

House Bill 1434 (AS PASSED HOUSE AND SENATE)

By: Representatives Jenkins of the 136th, Crowe of the 118th, Jasperse of the 11th, and McDonald III of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to powers
2 of local governments as to air facilities, so as to provide for the identification of airport
3 affected areas; to provide for public notice and public hearing; to require the adoption,
4 administration, and enforcement of regulations relative to the use of land in airport affected
5 areas; to provide for standards for adoption of such regulations; to provide for assistance
6 from the Department of Transportation; to provide for the adoption of local methods of
7 enforcing regulations relative to airport area affected areas; to provide for a method for
8 requesting variances; to provide for penalties; to provide for definitions; to provide for
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to powers of local
13 governments as to air facilities, is amended by adding a new article to read as follows:

14 "ARTICLE 3

15 6-3-40.

16 As used in this article, the term:

17 (1) 'Airport' shall have the same meaning as set forth in Code Section 32-9-8.

18 (2) 'Airport affected area' means any area of air, land, or water lying beneath a civil
19 airport imaginary surface.

20 (3) 'Airport affected governing body' means the governing authority of a county,
21 municipality, or other political subdivision that has an airport affected area within its
22 territorial limits.

23 (4) 'Airport obstruction' means any building, structure, or object of natural growth within
24 an airport affected area that penetrates a civil airport imaginary surface.

25 (5) 'Airport sponsor' means an airport affected governing body that:

26 (A) Owns or controls an airport; or

27 (B) Has acquired, leased, or set apart real property for the purpose or purposes
28 provided for in Code Section 6-3-20.

29 (6) 'Civil airport imaginary surface' shall have the same meaning as set forth in 14 C.F.R.
30 Part 77 of the Code of Federal Regulations in effect on January 1, 2026.

31 6-3-41.

32 (a) No later than January 1, 2027, every airport sponsor in this state shall identify the
33 airport affected area for its airport and notify any airport affected governing body that an
34 airport affected area is located within its territorial limits.

35 (b) No later than July 1, 2027, and after public notice and public hearing, each airport
36 affected governing body shall adopt, administer, and enforce regulations for the airport
37 affected area within its territorial limits that comply with Code Section 6-3-42.

38 6-3-42.

39 (a) Any regulation adopted for an airport affected area pursuant to this article shall be
40 reasonable and designed to promote public health, safety, and general welfare. At a
41 minimum, such regulation shall include, but shall not be limited to, provisions for the
42 limitation of the height of buildings, structures, and objects of natural growth located
43 within the airport affected area for the purpose of keeping civil airport imaginary surfaces
44 clear of airport obstructions.

45 (b) In adopting, amending, and repealing any airport affected area regulations pursuant to
46 this article, the Department of Transportation shall provide assistance and guidance to the
47 airport affected governing body with respect to the compliance of such regulations to
48 Federal Aviation Administration requirements.

49 (c) To facilitate the clearance of the civil airport imaginary surfaces, any airport affected
50 area regulations adopted pursuant to this article shall meet those federal standards set forth
51 in 14 C.F.R. Part 77 of the Code of Federal Regulations in effect on January 1, 2026.

52 (d) Airport affected area regulations adopted pursuant to this article may be amended from
53 time to time in the same manner as provided for the adoption of the original regulation.

54 6-3-43.

55 When a local governing authority has adopted a zoning ordinance or resolution relating to
56 land use of property within an airport affected area, any airport affected area regulations
57 adopted pursuant to this article may be made part of such zoning ordinance or resolution
58 and may be administered and enforced in connection with such ordinance or resolution.

59 6-3-44.

60 (a) Each airport affected governing body shall provide for the enforcement of airport
61 affected area regulations adopted pursuant to this article. Such enforcement may be by a
62 system of permits or other comparable method; provided, however, that, prior to granting

63 any variance from a regulation that would result in the use of property that would create
64 an airport obstruction, the applicable airport affected governing body shall notify an airport
65 sponsor of the requested variance and such airport sponsor shall be responsible for
66 determining whether the requested variance would result in a violation of regulations for
67 civil airport imaginary surfaces and requesting a variance from such regulations.

68 (b) When any airport affected governing body fails to enact or enforce airport affected area
69 regulations pursuant to this article, eligibility for funds through the local maintenance and
70 improvement grant program available under Code Section 32-5-27 shall be suspended for
71 the lesser of three years or until the date the airport affected governing body enacts or
72 enforces such regulations, at which point any such funds shall be remitted to such airport
73 affected governing body."

74 **SECTION 2.**

75 All laws and parts of laws in conflict with this Act are repealed.