

# **TITLE XXXIX AERONAUTICS**

## **CHAPTER 424 AIRPORT ZONING**

### **Section 424:5**

#### **424:5 Adoption of Airport Zoning Regulations. –**

- I. Every town having within its territorial limits an airport, or an area approved as an airport site by the commissioner, shall adopt, administer and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations applicable to such area, which regulations shall divide the area into zones, and, within such zones, specify the land uses permitted, regulate and restrict the height to which structures or trees may be erected or allowed to grow, and regulate and restrict the creation and discharge of smoke, steam, dust or other obstructions to visibility, electrical impulses and disturbances which interfere with radio aids or communication and regulate and restrict lighting as may be necessary to effectuate the safe approach to the airport.
- II. In the event that a town has adopted, or hereafter adopts, a general zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations adopted for the same area or portion thereof under this chapter, may be incorporated in and made a part of such general zoning regulations, and be administered and enforced in connection therewith, but such general zoning regulations shall not limit the effectiveness or scope of the regulations adopted hereunder.
- III. Any zoning or other regulations applicable to any area within which, according to an airport-approach plan adopted by the department, measures should be taken for the protection of airport approaches, including not only any airport zoning regulations adopted under this chapter but any zoning or other regulations dealing with the same or similar matters that have been or may be adopted under authority other than that conferred by this chapter, shall be consistent with, and conform to, the department's approach plan for such area, and shall be amended from time to time as may be necessary to conform to any revision of the plan that may be made by the department.
- IV. All airport zoning regulations adopted hereunder shall be reasonable, and none shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in RSA 424:6, I.
- V. If any city or town fails to adopt within a reasonable time airport zoning regulations, the department may, for the protection of the public safety, adopt and from time to time as may be necessary amend or repeal such regulations for such city or town until airport zoning regulations herein provided for are adopted by such city or town.

**Source.** 1941, 145:4. RL 51:81. RSA 424:5. 1955, 58:2. 1985, 402:6, I(c)(3).