removal or relocation of all buildings, railroads, mains, pipes, conduits, wires, poles and other structures, facilities and equipment which may interfere with the location, operation, expansion or improvement of any proposed or existing authority airport or with the safe approach to or takeoff from any such airport by aircraft; but if the authority shall determine that it is necessary that any such facilities be relocated or removed entirely from any present or proposed authority airport, the person owning or operating such facilities shall relocate or remove the same in accordance with the order of the authority and all costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or locations, and the cost of any land or lands, or interest in land, or any other rights acquired to accomplish such relocation or removal shall be ascertained and paid by the authority as a part of the cost of any such present or proposed authority airport; and further, there shall be no rent, fee or other charge of any kind imposed upon

the person owning or operating any facilities ordered relocated on the properties of the authority and the authority shall grant to the person owning or operating the facilities and his successors and assigns the right to operate the same in the new location or locations for as long a period and upon the same terms and conditions as he had the right to maintain and operate such facilities in their former location or locations;

(7) Exercise the power of eminent domain over public or private property in the manner prescribed by chapter 523;

(8) Receive and expend any funds from the state of Missouri, or any political subdivision thereof, which may be appropriated to further the purposes of sections [305.500](#) to [305.585](#).

2. Any acquisition made pursuant to subdivisions (1), (2), (3), (4) and (6) of this section of any property, real, personal or mixed, location within the state of Missouri whether private property, public property or property devoted to public use, including any rights thereto, may be acquired by exercise of the power of condemnation in accordance with the provisions of chapter 523.

(L. 1972 H.B. 1341 § 5)

Effective 2-4-72

Contractual and regulatory powers of authority.

[305.525](#). 1. The authority may operate any authority airport and may charge and collect rents, rates or other compensation for any use thereof or for any service rendered by the authority in the operation thereof pursuant to such contracts for such terms, not exceeding forty years, as the authority shall determine, which terms may begin in futuro, provided that, subject to the capacity thereof, the landing field, landing strips, and services of any authority airport shall be available to any person without unjust or unreasonable discrimination as to services and charges for landing and takeoff by any aircraft.

2. The authority may grant to any person concessions or privileges in any part of any authority airport, other than the landing field and landing strips, and any related facilities for the control and safe operation of aircraft, the sheltering, servicing or repair of aircraft, the receiving, discharging, sheltering, feeding and supplemental transportation of passengers, the parking of motor vehicles, and the receipt, transfer, storage and discharge of any cargo or for any purpose reasonably incident to any of the foregoing, provided that any leases and any grants of concessions or privileges may be for such terms, not exceeding twenty years, as the authority shall determine and any such term may begin in futuro.

3. The authority may regulate, to the extent not regulated by federal law or regulations, the navigation of aircraft over any authority airport and the perimeter area of such airport, the approach of aircraft to and their takeoff from any authority airport, and the use of any airport or related facilities so as to be consistent with the safe and efficient operation of the airport.

4. No city, town, county, or other political subdivision, located within the authority boundaries which owns an airport, may sell, give title or interest in, franchise, lease, contract for operation or

maintenance, or otherwise convey, its airport to or with any other state, authority or political subdivision without the prior approval of the Missouri-St. Louis metropolitan airport authority.

5. All purchases, rentals, or leases of all goods, supplies, insurance, services, bonds, wares, commodities, or other items, tangible or intangible, by or for the authority, shall be based on competitive bids. The authority shall advertise for bids in at least two newspapers of general circulation in the area served by the authority at least five days before bids for the purchases, rentals, or leases are to be opened. All bids shall be mailed or delivered to the office of the authority so as to reach it before the time set for opening bids. The purchase shall be let to the lowest and best bidders. The authority may reject the bids and advertise for new bids. Purchases where the estimated expenditure is less than one thousand dollars may be made without the securing of bids.

(L. 1972 H.B. 1341 § 6)

Effective 2-4-72

Bonds, issue authorized, denominations, sale--refunding bonds.

305.530. 1. The authority may from time to time issue bonds in anticipation of its income and revenues from any one or more authority airports and related facilities to accomplish any of the purposes of sections 305.500 to 305.585, and to refund such bonds, or any bonds assumed or guaranteed pursuant to the provisions of sections 305.500 to 305.585. Such bonds shall be authorized by resolution and may be issued in one or more series, may bear such dates, mature at such time or times, bear interest at such rates, not exceeding the maximum amount allowed by law, payable semiannually, be in such form, be executed in such manner, including the use of facsimile signatures and seals, be payable in such medium of* payment, at such places, be subject to such terms of redemption, with or without premium, and may be made registrable as to principal or as to both principal and interest, as the authority by resolution may provide. Any bonds issued hereunder may be issued in denominations of five thousand dollars or any multiple thereof. The bonds shall have all the qualities of negotiable paper within the meaning of such term as used in the laws of this state. The bonds shall be sold at a price, so that the interest cost of the proceeds thereof shall not exceed the maximum allowed by law, payable semiannually, computed to maturity according to standard tables of bond values, and shall be sold in such manner and at such time as the authority shall determine at a public sale. Pending the preparation or execution of definitive bonds, temporary receipts, certificates or bonds may be delivered to the purchasers or pledgees of these bonds. No holder of any bond issued under this section shall ever have the right to compel any exercise of the taxing power of the state of Missouri or any political subdivision thereof to pay the bond or the interest thereon. Each bond issued under this section shall recite in substance that the bond, including the interest thereon, is payable solely from the revenue pledged to the payment thereof or from any bonds issued for the purpose of refunding such bond, and that the bond does not constitute a debt of the authority or of the state of Missouri within any statutory or constitutional limitation of the state of Missouri.

2. Such bonds shall be executed by such officers of the authority as shall be designated by the authority. Any bonds bearing the signature of officers in office at the date of signing thereof shall be

valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon, shall have ceased to be such officers.

3. The authority may provide for the issuance of refunding bonds if the bonds to be refunded are due or callable or redeemable by their terms on or prior to the date that the refunding bonds are issued, or will become due, callable or redeemable by their terms within twelve months after the date of issue of the refunding bonds, or if the bonds to be refunded even though not becoming due, callable, or redeemable within such period are voluntarily surrendered by the holders thereof for cancellation at the time of the issuance of the refunding bonds. All or part of any issue may be so refunded and all parts of several issues may be refunded into a single issue of refunding bonds. Provision may be made for including with the refunding bonds, as part of a single issue, bonds of the authority for any other purpose or purposes for which bonds are herein authorized to be issued. Refunding bonds may be exchanged for not less than a like principal amount of the bonds authorized to be refunded, and may be sold or may be exchanged in part and sold in part.

(L. 1972 H.B. 1341 § 7)

Effective 2-4-72

*Word "or" appears in original rolls.

Bonds, issue procedure--resolution to issue may contain.

305.535. The authority, if it desires to issue bonds pursuant to section 305.530, shall adopt a resolution describing in a general way the airport or airports and the related facility or facilities to be acquired, established, constructed, reconstructed, expanded, or improved and refer to the plans and specifications therefor prepared for that purpose, or if refunding bonds, describing the bonds or other obligations to be refunded, or both. Any such resolution shall set out the estimated cost therefor, or in the case of refunding bonds, the amount of the bonds to be refunded, and shall fix the maximum amount of revenue bonds proposed to be issued therefor. This amount shall not exceed the estimated cost thereof, including engineering, legal, and other expenses together with interest cost to a date six months subsequent to the estimated date of completion, or, in the case of refunding bonds, the principal amount of the bonds to be refunded and legal and other expenses, and such other sums as in the discretion of the authority may be desirable to create a reserve fund sufficient to pay the maximum amount of principal and interest estimated to fall due on the bonds in any future twelve month period. Such resolution may contain such covenants, which shall be part of the contract between the authority and the holder of the bonds and the trustee, if any, for such bondholders having such rights and duties as may be provided therein for the enforcement and protection of such covenants, as may be deemed necessary or advisable as to:

(1) The issuance of additional bonds that may thereafter be issued payable from the income and revenues derived from the operation of any such airport or airports, and related facility or facilities, and for the payment of the principal and interest upon such bonds;

(2) The regulations as to the use of any such airport or airports, and related facility or facilities, to assure the maximum use or occupancy thereof;

(3) The kind and amount of insurance to be carried, including use and occupancy insurance, the cost of which shall be payable only from the income and revenues derived from such airport or airports, and related facility or facilities;

(4) The operation, maintenance, management, accounting and auditing, employment of airport engineers and consultants and the keeping of records, reports and audits of any such airport or airports, and related facility or facilities;

(5) The obligation of the authority to maintain the airport or airports, and related facility or facilities, in good condition and to operate the same in an economical and efficient manner;

(6) Provide for setting aside of sinking funds, reserve funds, depreciation funds and such other special funds as may be found needful and the regulation and disposition thereof;

(7) Provide for the setting aside of a sinking fund, into which shall be payable from the income and revenues of such airport or airports, and related facility or facilities, from month to month, as such income and revenues are collected, such sums as will be sufficient to pay the accruing interest and retire the bonds at maturity;

(8) Fix and collect rents, rates of toll and other charges for the use of such airport or airports, and related facility or facilities, sufficient, together with other available money, to produce income and revenues adequate to pay the bonds at maturity and accruing interest and reserves therefor and sufficient to pay cost of maintenance, operation and depreciation thereof in such order of priority as shall be provided by the resolution authorizing the bonds;

(9) Fix procedures by which the terms of any contract with the holders of the bonds may be amended, the amount of bonds involved, the holders of which must consent;

(10) Provide the procedure for refunding such bonds;

(11) Provide whether and to what extent and upon what terms and conditions, if any, the holder of bonds or coupons issued under such resolution or the trustee, if any, therefor may, either in law or in equity, by suit, action, mandamus or other proceeding, enforce or compel the performance of all duties required by this section and section [305.530](#), including the fixing, maintaining and collecting of such rents, rates or other charges for the use of such airport or airports, and related facility or facilities, or for any service rendered by the authority in the operation thereof as will be sufficient, together with other available money, to pay the principal or interest upon those revenue bonds as the same become due and reserves therefor and sufficient to pay the cost of maintenance, operation and depreciation of the airport or airports, and related facility or facilities, in the order of priority as provided in the resolution authorizing the bonds, and the application of the income and revenues thereof;

(12) Such other covenants as may be deemed necessary or desirable to assure a successful and profitable operation of the airport or airports, and related facility or facilities, and prompt payment of the principal and interest upon the bonds so authorized.

(L. 1972 H.B. 1341 § 8)

Effective 2-4-72

Excess revenue, how used.

[305.540](#). Wherever revenue bonds are issued and outstanding under sections [305.530](#) and [305.535](#) inclusive, all of the income and revenues received from the operation of the airport or airports, and related facility or facilities, pledged to secure the payment of the interest and principal of such bonds shall be deposited in a separate fund which shall be used only in paying the principal and interest of these revenue bonds and reserves therefor and the cost of rental, maintenance, operation and depreciation of such airport or airports, and related facility or facilities, to such extent and in such order of priority as shall be provided by the respective resolutions authorizing revenue bonds; provided, however, no priority accorded by such a resolution may be impaired by a subsequent resolution authorizing revenue bonds unless specifically so permitted by a covenant of the kind authorized to be included in a resolution by section [305.535](#). Such income and revenues in excess of requirements for payment of principal of and interest upon these bonds and reserves therefor and for payment of cost of maintenance, operation and depreciation of the airport or airports, and related facility or facilities, may be used for rehabilitation, reconstruction and expansion of existing airports and related facilities, or for the retirement of any outstanding bonds issued for airport purposes. After all such bonds have been paid, such income and revenues may be transferred to the general corporate fund of the authority and be used for maintenance, operation, repair and development of such airport or airports, and related facility or facilities, or for any other corporate purpose.

(L. 1972 H.B. 1341 § 9)

Effective 2-4-72

Authority may expand--certain Illinois counties may be included,when--effect of.

[305.545](#). 1. The Missouri-St. Louis metropolitan airport authority may expand the boundaries to include all or part of Madison, Monroe, and St. Clair counties in the state of Illinois provided that:

(1) The state of Illinois shall dissolve and terminate, in the same manner as created, any authorities, or districts, acting in the same, or similar, manner as the Missouri-St. Louis metropolitan airport authority;

(2) The state of Illinois has provided for such counties to become a part of the authority and to be subject to all the provisions, duties and powers as provided in sections [305.500](#) to [305.585](#).

2. The presiding officer of each county within the state of Illinois which is added to the authority shall appoint one member of the authority in the same manner as provided for counties and the city of St. Louis in the state of Missouri.

3. Expansion of the boundaries of the Missouri-St. Louis metropolitan airport authority by inclusion of additional counties shall not change the name of the authority, except the inclusion, or addition, of a county or counties in the state of Illinois shall change the name of the authority by deleting the word "Missouri", and such deletion will not change or alter the purposes of sections [305.500](#) to [305.585](#).

(L. 1972 H.B. 1341 § 10)

Effective 2-4-72

Additional powers of authority.

[305.550](#). 1. The authority may also:

(1) Enter into contracts regarding any matter connected with any purpose within the objects and purposes of sections [305.500](#) to [305.585](#);

(2) Employ agents and employees necessary to carry out the duties and purposes of the authority;

(3) Adopt all necessary bylaws, rules and regulations for the conduct of the business and affairs of the authority, and for the management and use of facilities and sites acquired under the powers granted by sections [305.500](#) to [305.585](#);

(4) Have and use a common seal and alter the same at pleasure;

(5) Secure grants or loans, or both, from the United States government, or any agency thereof, for financing the establishment and construction of any airport, related facility, or any part of any of the foregoing authorized by sections [305.500](#) to [305.585](#). For such purposes the authority may issue and sell or pledge to the United States government, or any agency thereof, all or any part of the revenue bonds authorized under sections [305.530](#), [305.535](#) and [305.540](#), and may execute contracts and documents and do all things that may be required by the United States government, or any agency thereof, provided that such contract and documents do not conflict with the provisions of any resolution authorizing and securing the payment of outstanding bonds of the authority theretofore issued that are payable from the revenues derived from the operation of any authority airport, and related facility.

2. Nothing in this section or in any other provision of sections [305.500](#) to [305.585](#) shall be construed to authorize the authority to establish or enforce any regulation or rule in respect to the operation or maintenance of its airports and related facilities within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

(L. 1972 H.B. 1341 § 11)

Effective 2-4-72

Authority property exempt from tax.

[305.555](#). All property, real, personal or mixed, owned by the authority, which is located in the state of Missouri, is exempt from taxation under the laws of the state of Missouri.

(L. 1972 H.B. 1341 § 12)

Effective 2-4-72

Authority not authorized to obligate state or political subdivision.

[305.560](#). Nothing in sections [305.500](#) to [305.585](#) shall be construed to authorize the authority to create a debt, liability or obligation of the state of Missouri or of any of its political subdivisions, and all bonds issued by the authority shall be paid solely from the revenues and other funds provided therefor by the provisions of sections [305.500](#) to [305.585](#).

(L. 1972 H.B. 1341 § 13)

Effective 2-4-72

Bonds, who may invest in.

[305.565](#). Counties, cities, villages, incorporated towns, and other municipal corporations, political subdivisions and public bodies, and public officers of any thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies and associations, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control, in any bonds issued by the authority pursuant to the provisions of sections [305.500](#) to [305.585](#).

(L. 1972 H.B. 1341 § 14)

Effective 2-4-72

Authority airports to be individually considered.

[305.570](#). The authority is subject to the provisions of this chapter, but each authority airport shall be individually considered the same as a city, town or county airport.

(L. 1972 H.B. 1341 § 15)

Effective 2-4-72

Airport hazards, zoning--zoning committee--regulations, variances--penalty.

[305.575](#). 1. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and impairs the utility of the airport and the public investment therein. Accordingly, it is hereby declared that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport and it is therefore necessary in the interest of the public health, safety and general welfare that the creation or establishment of airport hazards be prevented to the extent legally possible. The authority may for airspace clearance and navigational purposes provide for the zoning of all territory within two miles of the boundaries of an instrument authority airport and within one mile of the boundaries of a noninstrument authority airport for the purpose and intent of preventing or eliminating hazards on the ground and in the air which obstruct or interfere with the use of an authority airport, such as natural and man-made obstructions, lights, smoke and electronic interferences.

2. No such zoning regulation shall limit any existing use or require the reduction in height of any existing structure without the owner's consent or the payment of compensation for damages or loss resulting therefrom.

3. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, abatement, or marking, lighting or shielding of existing airport hazards are public purposes for which the authority may expend funds and acquire land or property rights therein.

4. The chairman shall establish an airport zoning committee consisting of five members of the authority, not more than one of which shall be representatives of the same area within the boundaries of the authority. Each member so appointed shall serve as a member of the committee during his term as member of the authority. The committee shall recommend the adoption of zoning regulations and* hear appeals for the zoning of authority airports.

5. Before any zoning regulations are made or changed, except permissible variances, the committee shall hold at least one public hearing at which any interested person may appear in person or by counsel to present his views. The public hearings shall be held only after notice thereof has been given by publication in a newspaper having general circulation within the area subject to the zoning regulations once each week for four consecutive weeks next preceding the time set for the hearing and by posting the same notice in ten conspicuous places within the area, and all costs of the publication shall be paid for by the authority.

6. Zoning regulations of the authority shall be adopted, decided, revised or altered, only upon the affirmative vote of a majority of those members of the committee present at the public hearing or at some meeting within thirty days thereafter at which at the time of voting a majority of the entire committee is present. In the event of conflict between any airport zoning regulations adopted pursuant to the provisions of this section and some other permissible zoning regulation, the more stringent limitation or requirement shall govern and prevail.

7. All airport zoning regulations adopted by the authority under sections [305.500](#) to [305.585](#) shall be enforced by the city or county agency in which the zoning is applicable and which has the duty of enforcing zoning and building regulations within their area. The authority shall provide each city and county zoning agency with maps, charts, and visual displays as necessary and convenient for a coordinated, efficient and effective enforcement. The authority shall provide each city and county zoning agency technical advice and representation when so requested for the purposes of sections [305.500](#) to [305.585](#).

8. Any person, firm or corporation desiring to erect any structure or to change any existing structure or to permit any natural growth in variance of zoning regulations made pursuant to the provisions of this section shall apply for permission to make such variance with the authority. Such variances shall be allowed if a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and the provisions of sections [305.500](#) to [305.585](#), but any variance shall be subject to such reasonable conditions as the airport zoning board may deem necessary to effectuate the purpose of this section.

In granting any variance, the authority shall require, and the person, firm, or corporation seeking the variance shall install, operate and maintain thereon, at the expense of said person, firm, or corporation seeking the variance, such markers, lights and shielding as may be necessary to indicate to flyers the presence of any hazard, obstruction and interference which may result from the variance.

9. Any person, firm or corporation or any political subdivision which believes it has been aggrieved by any decision regarding zoning regulations made by the airport authority may appeal to the circuit court of the county in which the zoning regulations applies for judicial review of the regulation and the method in which it was adopted. The action must be begun within thirty days after the regulation becomes effective, and the court shall hear the issues and make its determination in the same manner as judicial review may be had for any other administrative decision.

10. Any person, firm or corporation violating any of the provisions of sections [305.500](#) to [305.585](#) or acting contrary to any zoning regulation which may be adopted pursuant to the provisions of sections [305.500](#) to [305.585](#) is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law, and each day of violation of any such zoning regulation constitutes a separate offense.

11. No such zoning regulation shall limit any existing use without the owner's consent or the payment of compensation for damages or loss resulting therefrom in the manner prescribed by chapter 523.

(L. 1972 H.B. 1341 § 16)

Effective 2-4-72

*Word "to" appears here in original rolls.

Noise zoning--major airport land use zoning committee--regulation,variances, procedures.

[305.580](#). 1. It is hereby found that the location of a new major airport will increase the value and rate of development of the land adjacent to the site; that the control of such development will be of benefit to the entire community; that the assessed value of taxable property and the tax resources will be significantly greater; and that the protection of inhabitants and the natural resources of the area is necessary to the enhancement of the community and to encourage the compatible existence of the airport and the community. Accordingly it is recognized that large aircraft generate noise which is objectionable to certain types of development and land use but is necessary for the safe and efficient flight of the aircraft and its service to the airport. Therefore, to encourage the successful coexistence of the community and the airport, to enhance the environment, and the general welfare of the community, and provide for the orderly development generated by a major airport, the authority, to minimize the adverse effects of aircraft noise, and in addition to zoning powers given in section [305.575](#), may provide for the land use zoning of all territory, for noise compatibility, included in a rectangle extending seven miles from each end of a runway and one and one-half miles each side of a runway centerline for each proposed and planned future runway for a major airport site.

2. No such zoning regulation shall limit any existing use without the owner's consent or the payment of compensation for damages or loss resulting therefrom in the manner prescribed by chapter 523.

3. Within one hundred and twenty days after the selection and approval of a site for a new major airport, the authority shall determine the probable levels of noise which will result from the operation of aircraft using the site and establish aircraft noise zones based thereon applicable to the property affected by such noise. As aircraft noise characteristics change with improved technology, the authority may make changes in the aircraft noise zones. No property shall be used, and no buildings or other structure shall be constructed or improved, within any aircraft noise zone, so that persons using the property and buildings are subjected to a level of noise in excess of the acceptable level established by the authority for that land use.

4. It is further declared that both the control and establishment of compatible land use are public purposes for which the authority may expend funds and acquire land or property rights therein. The authority may retain any property acquired pursuant to this section and use it for a lawful purpose, or it may provide for the sale or other disposition.

5. The chairman of the authority shall establish a five member major airport land use zoning committee consisting of three members of the authority, one of which shall be a representative of the same county in which the major airport is to be located, and two of which shall be citizens residing in the county in which the major airport is to be located. Each member of the major airport land use zoning committee shall serve as a member of the committee during his term as member of the authority and a citizen member shall serve a term of two years. The committee shall recommend the adoption of zoning regulations and hear appeals for the land use zoning.

6. Zoning regulations made or changed pursuant to the provisions of this section shall be made in the same manner as that provided in section [305.575](#), including the provisions for notice, and any person, firm or corporation or any political subdivision which believes it has been aggrieved by any decision regarding zoning regulations made by the airport authority pursuant to the provisions of this section may appeal that decision in the same manner as that provided in section [305.575](#).

7. Any person, firm or corporation desiring to erect any structure or to change any existing structure or to permit any noncompliance use in variance of zoning regulations made pursuant to the provisions of this section shall apply for permission to make such variance with the authority. Such variances shall be allowed if a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and the provisions of sections [305.500](#) to [305.585](#), but any variance shall be subject to such reasonable conditions as the airport land use zoning board may deem necessary to effectuate the purposes of this section. In granting any variance, the authority shall require, and the person, firm, or corporation seeking the variance shall install, operate and maintain thereon, at the expense of said person, firm, or corporation seeking the variance, such soundproofing, lights and protection as may be necessary to protect people and the use of the land from objectionable and adverse aircraft noise which may result from the variance.

(L. 1972 H.B. 1341 § 17)

Effective 2-4-72

Authority to repay state for state general revenue funds used.

[305.585](#). Any and all funds appropriated from the general revenue of the state of Missouri to carry out the provisions of sections [305.500](#) to [305.585](#) shall be repaid to the state of Missouri from revenues, if any, generated by the authority's operations.

(L. 1972 H.B. 1341 § 18)

Effective 2-4-72

Displacing agencies defined--compliance with federal regulations.

[305.600](#). 1. Sections [305.600](#) to [305.630](#) may be cited as the "Airport Relocation Assistance Act".

2. Except as otherwise provided in sections [305.600](#) to [305.630](#), displacing agencies shall comply with federal regulations promulgated by the department of transportation under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

3. "Displacing agencies" as used in sections [305.600](#) to [305.630](#) shall mean those state, local and private entities which are using the power of eminent domain to relocate persons from residential, business, farm or other property for the construction or expansion of airports located within a first class charter county and operated by a city not within a county.

(L. 1990 H.B. 1510 § 1)

Effective 6-14-90

Certain aid for displaced persons.

[305.603](#). 1. Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person from a residence or business, the head of the displacing agency shall provide for the following aid for the displaced person in addition to the compensation required for the real estate:

(1) Actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property;

(3) Actual reasonable expenses in searching for a replacement business or farm; and

(4) Actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed ten thousand dollars.

2. Any displaced person eligible for payments under subsection 1 of this section may elect to receive an expense and dislocation allowance under this subsection in lieu of the payments available under subsection 1 of this section. The expense and dislocation allowance shall be determined according to criteria and a schedule established by the United States Department of Transportation.

3. The displacing agency may provide additional relocation payments to utility facilities which incur extraordinary costs in connection with a relocation as determined by federal law and regulations of the department of transportation.

(L. 1990 H.B. 1510 § 2)

Effective 6-14-90

Acquisition costs for dwelling--interest and debt service costs--title, closing costs--eligibility--mortgage.

305.606. 1. In addition to payments otherwise authorized or required by sections 305.600 to 305.630, the head of the displacing agency shall make an additional payment not in excess of twenty-two thousand five hundred dollars to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling;

(2) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling;

(3) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

2. The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe and sanitary replacement dwelling within one year after the* date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 305.609 is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of such date.

3. The head of any state agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person under this section, which mortgage is eligible for insurance under any state law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

(L. 1990 H.B. 1510 § 3)

Effective 6-14-90

*Word "this" appears in original rolls.

Dwelling costs--eligibility--payment amount.

[305.609](#). 1. In addition to amounts otherwise authorized by sections [305.600](#) to [305.630](#), the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section [305.606](#) which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to:

(1) The initiation of negotiations for acquisition of such dwelling; or

(2) In any case in which displacement is not a direct result of acquisition, such other event as the head of the United States Department of Transportation shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed forty-two months, a comparable replacement dwelling, but not to exceed five thousand two hundred fifty dollars. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subdivision to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

2. Any person eligible for a payment under subsection 1 of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection 1 of this section, except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least ninety days but not more than one hundred eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section [305.606](#) had the person owned and occupied the displacement dwelling one hundred eighty days immediately prior to the initiation of such negotiations.

(L. 1990 H.B. 1510 § 4)

Effective 6-14-90

Programs undertaken by displacing agency--relocation assistance advisory services--eligibility.

305.612. 1. Programs or projects undertaken by a displacing agency shall be planned in a manner that:

(1) Recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses and farm operations; and

(2) Provides for the resolution of such problems in order to minimize adverse impacts in displaced persons and to expedite program or project advancement and completion.

2. The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection 3 of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs has caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

3. Each relocation assistance advisory program required by subsection 2 of this section shall include such measures, facilities or services as may be necessary or appropriate in order to:

(1) Determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

(2) Provide current and continuing information on the availability, sales prices and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

(3) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling.

4. The head of a displacing agency shall coordinate the relocation activities performed by such agency with other federal, state or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

5. In any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.

(L. 1990 H.B. 1510 § 5)

Effective 6-14-90

Head of displacing agency may provide dwellings--comparable replacement housing.

305.615. 1. If a program or project undertaken by a displacing agency cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the

displacing agency determines that such dwelling cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or* appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under section [305.606](#) on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue.

2. No person shall be required to move from his dwelling on account of any program or project undertaken by a federal agency or with federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person.

(L. 1990 H.B. 1510 § 6)

Effective 6-14-90

*Word "to" appears in original rolls.

Administrative appeals--written process.

[305.618](#). Each displacing agency must provide a written process for administrative appeals of decisions made by that agency.

(L. 1990 H.B. 1510 § 7)

Effective 6-14-90

Benefits not additional.

[305.621](#). The benefits provided by sections [305.603](#) to [305.615](#) shall not be given in addition to similar benefits provided under federal law.

(L. 1990 H.B. 1510 § 8)

Effective 6-14-90

Financial and emotional costs--search for new housing.

[305.624](#). To ensure adequate compensation for the negative financial and emotional effects of a program or project undertaken by the displacing agency, such displacing agency shall make an additional payment to a displaced property owner who is eligible for payment under section [305.606](#) in an amount not to exceed one thousand dollars per parcel of property over and above other compensation provided under state and federal law. This additional payment shall be compensation for the time expended by the displaced person in search of new housing. The expenditure shall be paid by the displacing agency separate from and in addition to other relocation assistance.

(L. 1990 H.B. 1510 § 9)

Effective 6-14-90

Clearing, seeding, and mowing of acquired property.

[305.627](#). 1. A displacing agency shall clear every piece of residential property which it acquires for relocation as soon as possible and not later than ninety days following physical possession and the notification from the utility companies of services disconnection.

2. The displacing agency shall grade the property it has acquired and shall keep it in good condition by seeding and mowing the property.

(L. 1990 H.B. 1510 § 10)

Effective 6-14-90

Noise mitigation--requirements--roads, relocation of highways--effect of plan on floodplain.

[305.630](#). 1. Any area surrounding an airport as defined in section [305.600](#) which is to be expanded, and which has a noise level rating of seventy-five LDN or greater shall be purchased by the airport authority or owner of such airport for purposes of noise mitigation within a reasonable period of time after the determination of such noise level. Noise level monitors shall be placed in locations surrounding the airport in such a manner as to ensure that an accurate noise level reading may be made in any given area, and such noise level monitors shall be maintained in proper working condition. Upon the request of at least ten percent of the residents of a neighborhood, the airport authority or other owner of the airport shall install noise level monitors in such neighborhood and maintain them in proper working condition, if any portion of such neighborhood is located within three miles of the airport.

2. Whenever property is purchased or otherwise taken for airport use, as required by subsection 1 of this section, or pursuant to any powers authorized by law, a plan shall be prepared to establish a perimeter zone of not less than one thousand feet distance from the proposed airport boundary. Any area within one thousand feet from the proposed airport boundary in which the noise level rating is less than sixty-five LDN may be exempted or excluded from the perimeter zone required by this subsection. Residences within this area shall be purchased by the airport authority provided the majority of property owners agree to such a purchase plan. Nothing in this subsection shall be deemed to prohibit any airport buy out program that is agreed to by the residents of any area involved in such a program or to prohibit any resident from requesting the airport to purchase such resident's property for conditions other than noise abatement. Whenever a perimeter zone of not less than one thousand feet distance from the proposed airport boundary is established, the owner of the airport shall landscape such buffer to provide a visual barrier to air traffic activities and airport operation.

3. Any airport expansion which affects roads to any neighborhood shall also provide for the relocation of such access roads, rather than simply providing for the elimination of such access roads. Any airport expansion which affects any highway which is maintained or regulated by the state transportation department shall provide that the highway is to be relocated and the costs of such relocation shall be the responsibility of the airport authority or other owner of the airport, except

that the cost of an expansion of such highway may be shared by the transportation department. Any such relocation shall be under the supervision of the transportation department.

4. In any airport expansion performed pursuant to any powers authorized by law, any land which is purchased for noise mitigation purposes shall be developed so that existing structures no longer used for their original purpose are demolished and the land is cleared of debris and allowed to return to its natural condition within six months after such property is vacated.

5. The airport authority or other owner of the airport shall file a plan of its proposed expansion with the department of natural resources. The department shall approve the proposed expansion plan if such plan will not adversely affect the floodplain of any areas in the vicinity of the airport to such a degree as to cause significant risk of damage from floodwaters to any such area.

(L. 1990 H.B. 1510 § 11, A.L. 1993 H.B. 710)



Missouri General Assembly

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