

CHAPTER 114.

AERONAUTICS.

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114.01 Declaration of policy. (1) It is declared to be the intent of this chapter to encourage the development of a comprehensive system of public airports to serve the people of Wisconsin by rendering assistance in the making of airport plans, to such counties, cities, villages and towns as may request it. Such assistance shall be rendered by the state planning board.

(2) The state planning board shall make such investigations and surveys as may be necessary for making such comprehensive airport system plan and file progress reports with the governor from time to time. Copies of the completed plan shall be filed with the governor and the legislature.

(3) The state planning board shall make investigations to discover suitable airport sites, and may assist counties, cities, villages and towns in making construction plans for airports located at sites deemed suitable for such purpose, by providing advice and supervision when so requested. If the state planning board, and the governing body of any county, city, village or town which has acquired in whole or in part, or has instituted eminent domain proceedings to complete the acquisition of an airport site approved by the appropriate federal agency, shall agree that it is advisable to employ qualified engineers in private practice to make such plans, the state planning board may arrange to pay a portion of the cost of such employment, not to exceed one-half. All such arrangements shall be subject to the approval of the governor. [1943 c. 269]

114.013 Definitions. When used in this chapter:

(1) "Aeronautics" means transportation by aircraft; air instructions; the operation, repair or maintenance of aircraft, and the design, operation, repair or maintenance of airports, landing fields, landing strips or other air navigation facilities.

(2) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in, the air.

(3) "Airport" means any area of land, water or both which is used or is made available for the landing and take-off, and which provides facilities for the shelter, supply and repair of aircraft; which, as to size and design, has at least 1,800 feet of effective landing length in all directions, with clear approaches, or landing strips not less than 500 feet wide, permitting landing in at least 6 directions at all times, with at least one landing strip aligned with the general direction of the prevailing wind, the landing strips not to cross or converge at angles of less than 40 degrees in cases where there are not more than 3 such landing strips, nor any of the landing strips to be less than 1,800 feet in effective length, with clear approaches, or 2 landing strips, one aligned with the general direction of the prevailing wind, permitting at least 4-way landing at all times, with clear approaches, the landing strips to be at least 500 feet wide and at least 2,500 feet in effective length, and not to cross or converge at any angle less than 80 degrees; and which, as to surface, marking, equipment and management meets the minimum requirements established from time to time by the federal agency having jurisdiction. Any area of land or water capable of development as an airport as provided by this subsection, which has been approved as an airport site by the civil aeronautics administration or other federal agency having jurisdiction shall be an airport for the purposes of acquiring, con-

structing, improving or otherwise developing such area for aeronautic purposes. Where consistent, the provisions of this chapter relating to airports shall apply to landing fields and landing and take-off strips.

(4) "Civil aircraft" means any aircraft other than a public aircraft.

(5) "Flying club" means any person (other than an individual) who, neither for profit nor reward, owns, leases or uses one or more aircraft for the purposes of instructions, pleasure or both.

(6) "Landing field" means any area of land, water or both, which is used or is made available for the landing and take-off of aircraft; which may or may not provide facilities for the shelter, supply and repair of aircraft; and which, as to size, meets the minimum requirements established by subsection (3).

(7) "Person" means any individual or any corporation or other association of individuals, unless the context indicates otherwise.

(8) "Public aircraft" means any aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of the United States, of the District of Columbia, and of any state, territory or insular possession of the United States, but not including any government-owned aircraft engaged in carrying persons or goods for commercial purposes.

(9) "Landing and take-off strip" means any area of land, water or both, with clear approaches, which is used or is made available for the landing and take-off of aircraft, having at least 500 feet of land or of water in its width and at least 2,000 feet of land or of water in its length. [1935 c. 169; 1937 c. 381; 1943 c. 269; 1943 c. 552 s. 19]

114.015 [Repealed by 1943 c. 269]

114.02 **Sky sovereignty.** Sovereignty in the space above the lands and waters of this state is declared to rest in the state, except where granted to and assumed by the United States.

114.03 **Landowner's rights skyward.** 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 114.04.

114.04 **Flying lawful, landing unlawful; limitations; emergency.** 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 or damaging 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. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the aeronaut shall be liable, as provided in section 114.05.

114.05 **Damages by aircraft.** The owner of every aircraft which is operated over the lands or waters of this state is absolutely liable for injuries or damage to persons or property on the land or water beneath, caused by the ascent, descent or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner was negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured, or of the owner or bailee of the property injured. If the aircraft is leased at the time of the injury to person or property, both owner and lessee shall be liable, and they may be sued jointly, or either or both of them may be sued separately. An aeronaut who is not the owner or lessee shall be liable only for the consequences of his own negligence. The injured person, or owner or bailee of the injured property, shall have a lien on the aircraft causing the injury or damage to the extent of the injury or damage caused by the aircraft or objects falling from it.

114.06 **Inter-aircraft liability.** 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.

114.07 **Criminal jurisdiction.** 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.

114.08 **Contracts made in flight.** 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.

114.09 **Stunting, dropping matter.** 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 a low level as to endanger the persons on the surface beneath, or drop any object except loose water or loose sand ballast, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than ten dollars nor more than one hundred dollars, and for a second or subsequent offense by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

114.10 Killing birds or animals. Any aeronaut or passenger, who, while in flight within this state, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars or by imprisonment for not more than ninety days, or both.

114.11 Local airports; interstate reciprocity. (1) The governing body of any county, city, village or town in this state is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain and operate airports or landing fields or landing and take-off strips for the use of airplanes and other aircraft either within or without the limits of such counties, cities, villages and 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 county, city, village or town, and may regulate the same, provided, such regulation shall not be in conflict with such rules and regulations as may be made by the federal government. The governing body of each and every county and municipality owning an airport or landing field or landing and take-off strip in the state of Wisconsin shall cause the surroundings of such airport, landing field or landing and take-off strip to be marked for aeronautical purposes, and maintain such marking, subject to and in accordance with law and such rules and regulations as may from time to time be made by the federal government and in so doing may co-operate with other states and subdivisions thereof and acquire rights and easements in property outside of the state.

(2) The governing body of any county, city, village or town of this state is authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain and operate airports or landing fields or landing and take-off strips or other aeronautical 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 aeronautical project.

(3) The governing body of any municipality or other political subdivision of an adjoining state whose laws permit, is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain and operate airports, or landing fields, or landing and take-off strips or other aeronautical facilities in this state, subject to all laws, rules and regulations of this state applicable to its municipalities or other political subdivisions in such aeronautical project, but subject to the laws of its own state in all matters relating to financing such project. Such municipality or other political subdivision of an adjoining state shall have all privileges, rights and duties of like municipalities or other political subdivisions of this state, including the right to exercise the right of eminent domain. This subsection shall not apply unless the laws of such adjoining state shall permit municipalities or other political subdivisions of this state to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and otherwise control such airport, landing field or landing and take-off strips or other aeronautical facilities therein with all privileges, rights and duties applicable to the municipalities or other political subdivisions of such adjoining state in such aeronautical projects. [1937 c. 381; 1943 c. 269; 1945 c. 74]

114.12 Condemnation of lands for air ports. Any lands acquired, owned, controlled or occupied by such counties, cities, villages and towns for the purposes enumerated in section 114.11 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 including property owned by other municipal corporations and political subdivisions and including any street, highway, park, parkway or alley, provided that no state trunk, county trunk, or town highway shall be so acquired without the prior consent of the state highway commission, the county board of supervisors and the town board in the case of a state trunk highway, the county board of supervisors and the town board in the case of a county trunk highway, or the governing body of the town, city or village in the case of a town highway or village or city street, as the case may be. Whenever any such street, highway, park, parkway or alley shall be so acquired, it may, notwithstanding any other provision of law, be vacated and closed by resolution of the governing body of the county, city, village or town acquiring it. [1943 c. 101; 1945 c. 489]

114.13 Purchase of land for airports. Private property needed by a county, city, village or town for an airport or landing field or landing and take-off strip shall be ac-

quired by purchase if the city, village, town or county is able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by the law under which the city, village, town or county is authorized to acquire real property for public purposes, other than street purposes. The purchase price or award for real property acquired for an airport or landing field or landing and take-off strip may be paid for by appropriation of moneys available therefor, or wholly or partly from the proceeds of the sale of bonds of the city, village, town or county, as the governing body of such city, village, town or county shall determine, subject however to the provisions of chapter 67. [1943 c. 269]

114.135 Airport protection. It is declared to be in the public interest that the aerial approaches to any airport be maintained in a condition best suited to the safe operation of aircraft and to that end the bulk, height, location and use of any building or structure, or any other object, and the use of land may be regulated or any building, structure or other object may be removed. It is the legislative intent that this section shall not supersede the provisions of section 59.97 (1) (b), but that it shall be supplemental to such section.

(1) The aerial approaches to any airport owned and operated by corporations organized to provide aeronautic facilities to the general public may be protected in the following manner: The owner of such airport shall prepare and file with the register of deeds plans and specifications showing the land affected, the owner of each parcel or interest therein, whether public or private, the regulations to be imposed on each parcel and the structures, buildings or other objects to be removed. The owner or managing body of the airport may negotiate and acquire from the owners of the various parcels or interest therein, whether public or private, by deeds the protection privileges shown by the plans and specifications. Referring in the deed to the plans and specifications, and briefly describing the same, shall be deemed sufficient legal description to convey the protection privileges set forth in said plans and specifications in the property of the grantor or grantors. In case the owner of the airport is unable to obtain by negotiation the desired protection privileges, he may acquire the same by eminent domain in the manner set forth in chapter 32, except as to lands and buildings of railway companies which are necessary to, or are used in connection with the operation of the railway. In case the protection privileges sought shall extend into more than one county the plans and specifications shall be filed with the register of deeds of each county. In case any parcel of land lies in more than one county, eminent domain proceedings may be instituted in the circuit court of any county in which said parcel is situated, provided a certified copy of the final judgment with a description of the property involved is recorded with the register of deeds of all counties in which such parcel of land or interest therein lies.

(2) In case of any airport landing field or landing and take-off strip owned by any city, village, town or county or any union of them, the commission or other body in charge of the operation and control of said airport, landing field or landing and take-off strip may prepare and file without charge with the register of deeds plans and specifications showing the protection privileges sought as described in subsection (1). The commission or other body in charge shall send by registered mail with return receipt to each owner at his last-known address a notice stating that said plans and specifications have been filed with the register of deeds' office, stating the county, time of filing, the file number, and a brief description of the parcel of land or interest therein affected. In case the address of the owner cannot be ascertained or the registered letter is returned unclaimed, notice shall be sent by registered mail to the person in possession of said premises, and if no person is in possession then the notice shall be posted in a conspicuous place on the land involved and published once a week for 3 successive weeks in some newspaper having general circulation published in the county, (if no such newspaper is published in the county, the notice shall be published in the newspaper of general circulation published nearest the parcel of land involved). The right of the owner or owners to claim for damages for the protection regulations imposed in the plans and specifications, or the removal of obstructions shall be forever barred, unless the owner shall file a claim for damages with the commission or other body in charge within 6 months from the receipt of the notice from the commission, or other body in charge, or the posting and last publication. The claim shall be verified and shall state the amount of damages claimed. The commission or other body in charge may pay the damages, if it has available funds, and the payment shall operate as a conveyance. If no claims for payment are filed or if payment is made, the commission or other body in charge shall file an affidavit for each parcel involved setting forth the rights acquired which shall be recorded by the register of deeds without charge and when so recorded shall have the same effect as any duly recorded instrument. In case any owner shall be a minor or non compos mentis, the notice may be sent by registered mail to his guardian, if he has one, and if he has none the county

court of the county in which the land, or a larger part, is located shall upon application of the commission or other body in charge appoint a guardian to receive said notice, and to protect the rights of the said minor or non compos mentis. Any funds payable to said minor or non compos mentis, shall be cared for in the manner provided in chapter 319. If the commission or other body in charge shall deem the damages claimed to be excessive, it shall so report to the governing body or bodies which established the airport, landing field or landing and take-off strip in question and with its consent may acquire in the name of said governmental body or bodies the protection privilege desired in the manner set forth in subsection (1) or in the alternative, it may deposit with the county clerk an award and notify the owner or owners of the land involved in the method above specified. The land owner or owners may accept the award without prejudice to his right to claim and contest for a greater sum. The land owner may, within a period of 6 months after notice of the award, proceed as provided in chapter 32 to have his damages appraised.

(3) The power and authority to protect airports conferred in subsections (1) and (2) may be exercised from time to time; amended plans and specifications may be filed in the register of deeds' office, and new protection privileges acquired from time to time in the methods provided by this section.

(4) The duty to prevent encroachments by growth of trees or other vegetation, or otherwise, upon the protection privileges acquired by any airport, landing field, landing and take-off strip, shall be upon the owner or owners of the parcel of land affected by the protection privilege only in cases where the owner or owners have received compensation for the protection privilege. Any such encroachment is declared to be a private nuisance and may be abated in the manner prescribed in chapter 280. In cases where no compensation has been paid for the protection privilege, encroachments shall be removed by the owner or the authority in charge of the airport, landing field, or landing and take-off strip and shall be, in case of a publicly owned airport, landing field or landing and take-off strip, a city, village, town or county charge as the case may be. In removing such encroachments, the owner or authority in charge of the airport, landing field or landing and take-off strip in question, may go upon the land and remove the encroachment without being liable for damages in so doing.

(5) It shall be unlawful for any one to build, create, cause to be built or created, any object, plant, or cause to be planted, any tree or trees or other vegetation, which shall encroach upon any acquired protection privilege. In addition to the penalty set forth in section 114.27, such encroachment is declared to be a private nuisance and may be removed in the manner prescribed in chapter 280. [1943 c. 269]

114.136 Airport approach protection. (1) **POWERS OF MUNICIPALITIES.** (a) Any county, city, village or town that is the owner of a site for an airport which has been approved for such purpose by the appropriate agencies of the state and the federal government may protect the aerial approaches to such site by ordinance regulating, restricting and determining the use, location, height, number of stories and size of buildings and structures and objects of natural growth in the vicinity of such site and may divide the territory to be protected into several areas and impose different regulations and restrictions with respect to each area, except that such ordinance shall not apply to railroad buildings, bridges or facilities but shall apply to railroad telegraph, telephone and overhead signal system poles and wires. The provisions of such ordinance shall be effective whether the site and the lands affected by such ordinance are located within or without the limits of such county, city, village or town, and whether or not such buildings, structures and objects of natural growth are in existence on the effective date of the ordinance. Such regulations, restrictions and determinations are declared to be for the purpose of promoting the public safety, welfare and convenience, and may be adopted, enforced and administered without the consent of any other governing body. Any ordinance adopted under this section may be amended from time to time in the same manner as is provided for the adoption of the original ordinance in paragraph (2). The authority granted in this section shall be independent and exclusive of any other authority granted in the statutes.

(b) When an airport site is owned jointly by 2 or more units of government, such ordinance may be adopted by joint action of the governing bodies of such units. In such case, such governing bodies shall meet jointly to select a joint commission consisting of one member from each governing body selected by that governing body and, if there be 2, the members so selected shall elect a third member. Such joint commission shall elect a chairman and a secretary, and shall have authority to formulate a tentative ordinance and hold public hearings as provided in subsection (2). At least 15 days written notice of the meeting to select a joint commission shall be given to each governing body by filing a copy of such written notice with the clerk thereof. Such notice may be given on the initiative of one such governing body or jointly by more than one.

The governing bodies that attend such meeting may proceed jointly. If one attends, or if only one favors an ordinance, it may proceed alone without appointing a commission, but no ordinance applicable to a jointly owned airport shall be adopted by a governing body acting alone unless it has given notice of meeting to select a joint commission as provided by this subsection, and such ordinance shall be as effective as if adopted by the joint bodies.

(2) FORMULATION OF ORDINANCE, PUBLIC HEARING. (a) Except as provided by subsection (1) (b) the county park commission in the case of any county, the city or village plan commission in the case of a city or village, or if there be no such commissions, a committee of the governing body or bodies of the county, city, village or town which owns the airport site shall first formulate a tentative ordinance and hold a public hearing or hearings thereon in some public place within the county, city, village or town. At least 10 days notice of such hearing or hearings shall be given by publication in the official paper at least 3 times or in some newspaper having general circulation or by posting in at least 3 public places in the area affected by the proposed ordinance.

(b) The regulations, restrictions and determinations shall include, among other things, provision for the limitation of the height of buildings, structures and objects of natural growth located not more than 3 miles from the boundaries of the airport site. Such regulations, restrictions and determinations shall specify the maximum permissible height of buildings, structures and objects of natural growth and may specify such maximum permissible height as a ratio between the permissible maximum height of the building, structure or object of natural growth above the level of the airport site and its distance from the nearest point on the boundary of the airport site. For the purposes of this section, buildings, structures and objects of natural growth shall not be restricted to a height above the level of the airport site which is less than one-thirtieth of its distance from the boundary of the airport site.

(c) Should a greater restriction be deemed necessary for the proper protection of any part of the area affected, such greater restriction shall be secured by purchase or by the exercise of the right of eminent domain in the manner provided by chapter 32.

(d) The height restrictions shall not apply to legal fences or to farm crops which are cut at least once each year.

(3) NONCONFORMING USES. The lawful use of land, buildings and structures existing at the time of the adoption or amendment of any ordinance under the authority of this section may be continued, although such use does not conform with the provisions of the ordinance. The expansion or enlargement of a nonconforming use shall be in conformity with the ordinance. The governing body of the owner of the airport site may remove such nonconforming use or acquire the necessary air right over the same by purchase or exercise of the right of eminent domain in the manner provided by chapter 32.

(4) BOARD OF APPEALS. (a) Any ordinance adopted under the authority of this section shall provide for a board of appeals. If the county, city or village which is the owner of the airport has a zoning ordinance adopted under provision of law other than this section, the board of adjustment or board of appeals set up by such ordinance shall be the board of appeals under the ordinance adopted under this section, and shall have duties, powers and functions as provided by the zoning ordinance adopted under provisions of law other than this section.

(b) If there be no such board of appeals or board of adjustment, any regulations adopted under this section shall provide for a board of appeals. Where the airport is owned jointly, the ordinance shall provide for a joint board of appeals. Such board shall be constituted and have all the powers, duties and functions as provided in section 62.23 (7) (e), but not more than 2 members of such board shall be owners or occupants of the area affected by the ordinance.

(5) ENFORCEMENT. The governing body of the county, city, village or town owning the airport site may provide for the enforcement of any ordinance or regulations enacted pursuant to this section. Such enforcement may be by a system of permits or any other appropriate method. The governing body enacting the ordinance may provide for the punishment of a violation of the ordinance by fine or imprisonment, or both.

(6) APPLICATION OF SECTION. This section shall not be applicable to, or within the limits of, any county having a population of 500,000 or more.

(7) SEVERABILITY CLAUSE. If any provision of this section or the application thereof to any person or circumstance, is held invalid, the remainder of the section and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby. [1945 c. 471]

114.14 Equipment, control of airport; expense; regulations. (1) The governing body of a city, village, town or county which has established an airport or landing field,

or landing and take-off strip, and acquired, leased or set apart real property for such purpose, prior to January 1, 1940, 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. The expenses of such construction, improvement, equipment, maintenance and operation shall be a city, village, town or county charge as the case may be. The governing body of a city, village, town or county may adopt regulations, and establish fees or charges for the use of such airport or landing field, or may authorize an officer, board or body of such village, city, town or county having jurisdiction to adopt such regulations and establish such fees or charges, subject however to the approval of such governing body before they shall take effect.

(2) The governing body of a city, village, town or county which has established an airport may vest jurisdiction for the construction, improvement, equipment, maintenance and operation thereof in an airport commission of 3 commissioners. In the case of a county, such commissioners shall be appointed by the county judge; in the case of cities, villages and towns by the mayors or city managers, village presidents and town chairmen, respectively. Their terms shall be 6 years; on the first appointment the members shall be appointed for terms of 2, 4, and 6 years, respectively. Their compensation and allowance for expenses shall be as fixed by the governing body. Such commissioners shall be persons especially interested in aeronautics. Such airport commission shall elect one member chairman and one secretary who shall keep an accurate record of all its proceedings and transactions and report such to the governing body. Such commission shall have complete and exclusive control and management over the airport for which it has been appointed. All moneys appropriated for the construction, improvement, equipment, maintenance or operation of an airport, managed as provided by this subsection, or earned by such airport or made available for its construction, improvement, equipment, maintenance or operation in any manner whatsoever, shall be deposited with the treasurer of the city, village, town or county where it shall be kept in a special fund and paid out only on order of the airport commission, drawn and signed by the secretary and countersigned by the chairman. In case of union airports owned by 2 governmental units, one commissioner shall be first appointed as provided by this subsection, the third shall be appointed alternately from each such unit starting with one from the governmental unit whose name comes first in the alphabet. In cases where there are 3 or more such governmental units, one commissioner shall be appointed for each. The length of the terms to be served by each shall be determined by lot. The moneys available for union airports shall be kept in the manner provided in this subsection in the treasury of one of the governmental units selected by the commission, and paid out in like manner.

(3) In carrying out its duties the airport commission may employ a manager who may be a member of the commission and fix his compensation (but no member of the commission shall vote on the question of his selection as manager nor on any question as to his compensation), and employ and fix the compensation of such other employes as may be deemed necessary; may make such contracts or other arrangements as may be deemed necessary for the construction, improvement, equipment, maintenance or operation of the airport; may contract with the United States or any agency thereof; may contract with private parties for a term not to exceed 10 years for the operation of the airport, including all necessary arrangements for the improvement and equipment and successful operation thereof. Provided, that in no case shall the public be deprived of equal and uniform use of the airport; and further, that no act, contract, lease or any activity of the airport commission shall be or become a binding contract on any government unit unless expressly authorized, and then only to the extent so expressly authorized. [1943 c. 269]

114.15 Appropriation, taxation for airports. The local authorities of a city, village, town or county to which this chapter is applicable having power to appropriate money therein may annually appropriate and cause to be raised by taxation in such city, village, town or county, a sum sufficient to carry out the provisions of this chapter.

114.151 Union airports. All powers conferred upon any county, city, village or town by sections 114.11 to 114.15, relating to the acquisition, establishment, construction, ownership, control, lease, equipment, improvement, maintenance, operation and regulation of airports or landing fields may be exercised by any two or more municipalities in the establishment, acquisition, equipment and operation of joint airports or landing fields.

114.16 Pilots; federal license or permit. It shall be unlawful for any person to pilot within this state any civil aircraft, unless such person is the holder of a currently effective pilot's license or student's permit issued by the government of the United States; but this restriction shall not apply to any person operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft. [1937 c. 381]

114.17 Mechanic's license, issue, presentation. Any person repairing, adjusting, inspecting or overhauling aircraft or aircraft engines within this state shall be in possession of a mechanic's license issued to him by the department of commerce of the United States, which must be presented for inspection upon demand of any passenger, peace officer of this state, or any official, manager or person in charge of any airport or landing field in this state.

114.18 Aircraft; airworthiness; federal license. It shall be unlawful for any person to operate, pilot or navigate, or cause or authorize to be operated, piloted or navigated within this state any civil aircraft, unless such aircraft has a currently effective license issued by the government of the United States or has been duly identified by the government of the United States but this restriction shall not apply to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft, or to a nonpassenger-carrying flight solely for inspection or test purposes authorized by the United States to be made without such license. [1937 c. 381; 1943 c. 269]

114.19 Display of licenses. The certificate of the license or permit respectively required of a pilot or a student shall be kept in the personal possession of the licensee or permittee when he is operating an aircraft within this state. The certificate of the license required for an aircraft shall be carried in the aircraft at all times and shall be conspicuously posted therein in clear view of passengers. Such certificate of pilot's license, student's permit or aircraft license shall be presented for inspection upon the demand of any passenger, any peace officer of this state, any authorized official, or any official, manager or person in charge of any airport in this state upon which it shall land, or upon the reasonable request of any other person. In any criminal prosecution under any of the provisions of this chapter, a defendant who relies upon a license or permit of any kind shall have the burden of proving that he is properly licensed or is the possessor of a proper license or permit. The fact of nonissuance of such license or permit may be evidenced by a certificate signed by the official having power of issuance, or his deputy, under seal of office, stating that he has made diligent search in the records of his office and that from the records it appears that no such license or permit was issued. [1943 c. 269]

114.20 to 114.26 [Repealed by 1943 c. 269]

114.26 [Repealed by 1943 c. 515 s. 13]

114.27 Penalty. Any person failing to comply with the requirements, or violating any of the provisions of this chapter shall be guilty of a misdemeanor and punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or both. [1937 c. 381; 1943 c. 269]

114.28 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are declared to be severable. [1937 c. 381]

114.30 Aeronautics commission. (1) **MEMBERSHIP.** There is hereby created a state aeronautics commission consisting of 5 members to be appointed by the governor with the advice and consent of the senate. The members of the said commission shall be men qualified by their knowledge of, experience in or interest in aeronautics. Of the members first appointed, 2 shall serve for terms ending April 30, 1947; 2 for terms ending on April 30, 1949; and one for a term ending on April 30, 1951. Successive members shall be appointed for terms of 6 years each. Members shall continue to serve until their successor is appointed and qualified. Members of the commission shall receive no pay for their services as such members, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(2) **ORGANIZATION, MEETING, REPORT.** The commission shall, within 30 days after its appointment, meet, organize, adopt a seal, and make such rules and regulations for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such rules and regulations. At such organization meeting it shall elect from among its members a chairman, a vice chairman, and a secretary, to serve for one year, and annually thereafter shall elect such officers; all to serve until their successors are appointed and qualified. Meetings may be called by the chairman and shall be called on the request of 2 members, and may be held as often as necessary, and may be at places other than the state capitol. Three members shall constitute a quorum for the transaction of business. All regular and special commission meetings shall be open to the public. It shall report in writing to the governor on or about December 1 of each year. Said report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and of all expenditures made by

or in behalf of the commission, such other information as it may deem necessary or useful and any additional information which may be requested by the governor.

(3) **DIRECTOR; SALARY, QUALIFICATIONS, DUTIES.** The commission shall employ a director of aeronautics who shall continue in office at the pleasure of the commission and whose salary shall be fixed by the commission, but not to exceed \$5,000 per year, and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties. Said director shall be a person having executive ability and experience in aeronautics, and shall not be subject to the provisions of chapter 16 governing the competitive division of the classified service. He shall be administrative head of the commission, shall be responsible to the commission for the execution of its policies; and shall exercise the powers of the commission in the interim of its meetings but subordinate thereto. He shall not have any pecuniary interest in or any stock in or any bonds of any civil aeronautics enterprise. [1945 c. 513]

114.31 Powers and duties of commission. (1) **GENERAL.** The commission shall have general supervision of aeronautics in the state and promote and foster a sound development of aviation in this state, promote aviation education and training programs, assist in the development of aviation and aviation facilities, safeguard the interests of those engaged in all phases of aviation, formulate and recommend and promote reasonable regulations in the interests of safety, and coordinate state aviation activities with those of other states and the federal government and in general prepare for the generally expected extensive expansion of aviation following the termination of World War II. The commission shall have all powers that are necessary to carry out its policies. The commission is especially charged with the duty of informing itself regarding all federal laws that affect aeronautics in this state, all regulations pursuant to such laws, and all pending legislation providing for a national airport system, in order that it may recommend to the governor and the legislature such measures as will best enable this state to derive the maximum benefits from such legislation if and when it shall become effective. It shall be the duty of all other state boards, commissions, departments and institutions, especially the appropriate educational institutions to cooperate with the aeronautics commission.

(2) **STUDIES AND INVESTIGATIONS.** It shall conduct studies and investigations with reference to the most effective development and operation of airports and all other aeronautical facilities, and issue reports of its findings from time to time.

(3) **AVIATION EDUCATION AND TRAINING.** In cooperation with the appropriate educational institutions of the state, and jointly with them it shall formulate programs of aviation education and training, and disseminate information regarding such programs.

(4) **CO-OPERATION WITH FEDERAL AERONAUTICAL AGENCY.** It shall cooperate with and assist the federal government, the political subdivisions of this state, and others engaged in aeronautics or the promotion of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies. To this end, the commission is empowered to confer with or to hold joint hearings with any federal aeronautical agency in connection with any matter arising under chapter 114, relating to the sound development of aeronautics, and to avail itself of the cooperation, services, records and facilities of such federal agencies, as fully as may be practicable, in the administration of said sections. It shall furnish to the federal agencies its cooperation, services, records and facilities, in so far as may be practicable.

(5) **AIR MARKING SYSTEM.** It shall cooperate with the federal government in any air marking system and weather information.

(6) **TECHNICAL SERVICES TO MUNICIPALITIES.** It may, in so far as is reasonably possible, offer the engineering or other technical service of the commission, without charge, to any municipality desiring them in connection with the construction, maintenance or operation or proposed construction, maintenance or operation of an airport. Municipalities are authorized to cooperate with the commission in the development of aeronautics and aeronautical facilities in this state. The state planning board and all other agencies are authorized and directed to make available such facilities and services, and to cooperate as far as possible to promote the best interests of aeronautics of the state. [1945 c. 513]

114.32 Federal aid for airports. (1) **COMMISSION MAY ACCEPT.** The commission 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 air navigation facilities in this state, and to comply with the laws of the United States and any regulations made thereunder for the expenditure of federal moneys upon such airports and other air navigation facilities, and may enter into any contracts necessary to accomplish such purpose. It is authorized to accept, receive and receipt for federal moneys and other moneys, either public or private, for

and in behalf of this state, or any municipality thereof, for training and education programs, for the acquisition, construction, improvement, maintenance and operation of airports and other aeronautical facilities, whether such work is to be done by the state or by such municipalities, or jointly, aided by grants of aid from the United States, upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and it is authorized to act as agent of any municipality of this state upon the request of such municipality, in accepting, receiving and receipting for such moneys in its behalf for airports, and in contracting for the acquisition, improvement, maintenance or operation of airports financed either in whole or in part by federal moneys, and the governing body of any such municipality is authorized to designate the commission 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 chapter 114. Such moneys as are paid over by the United States government shall be retained by the state or paid over to said municipalities under such terms and conditions as may be imposed by the United States government in making such grants. Nothing in this section shall prohibit any local unit of government from dealing directly with the federal government in any transaction involving federal aid for any airport or aeronautical facility owned by it or hereafter acquired or constructed.

(3) **CONTRACTS.** All contracts for the acquisition, construction, improvement, maintenance and operation of airports and other aeronautical facilities, made by the commission either as the agent of this state or as the agent of any municipality, shall be made pursuant to the laws of this state governing the making of like contracts; provided, however, that where the acquisition, construction, improvement, maintenance and operation of any airport or landing strip and other aeronautical facilities is financed or partially financed with federal moneys, the commission, as agent of the state or of any municipality thereof, may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other state law to the contrary.

(4) **DISPOSITION OF FEDERAL FUNDS.** All moneys accepted for disbursement by the commission pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which the money is received, kept in separate funds, designated according to the purpose for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are appropriated for the purposes for which the same were made available to be expended in accordance with federal laws and regulations and with chapter 114. The commission is authorized, whether acting for this state or as the agent of any of its municipalities, or when requested by the United States government or any agency or department thereof, to disburse such moneys for the designated purposes, but this shall not preclude any other authorized method of disbursement. [1945 c. 513]

114.325 Review. Orders of the commission shall be subject to review in the manner provided in chapter 227. [1945 c. 513]

114.33 Severability. If any section, subsection, paragraph or other provision contained in chapter 114, or its application to any person or circumstance shall be held unconstitutional, such decision shall not affect the constitutionality of any other section, subsection or paragraph or its application to other persons or circumstances. [1945 c. 513]