

## **Part 2**

### **Uniform Airports Act**

#### **72-10-201 Powers of department -- Acceptance of property.**

The department, a county, or municipal legislative body may accept contributions of money or real or personal property for the purpose of establishing, developing, operating, or maintaining airports under this part.

Amended by Chapter 431, 2019 General Session

#### **72-10-202 Cooperation with counties, municipalities, and federal government -- Expenditures by department.**

- (1) The department may:
  - (a) cooperate with counties and municipalities in developing and constructing airports;
  - (b) make agreements on behalf of the state with any county or municipality regarding the financial participation, construction, and operation of any airports;
  - (c) cooperate with the federal government in establishing airports; and
  - (d) accept from the United States of America, money to be matched with the funds of the state and funds appropriated by any county or municipality in developing and constructing airports under the Uniform Airports Act.
- (2) The department may expend not to exceed 10% of its annual appropriation from the Aeronautics Restricted Account upon any one project under this chapter.

Amended by Chapter 431, 2019 General Session

#### **72-10-203 Department and counties, municipalities, and airport authorities authorized to acquire and regulate airports.**

- (1) The department and municipalities, counties, and airport authorities may acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports for the use of aircraft and may use for these purposes any available property that is owned or controlled by the department or by a municipality, county, or airport authority.
- (2) A county may not exercise the authority conferred in this section outside of its geographical limits except jointly with an adjoining county.

Amended by Chapter 431, 2019 General Session

#### **72-10-203.5 Advisory boards of airports and extraterritorial airports.**

- (1) For purposes of this section:
  - (a) "Airport owner" means the municipality, county, or airport authority that owns one or more airports.
  - (b) "Extraterritorial airport" means an airport, including the airport facilities, real estate, or other assets related to the operation of an airport, outside the municipality or county and within the boundary of a different municipality or county.
- (2)
  - (a) If an airport owner that owns an international airport also owns one or more extraterritorial airports, the airport owner shall create and maintain an advisory board as described in this section.

- (b) The advisory board shall advise and consult the airport owner according to the process set forth in ordinance, rule, or regulation of the airport owner.
- (3)
  - (a) An advisory board described in Subsection (2) shall consist of 11 members, appointed as follows:
    - (i) one individual from each municipality or county in which an extraterritorial airport is located, appointed:
      - (A) according to an ordinance or policy in place in each municipality or county for appointing individuals to a board, if any; or
      - (B) if no ordinance or policy described in Subsection (3)(a)(i)(A) exists, by the chief executive officer of the municipality or county, with advice and consent from the legislative body of the municipality or county in which the extraterritorial airport is located; and
    - (ii) as many individuals as necessary, appointed by the chief executive officer of the airport owner, with advice and consent from the legislative body of the airport owner, when added to the individuals appointed under Subsection (3)(a)(i), to equal 11 total members on the advisory board.
  - (b) The airport owner shall ensure that members of the advisory board have the following qualifications:
    - (i) at least one member with experience in commercial or industrial construction projects with a budget of at least \$10,000,000; and
    - (ii) at least one member with experience in management and oversight of an entity with an operating budget of at least \$10,000,000.
- (4)
  - (a)
    - (i) Except as provided in Subsection (4)(b), the term of office for members of the advisory board shall be four years or until a successor is appointed, qualified, seated, and has taken the oath of office.
    - (ii) A member of the advisory board may serve two terms.
  - (b) When a vacancy occurs on the board for any reason, the replacement shall be appointed according to the procedures set forth in Subsection (3) for the member who vacated the seat, and the replacement shall serve for the remainder of the unexpired term.
- (5) The advisory board shall select a chair of the advisory board.
- (6)
  - (a) The chief executive officer of each municipality or county in which an extraterritorial airport is located, with the advice and consent of the respective legislative body of the municipality or county, may create an extraterritorial airport advisory board to represent the interests of the extraterritorial airport.
  - (b) The extraterritorial airport advisory boards described in Subsection (6)(a) shall meet at least quarterly, and:
    - (i) shall provide advisory support to the member of the advisory board representing the municipality or county; and
    - (ii) may advise in the request for proposals process of a fixed base operator for the respective extraterritorial airport.
- (7) The airport owner, in consultation with the airport advisory board, shall, consistent with the requirements of federal law, study, produce an analysis, and advise regarding the highest and best use and operational strategy for each airport, including all lands, facilities, and assets owned by the airport owner.

- (8) An airport owner, in consultation with the county auditor and the county assessor of a county in which an extraterritorial airport is located, shall explore in good faith whether a municipality or county where an extraterritorial airport is located receives airport-related tax disbursements to which the municipality or county is entitled.
- (9) An airport owner shall report annually to the Transportation Interim Committee regarding the requirements in this section.

Amended by Chapter 517, 2024 General Session

**72-10-204 Lands acquired by department and counties, municipalities, and airport authorities -- Declaration of public purpose.**

Any land acquired, owned, leased, controlled, or occupied by the department or by a county, municipality, or airport authority for the purposes enumerated in Section 72-10-203, is acquired, owned, leased, controlled, or occupied for public, governmental, and municipal purposes.

Amended by Chapter 431, 2019 General Session

**72-10-205 Acquisition of property -- Condemnation.**

- (1) Private property needed by the department or a county, municipality, or airport authority for an airport or landing field or for the expansion of an airport or landing field may be acquired by grant, purchase, lease, or other means if the department or the political subdivision is able to agree with the owners of the property on the terms of acquisition.
- (2) If no agreement can be reached, the private property may be obtained by condemnation in the manner provided for the state or a political subdivision to acquire real property for public purposes.

Amended by Chapter 431, 2019 General Session

**72-10-205.5 Abandoned aircraft on airport property -- Seizure and disposal.**

- (1)
  - (a) As used in this section, "abandoned aircraft" means an aircraft that:
    - (i) remains in an idle state on airport property for 45 consecutive calendar days;
    - (ii) is in a wrecked, inoperative, derelict, or partially dismantled condition; and
    - (iii) is not in the process of actively being repaired.
  - (b) "Abandoned aircraft" does not include an aircraft:
    - (i)
      - (A) that has current FAA registration; and
      - (B) that has current state registration; or
    - (ii) for which evidence is shown indicating repairs are in process, including:
      - (A) receipts for parts and labor; or
      - (B) a statement from a mechanic making the repairs.
- (2) An airport operator may take possession and dispose of an abandoned aircraft in accordance with Subsections (3) through (5).
- (3) Upon determining that an aircraft located on airport property is abandoned, the airport operator shall:
  - (a) send, by registered mail, a notice containing the information described in Subsection (4) to the last known address of the last registered owner of the aircraft; and

- (b) publish a notice containing the information described in Subsection (4) in a newspaper of general circulation in the county where the airport is located if:
  - (i) the owner or the address of the owner of the aircraft is unknown; or
  - (ii) the mailed notice is returned to the airport operator without a forwarding address.
- (4) The notice described in Subsection (3) shall include:
  - (a) the name, if known, and the last known address, if any, of the last registered owner of the aircraft;
  - (b) a description of the aircraft, including the identification number, the location of the aircraft, and the date the aircraft is determined abandoned;
  - (c) a statement describing the specific grounds for the determination that the aircraft is abandoned;
  - (d) the amount of any accrued or unpaid airport charges; and
  - (e) a statement indicating that the airport operator intends to take possession and dispose of the aircraft if the owner of the aircraft fails to remove the aircraft from airport property, after payment in full of any charges described in Subsection (4)(d), within the later of:
    - (i) 30 days after the day on which the notice is sent in accordance with Subsection (3)(a); or
    - (ii) 30 days after the day on which the notice is published in accordance with Subsection (3)(b), if applicable.
- (5) If the owner of the abandoned aircraft fails to remove the aircraft from airport property, after payment in full of any charges described in Subsection (4)(d), within the time specified in Subsection (4)(e):
  - (a) the abandoned aircraft becomes the property of the airport operator; and
  - (b) the airport operator may dispose of the abandoned aircraft:
    - (i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service; or
    - (ii) in accordance with any other lawful method or procedure established by rule or ordinance adopted by the airport operator.
- (6) If an airport operator complies with the provisions of this section, the airport operator is immune from liability for the seizure and disposal of an abandoned aircraft in accordance with this section.

Amended by Chapter 517, 2024 General Session

**72-10-206 Payment by appropriation or sale of bonds.**

The purchase price or award for real property acquired, in accordance with the provisions of this part, for an airport or landing field may be paid for by appropriation of money available for the property or wholly or partly from the proceeds of the sale of bonds of the county, municipality, or other political subdivision, as the legislative body of the political subdivision shall determine, subject to the adoption of a proposition at a regular or special election, if the adoption of a proposition is a prerequisite to the issuance of bonds of the political subdivision for public purposes generally.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-10-207 Powers of department and political subdivisions over airports -- Security unit.**

- (1) The department, and counties, municipalities, or other political subdivisions of this state that have established or may establish airports or that acquire, lease, or set apart real property for those purposes, may:

- (a) construct, equip, improve, maintain, and operate the airports or may vest the authority for their construction, equipment, improvement, maintenance, and operation in an officer of the department or in an officer, board, or body of the political subdivision;
  - (b) adopt rules, establish charges, fees, and tolls for the use of airports and landing fields, fix penalties for the violation of the rules, and establish liens to enforce payment of the charges, fees, and tolls, subject to approval by the commission;
  - (c) lease the airports to private parties for operation for a term not exceeding 50 years, as long as the public is not deprived of its rightful, equal, and uniform use of the facility;
  - (d) lease or assign space, area, improvements, equipment, buildings, and facilities on the airports to private parties for operation for a term not exceeding 50 years;
  - (e) lease or assign real property comprising all or any part of the airports to private parties for the construction and operation of hangars, shop buildings, or office buildings for a term not exceeding 50 years, if the projected construction cost of the hangar, shop building, or office building is \$100,000 or more; and
  - (f) establish, maintain, operate, and staff a security unit for the purpose of enforcing state and local laws at any airport that is subject to federal airport security regulations.
- (2) The department or political subdivision shall pay the construction, equipment, improvement, maintenance, and operations expenses of any airport established by them under Subsection (1).
- (3)
- (a) If the department or political subdivision establishes a security unit under Subsection (1)(f), the department head or the governing body of the political subdivision shall appoint persons qualified as peace officers under Title 53, Chapter 13, Peace Officer Classifications to staff the security unit.
  - (b) A security unit appointed by the department or political subdivision is exempt from civil service regulations.
  - (c) If the department or political subdivision establishes a security unit under Subsection (1)(f), the department head or the governing body of the political subdivision:
    - (i) may allow peace officers or other workers to assist with airport operations and vehicle and traffic flow; and
    - (ii) may not allow peace officers or other workers to:
      - (A) unreasonably impede or obstruct traffic;
      - (B) create unsafe traffic situations; or
      - (C) intimidate vehicle drivers or airport passengers.

Amended by Chapter 377, 2020 General Session

### **72-10-208 Providing for levying of taxes.**

The local public authorities having power to appropriate money within the counties, municipalities, or other public subdivisions of this state for the purpose of acquiring, establishing, developing, operating, maintaining, or controlling airports under the provisions of this part, are authorized to appropriate and cause to be raised by taxation or otherwise in such political subdivisions money sufficient to carry out therein the provisions of this part, also to use for such purpose or purposes money derived from the airports.

Renumbered and Amended by Chapter 270, 1998 General Session

### **72-10-209 Acquisition of air rights -- Condemnation.**

- (1) To provide unobstructed air space for the landing and taking off of aircraft using airports acquired or maintained under this chapter, the department and a county, municipality, or airport authority may acquire the air rights over private property necessary to insure safe approaches to the landing areas of the airports.
- (2) The air rights may be acquired by grant, purchase, lease, or condemnation in the same manner provided under Section 72-10-205 for the acquisition or expansion of airports.

Amended by Chapter 431, 2019 General Session

**72-10-210 Easements for marks or lights -- Condemnation.**

- (1) The department and a county, municipality, or airport authority may acquire the right or easement for a term of years or perpetually to place and maintain suitable marks for the daytime, and to place, operate, and maintain suitable lights for the nighttime marking of buildings or other structures or obstructions for the safe operation of aircraft using airports and landing fields acquired or maintained under this chapter.
- (2) The rights or easements may be acquired by grant, purchase, lease, or condemnation in the same manner provided under Section 72-10-205 for the acquisition or expansion of airports.

Amended by Chapter 431, 2019 General Session

**72-10-211 Police regulations.**

The department and a county, municipality, or airport authority acquiring, establishing, developing, operating, maintaining, or controlling airports outside the geographical limits of the subdivisions, under this chapter may amend and enforce police regulations for the airports.

Amended by Chapter 431, 2019 General Session

**72-10-212 General provisions of law applicable in condemnation proceedings, issuing bonds, and levying taxes.**

It is the intent and purpose of this part that all provisions herein relating to the issuance of bonds and the levying of taxes for airport purposes and the condemnation for airports and airport facilities shall be construed in accordance with general provisions of the law of this state governing the right and procedure of municipalities to condemn property, issue bonds, and levy taxes.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-10-213 Severability clause.**

If any provision of this part or its application is held invalid, this invalidity does not affect provisions or applications of the part which can be given effect without the invalid provision or application, and to this end the provisions of this part are declared to be severable.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-10-214 Construction of part.**

This part shall be so interpreted and construed as to effectuate the general purpose of those states which enact it.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-10-215 Restrictions on use of airport revenue to finance a fixed guideway.**

An airport operator may not use airport revenue to contribute to the cost of constructing, equipping, maintaining, or operating any portion of a fixed guideway as defined in Section 59-12-102.

Amended by Chapter 263, 2010 General Session