

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 333**

**Representatives Fowler Arthur, Callender**

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To amend sections 4561.01, 4561.021, 4561.05, 1  
4561.06, 4561.08, 4561.09, 4561.11, 4561.12, 2  
4561.14, 4561.15, 4561.31, 4561.32, 4561.33, 3  
4561.34, 4561.341, 4561.35, 4561.36, 4561.37, 4  
4561.38, 4561.39, 4561.99, 4563.01, 4563.03, 5  
4563.031, 4563.032, 4563.04, 4563.05, 4563.06, 6  
4563.07, 4563.08, 4563.09, 4563.10, 4563.11, 7  
4563.12, 4563.13, 4563.16, 4563.18, 4563.20, 8  
4563.21, and 4906.10; to enact section 4561.40; 9  
and to repeal section 4561.30 of the Revised 10  
Code to make changes to the laws regarding 11  
navigable airspace and to name this act the 12  
Airspace Protection Act. 13

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4561.01, 4561.021, 4561.05, 14  
4561.06, 4561.08, 4561.09, 4561.11, 4561.12, 4561.14, 4561.15, 15  
4561.31, 4561.32, 4561.33, 4561.34, 4561.341, 4561.35, 4561.36, 16  
4561.37, 4561.38, 4561.39, 4561.99, 4563.01, 4563.03, 4563.031, 17  
4563.032, 4563.04, 4563.05, 4563.06, 4563.07, 4563.08, 4563.09, 18  
4563.10, 4563.11, 4563.12, 4563.13, 4563.16, 4563.18, 4563.20, 19  
4563.21, and 4906.10 be amended and section 4561.40 of the 20  
Revised Code be enacted to read as follows: 21

Sec. 4561.01. As used in ~~sections 4561.01 to 4561.27 of~~ 22  
~~the Revised Code~~ this chapter: 23

(A) "Aviation" means transportation by aircraft; operation 24  
of aircraft; the establishment, operation, maintenance, repair, 25  
and improvement of airports, landing fields, and other air 26  
navigation facilities; and all other activities connected 27  
therewith or incidental thereto. 28

(B) "Aircraft" means any manned device used or intended 29  
for flight in the air. "Aircraft" does not include an ultralight 30  
vehicle as defined by 14 C.F.R. part 103. 31

(C) "Airport" means any location either on land or water 32  
which is used for the landing and taking off of aircraft, 33  
including heliports and seaplane landing sites. "Airport" does 34  
not include a federal navigable waterway or a military airport 35  
owned by the United States government. 36

(D) "Landing field" means any location either on land or 37  
water of such size and nature as to permit the landing or taking 38  
off of aircraft with safety, and used for that purpose but not 39  
equipped to provide for the shelter, supply, or care of 40  
aircraft. 41

(E) "Air navigation facility" means any facility used, 42  
available for use, or designed for use in aid of navigation of 43  
aircraft, including airports, landing fields, facilities for the 44  
servicing of aircraft or for the comfort and accommodation of 45  
air travelers, and any structures, mechanisms, lights, beacons, 46  
marks, communicating systems, or other instrumentalities or 47  
devices used or useful as an aid to the safe taking off, 48  
navigation, and landing of aircraft, or to the safe and 49  
efficient operation or maintenance of an airport or landing 50

field, and any combination of such facilities. 51

(F) ~~"Air navigation hazard" means any structure, object of~~ 52  
~~natural growth, or use of land, that obstructs the air space~~ 53  
~~required for the flight of aircraft in landing or taking off at~~ 54  
~~any airport or landing field, or that otherwise is hazardous to~~ 55  
~~such landing or taking off~~ "Airport sponsor" means the 56  
controlling body of any regional airport authority, port 57  
authority, public university or college, county, or municipal 58  
corporation, or the owner or private entity that controls a 59  
privately owned airport or medical use heliport. 60

(G) ~~"Air navigation," or "navigation of aircraft," or~~ 61  
~~"navigate aircraft" means the operation of aircraft in the air-~~ 62  
~~space~~ airspace over this state. 63

(H) ~~"Airperson"~~ "Air crew" means any individual who, as the 64  
person in command, or as pilot, mechanic, or member of the crew, 65  
engages in the navigation of aircraft. 66

(I) "Airway" means a route in the ~~air space~~ airspace over 67  
and above the lands or waters of this state, ~~designated by the~~ 68  
~~Ohio aviation board as a route~~ suitable for the navigation of 69  
aircraft. 70

(J) "Person" means any individual, firm, partnership, 71  
corporation, company, association, joint stock association, or 72  
body politic, and includes any trustee, receiver, assignee, or 73  
other similar representative thereof. 74

(K) "Government agency" means a state agency, state 75  
institution of higher education, regional port authority, or any 76  
other political subdivision of the state, or the federal 77  
government or other states. 78

(L) "Navigable airspace" means the airspace at and above 79

the minimum flight altitudes, including the airspace needed for 80  
safe takeoff and landing. 81

(M) "Obstruction" means any existing or proposed structure 82  
or object of natural growth that exceeds the obstruction 83  
standards as found in 14 C.F.R. part 77. 84

(N) "Structure" means any permanent or temporary object, 85  
including a building, tower, crane, scaffold, smokestack, batch 86  
plant, earth formation, stockpile, transmission line, light 87  
pole, flagpole, ship mast, traverse way, and mobile object. 88

(O) "Install, erect, construct, establish, or alter" means 89  
undertaking any action that affects the natural environment of 90  
the site of a structure or object of natural growth, including 91  
clearing of land, excavation, or planting. "Install, erect, 92  
construct, establish, or alter" does not include surveying 93  
changes necessary for temporary use of the site and use in 94  
securing geological data, including making necessary borings to 95  
ascertain foundation conditions. 96

(P) "Heliport" means the area of land, water, or a 97  
structure that is used or intended to be used for the landing 98  
and takeoff of helicopters, including any appurtenant buildings 99  
and facilities. 100

(Q) "Vertiport" means the identifiable ground or elevated 101  
areas, including the facilities thereon, that are designed to be 102  
used for the landing and takeoff of rotorcraft, tilt-rotor 103  
aircraft, or other powered lift aircraft. 104

(R) "Spaceport" means any facility in the state at which 105  
space vehicles may be landed or launched, including all 106  
facilities and support infrastructure related to the launch, 107  
landing, and payload processing. 108

**Sec. 4561.021.** There is hereby created in ~~the division of~~ 109  
~~multi-modal planning and programs of~~ the department of 110  
transportation the office of aviation. The director of 111  
transportation shall appoint the administrator of the office of 112  
aviation, ~~who shall serve at the pleasure of the director.~~ The 113  
administrator of the office of aviation shall be responsible to 114  
the director for the organization, direction, and supervision of 115  
the work of the office and the exercise of the powers and the 116  
performance of the duties assigned to the office. Subject to 117  
Chapter 124. of the Revised Code and civil service regulations, 118  
the administrator, with the approval of the director, shall 119  
select and appoint the necessary employees. The director also 120  
may employ experts for assistance in any specific matter at a 121  
reasonable rate of compensation. 122

**Sec. 4561.05.** The department of transportation shall 123  
administer Chapter 4561. of the Revised Code. The department may 124  
issue and amend orders, create application forms for permits and 125  
certificates issued under this chapter, and adopt, modify, and 126  
~~promulgate such~~ rescind any reasonable rules as it determines 127  
necessary to carry out this chapter. 128

~~The department may issue and amend orders, and make,~~ 129  
~~promulgate, and amend, reasonable general and special rules and~~ 130  
~~procedure, and establish minimum standards.~~ 131

~~The department may establish safety rules governing air~~ 132  
~~navigation hazards, and the location, size, use, and equipment~~ 133  
~~of airports and landing areas, and rules governing air marking,~~ 134  
~~the use of signs or lights designed to be visible from the air,~~ 135  
~~and other air navigation facilities.~~ 136

All rules and amendments thereto, prescribed by the 137  
department, shall ~~conform to and coincide~~ be in accordance with, 138

so far as possible, the ~~"Civil Aeronautics Act of 1938," 52-~~ 139  
~~Stat. 973, 49 U.S.C. 401, as amended,~~ the federal aviation laws 140  
passed by the congress of the United States, and the air 141  
commerce regulations issued pursuant thereto. 142

All acts of the department authorized under this section 143  
shall be carried on in conformity with Chapter 119. of the 144  
Revised Code. 145

**Sec. 4561.06.** (A) The department of transportation shall 146  
encourage the development of aviation and the promotion of 147  
aviation education and research within this state as, in its 148  
judgment, may best serve the public interest. 149

(B) (1) The department may furnish engineering or other 150  
technical counsel and services, with or without charge therefor, 151  
to any appropriate government agency or private entity desiring 152  
such counsel or services in connection with any question or 153  
problem concerning the need for, or the location, construction, 154  
maintenance, or operation of airports, landing fields, or other 155  
air navigation facilities. 156

(2) The department also may furnish engineering or other 157  
technical counsel and services to any appropriate government 158  
agency or private entity desiring such counsel or services 159  
regarding the federal aviation administration's process under 14 160  
C.F.R. part 77. Such counsel and services may include the 161  
process for petitioning the federal aviation administration for 162  
discretionary review of a determination, revision, or extension 163  
of a determination and any public notice and comment process 164  
available. 165

(C) The department shall be the official representative of 166  
this state in all civil actions, matters, or proceedings 167

pertaining to aviation in which this state is a party or has an 168  
interest. 169

(D) (1) The department may investigate, and may cooperate 170  
with any other appropriate government agency in the 171  
investigation of, any accident occurring in this state in 172  
connection with aviation. It may issue an order to preserve, 173  
protect, or prevent the removal of any aircraft or air 174  
navigation facility involved in an accident being so 175  
investigated until the investigation is completed. The chief 176  
executive officer or any law enforcement officer of this state 177  
or any political subdivision in which an accident occurred shall 178  
assist the department in enforcing such an order when called 179  
upon to do so. 180

(2) The department, in connection with any investigation 181  
it is authorized to conduct, or in connection with any matter it 182  
is required to consider and determine, may conduct hearings 183  
thereon. All such hearings shall be open to the public. The 184  
administrator of the office of aviation or those employees of 185  
that office or its agents who are designated to conduct such 186  
hearings may administer oaths and affirmations and issue 187  
subpoenas for and compel the attendance and testimony of 188  
witnesses and the production of papers, books, and documents at 189  
the hearings. In case of failure to comply with such a subpoena 190  
or refusal to testify, the administrator or the employees of the 191  
office of aviation or its agents who are designated to conduct 192  
the hearings may invoke the aid of the court of common pleas of 193  
the county in which the hearing is being conducted, and the 194  
court may order the witness to comply with the requirements of 195  
the subpoena or to give testimony concerning the matter in 196  
question. Failure to obey any order of the court may be punished 197  
as a contempt of the court. 198

(3) Reports of any investigations or hearings, or parts 199  
thereof, conducted by the department shall not be admitted in 200  
evidence or used for any purpose in any action or proceeding 201  
arising out of any matter referred to in the investigation, 202  
hearings, or report thereof, except in actions or proceedings 203  
instituted by the state or by the department on behalf of the 204  
state, nor shall any member of the department or any of its 205  
employees be required to testify to any facts ascertained in, or 206  
information obtained by reason of, the member's or employee's 207  
official capacity, or to testify as an expert witness in any 208  
action or proceeding involving or pertaining to aviation to 209  
which the state is not a party. Subject to this section, the 210  
department may make available to appropriate agencies of 211  
government any information and material developed in the course 212  
of its investigations and hearings. 213

(E) The department shall report to the appropriate agency 214  
of the United States all cases that come to its attention of 215  
persons navigating aircraft without a valid aviator's 216  
certificate, or in which an aircraft is navigated without a 217  
valid air-worthiness certificate in probable violation of the 218  
laws of the United States requiring such certificates, and it 219  
also shall report to the proper governmental agency any probable 220  
infringement or violation of laws, rules, and regulations 221  
pertaining to aviation that come to its attention. 222

(F) The department may prepare, adopt, and subsequently 223  
revise a plan showing the locations and types of airports, 224  
landing fields, and other air navigation facilities within this 225  
state; ~~it also may prepare another plan of a system of airways~~ 226  
~~within this state, the establishment, maintenance, and use of~~ 227  
~~which will, in its judgment, serve the development of~~ 228  
~~transportation by aircraft within this state in the best~~ 229



~~interests of the public.~~ It may publish plans and pertinent 230  
information as the public interest requires. 231

(G) The department periodically may prepare, publish, and 232  
distribute such maps, charts, or other information as the public 233  
interest requires, showing the location of and containing a 234  
description of all airports, landing fields, and other air 235  
navigation facilities then in operation in this state, together 236  
with information concerning the manner in which, and the terms 237  
upon which, those facilities may be used, and showing all 238  
airways then in use, or recommended for use, within this state, 239  
together with information concerning the manner in which the 240  
facilities should be used. 241

**Sec. 4561.08.** (A) As used in this section and section 242  
4561.09 of the Revised Code: 243

(1) "Airport activities" means the acquisition, 244  
establishment, construction, enlargement, improvement, 245  
equipment, protection of navigable airspace, or operation of 246  
airports, heliports, vertiports, spaceports, landing fields, and 247  
other air navigation facilities. 248

(2) "Local authority" means a regional airport authority, 249  
port authority, public university or college airport, county, or 250  
municipal corporation. 251

(B) The department of transportation may cooperate with 252  
any ~~government agency,~~ local authority in the ~~acquisition,~~ 253  
~~establishment, construction, enlargement, improvement,~~ 254  
~~equipment, or operation of airports, landing fields, and other~~ 255  
~~air navigation facilities~~ conducting airport activities in this 256  
state, and may comply with the laws of the United States and any 257  
regulations made thereunder with respect to the expenditure of 258

federal funds for or in connection with such ~~airports, landing-~~ 259  
~~fields, and other air navigation facilities~~activities. 260

The department may accept, receive, and give receipt for 261  
federal funds, upon such terms as are prescribed by the laws of 262  
the United States and any regulations made thereunder, on behalf 263  
of the state, and may treat similarly, for the state or as agent 264  
for any ~~regional airport authority, county, or municipal-~~ 265  
~~corporation~~local authority thereof, other funds, public or 266  
private, for the ~~acquisition, establishment, construction,~~ 267  
~~enlargement, improvement, equipment, or operation of airports,~~ 268  
~~landing fields, and other air navigation facilities~~conducting 269  
airport activities, whether such work is to be done ~~severally by~~ 270  
the state ~~or by,~~ a political subdivision thereof ~~or by a-~~ 271  
~~regional airport authority, or by the state and a regional-~~ 272  
~~airport authority or one or more such political subdivisions-~~ 273  
~~jointly, or by any two or more such political subdivisions-~~ 274  
~~jointly, or by a regional airport authority and any one or more-~~ 275  
~~such political or~~ subdivisions jointly of the state, a local 276  
authority or authorities, or some combination thereof. The 277  
department may also act as agent of any ~~regional airport-~~ 278  
~~authority, county, or municipal corporation~~local authority of 279  
the state in any other matter connected with ~~the acquisition,~~ 280  
~~establishment, construction, enlargement, improvement,~~ 281  
~~equipment, or operation of airports, landing fields, and other-~~ 282  
~~air navigation facilities~~conducting airport activities. In the 283  
discharge of its duties as such agent, the department may use 284  
all its powers in the same manner as when acting for and ~~in on~~ 285  
behalf of the state. 286

(C) The department may approve or disapprove all 287  
contracts, grants, and agreements for ~~the acquisition,~~ 288  
~~establishment, construction, enlargement, improvement,~~ 289

~~equipment, or operation of airports, landing fields, and other~~ 290  
~~air navigation facilities~~ conducting airport activities insofar 291  
as its rules require. 292

(D) The department may advise and cooperate with any 293  
regional airport authority or political subdivision of this 294  
state or of any other state, when it is acting jointly with a 295  
regional airport authority or subdivision of this state, in all 296  
matters pertaining to ~~the location, acquisition, establishment,~~ 297  
~~construction, enlargement, improvement, equipment, or operation~~ 298  
~~of airports, landing fields, and other air navigation~~ 299  
~~facilities~~ airport activities. 300

(E) All federal money accepted by the department pursuant 301  
to ~~sections 4561.01 to 4561.151 of the Revised Code~~ this chapter 302  
shall be deposited in the state treasury to the credit of the 303  
highway operating fund. All such moneys shall be expended in 304  
accordance with the terms imposed by the United States in making 305  
the grants thereof. 306

**Sec. 4561.09.** Each ~~regional airport authority, county,~~ 307  
~~municipal corporation, and agency~~ local authority of this state 308  
may accept, receive, and give receipt for federal funds upon 309  
such terms as are prescribed by the laws of the United States 310  
and any rules and regulations made thereunder, and may treat 311  
similarly other funds, public or private, for ~~the acquisition,~~ 312  
~~establishment, construction, enlargement, improvement,~~ 313  
~~equipment, or operation of airports, landing fields, and other~~ 314  
~~air navigation facilities~~ conducting airport activities. 315

~~The board of trustees of a regional airport authority and~~ 316  
~~the legislative body of each county or municipal corporation~~ A 317  
local authority may designate the department of transportation 318  
as the agent of ~~such regional airport authority, county, or~~ 319

~~municipal corporation~~ the local authority to accept, receive, 320  
and give receipt for federal funds upon such terms as are 321  
prescribed by the laws of the United States and any rules or 322  
regulations made thereunder, and to treat similarly other funds, 323  
public or private, ~~for the acquisition, establishment,~~ 324  
~~construction, enlargement, improvement, equipment, or operation~~ 325  
~~of airports, landing fields, and other air navigation~~ 326  
~~facilities~~ conducting airport activities, whether such work is to 327  
be done by the ~~regional airport authority, county, or municipal~~ 328  
~~corporation~~ local authority alone, or jointly with the state, or 329  
jointly with the state and other counties or municipal 330  
corporations. Such ~~board of trustees or legislative body~~ local 331  
authority may designate the department as its agent in any other 332  
matter connected with ~~the acquisition, establishment,~~ 333  
~~construction, enlargement, improvement, equipment, or operation~~ 334  
~~of airports, landing fields, and other air navigation~~ 335  
~~facilities~~ conducting airport activities, and may enter into, or 336  
authorize the ~~executive department~~ designee of such ~~political~~ 337  
~~subdivision~~ local authority to enter into, an agreement with the 338  
department prescribing the terms of such agency, in accordance 339  
with the laws of the United States and any rules or regulations 340  
made thereunder. 341

All contracts and grants ~~for the acquisition,~~ 342  
~~establishment, construction, enlargement, improvement,~~ 343  
~~equipment, or operation of airports, landing fields, or other~~ 344  
~~air navigation facilities~~ airport activities made by a ~~regional~~ 345  
~~airport authority, county, municipal corporation,~~ local authority 346  
or agency of this state shall be made ~~pursuant to the~~ only for 347  
public-use, publicly owned airports and shall comply with all 348  
applicable state and federal laws ~~of this state, rules, and~~ 349  
regulations governing the making of such contracts and grants, 350

~~provided that when the acquisition, establishment, construction,~~ 351  
~~enlargement, improvement, equipment, or operation of airports,~~ 352  
~~landing fields, or other air navigation facilities is financed~~ 353  
~~wholly or partly with federal funds, the regional airport~~ 354  
~~authority, county, municipal corporation, or agency of this~~ 355  
~~state may let contracts in the manner prescribed by the federal~~ 356  
~~authorities acting under the laws of the United States and any~~ 357  
~~rules or regulations made thereunder.~~ 358

**Sec. 4561.11.** (A) All publicly and privately owned 359  
airports, landing fields, and landing areas, including those 360  
located on public waters, shall be inspected and approved by the 361  
department of transportation before being used for commercial 362  
purposes. The department may issue a certificate of approval in 363  
each case. ~~The~~ In accordance with Chapter 119. of the Revised 364  
Code, the department shall ~~require that a complete plan of such~~ 365  
~~airport, landing field, or landing area~~ establish the documents 366  
and information required to be filed with it ~~the department~~ 367  
before ~~granting or issuing it~~ it will grant or issue such approval; 368  
provided that in no case in which the department licenses or 369  
certifies for commercial operations an airport, landing field, 370  
or landing area constructed, maintained, or supported, in whole 371  
or in part, by public funds, under ~~sections 4561.01 to 4561.151~~ 372  
~~of the Revised Code~~ this chapter, shall the public be deprived of 373  
the use thereof or its facilities for aviation purposes as fully 374  
and equally as all other parties. 375

In any case in which the department rejects or disapproves 376  
an application to commercially operate an airport, landing 377  
field, or landing area, or in any case in which the department 378  
issues an order requiring certain things to be done before 379  
approval, it shall set forth its reasons therefor and shall 380  
state the requirements to be met before such approval will be 381

given or such order modified or changed. In any case in which 382  
the department considers it necessary, it may order the closing 383  
of any airport, landing field, or landing area for commercial 384  
purposes until the requirements of the order made by the 385  
department are complied with. 386

Appeal from any action or decision of the department in 387  
any such matter shall be made in accordance with sections 119.01 388  
to 119.13 of the Revised Code. 389

~~The department shall require that any person engaged 390  
within this state in operating aircraft, in any form of 391  
navigation, shall be the holder of a currently effective 392  
aviator's license issued by the civil aeronautics 393  
administration. 394~~

~~The aviator's license required by this section shall be 395  
kept in the personal possession of the pilot when the pilot is 396  
operating aircraft within this state, and shall be presented for 397  
inspection upon the request of any passenger, any authorized 398  
representative of the department, or any official manager or 399  
person in charge of any airport, landing field, or area in this 400  
state upon which the pilot lands. 401~~

(B) Whoever violates this section shall be fined not more 402  
than five hundred dollars, imprisoned not more than ninety days, 403  
or both. 404

**Sec. 4561.12.** (A) Unless operated by the department of 405  
transportation or its agents, no aircraft shall be operated ~~or~~ 406  
~~maintained~~ on any public land or water owned or controlled by 407  
this state, or by any political subdivision of this state, 408  
except at such places and under such rules and regulations 409  
governing and controlling the operation ~~and maintenance of~~ 410

aircraft as are adopted and ~~promulgated~~ amended by the 411  
department in accordance with sections 119.01 to 119.13 of the 412  
Revised Code. 413

Such action and approval by the department shall not 414  
become effective until it has been approved by the adoption and 415  
~~promulgation~~ amendment of appropriate rules governing, 416  
controlling, and approving said places and the method of 417  
operation ~~and maintenance~~ of aircraft, by the department, 418  
division, political subdivision, agent, or agency of this state 419  
having ownership or control of the places on said public land or 420  
water which are affected by such operation ~~or maintenance~~ of 421  
aircraft thereon. 422

(B) Whoever violates this section shall be fined not more 423  
than five hundred dollars, imprisoned not more than ninety days, 424  
or both. 425

**Sec. 4561.14.** (A) No person shall ~~operate~~ do any of the 426  
following: 427

(1) Operate any civil aircraft in this state unless ~~such~~ 428  
the person is the holder of a valid ~~aviator's license~~ pilot 429  
certification or authorization issued by the United States. 430

~~No person operating an aircraft within this state shall~~ 431  
~~fail~~ or a valid pilot certification or similar document issued 432  
or validated by the country in which the aircraft is registered; 433

(2) Fail to exhibit ~~such license~~ the certification or 434  
document for inspection upon the demand of any passenger on such 435  
aircraft, ~~or fail to exhibit same for inspection upon the demand~~ 436  
of any peace officer, member or employee of the department of 437  
transportation, or manager or person in charge of an airport or 438  
landing field within this state, prior to taking off or upon 439

landing said aircraft. 440

~~No person shall operate;~~ 441

(3) Operate an aircraft within this state unless ~~such the~~ 442  
aircraft is licensed and registered by the United States; ~~this~~ 443  
~~section is inapplicable.~~ This division does not apply to the 444  
operation of military aircraft of the United States, aircraft of 445  
a ~~state, territory,~~ or possession of the United States, or 446  
aircraft licensed by a foreign country with which the United 447  
States has a reciprocal agreement covering the operation of such 448  
aircraft. 449

~~No person shall operate~~ (4) Operate an aircraft within 450  
this state in violation of any air traffic rules in force under 451  
the laws of the United States or under ~~sections 4561.01 to~~ 452  
~~4561.14 of the Revised Code~~ this chapter, and the rules and 453  
regulations of the department adopted pursuant thereto. 454

(B) Whoever violates this section shall be fined not more 455  
than five hundred dollars, imprisoned not more than ninety days, 456  
or both. 457

**Sec. 4561.15.** (A) No person shall commit any of the 458  
following acts: 459

(1) Carry passengers in an aircraft unless the person 460  
piloting the aircraft is a holder of a valid ~~airperson's air~~ 461  
crew certificate of competency issued by the United States that 462  
authorizes the holder to carry passengers and the person is 463  
carrying any passenger in accordance with the applicable 464  
certificate requirements; this division of this section is 465  
inapplicable to the operation of military aircraft of the United 466  
States, aircraft of a state, territory, or possession of the 467  
United States, or aircraft licensed by a foreign country with 468



which the United States has a reciprocal agreement covering the 469  
operation of such aircraft; 470

(2) Operate an aircraft on the land or water or in the ~~air~~ 471  
~~space~~ airspace over this state in a careless or reckless manner 472  
that endangers any person or property, or with willful or wanton 473  
disregard for the rights or safety of others; 474

(3) Operate an aircraft on the land or water or in the ~~air~~ 475  
~~space~~ airspace over this state while under the influence of 476  
intoxicating liquor, controlled substances, or other habit- 477  
forming drugs; 478

(4) Tamper with, alter, destroy, remove, carry away, or 479  
cause to be carried away any object used for the marking of 480  
airports, landing fields, or other aeronautical facilities in 481  
this state, or in any way change the position or location of 482  
such markings, except by the direction of the proper authorities 483  
charged with the maintenance and operation of such facilities, 484  
or illegally possess any object used for such markings; 485

(5) Operate an unmanned aerial vehicle, as defined in 486  
section 4561.50 of the Revised Code, on the land or water or in 487  
the ~~air space~~ airspace over this state in a manner that 488  
knowingly endangers any person or property or purposely 489  
disregards the rights or safety of others. 490

(B) Jurisdiction over any proceedings charging a violation 491  
of this section is limited to courts of record. 492

(C) Whoever violates this section shall be fined not more 493  
than five hundred dollars, imprisoned not more than six months, 494  
or both. 495

**Sec. 4561.31.** ~~(A)(1)~~ (A) Notwithstanding section 4561.01 of 496  
the Revised Code, as used in sections 4561.31 to 4561.40 of the 497

Revised Code, "airport" means any airport issued a commercial 498  
operating certificate and a medical use heliport. 499

(B) Except as provided in divisions ~~(D), (E), and (F)~~ of 500  
this section, ~~no any person shall commence to that is required~~ 501  
~~to file notice with the federal aviation administration under 14~~ 502  
~~C.F.R. part 77 before the person may install, erect, construct,~~ 503  
~~establish, or alter~~ any structure or object of natural growth in 504  
this state, ~~any part of which will penetrate or is reasonably~~ 505  
~~expected to penetrate into or through any airport's clear zone~~ 506  
~~surface, horizontal surface, conical surface, primary surface,~~ 507  
~~approach surface, or transitional surface without first~~ 508  
~~obtaining~~ also shall obtain a permit from the department of 509  
transportation under section 4561.34 of the Revised Code. ~~The~~ 510  
~~replacement of an existing structure or object of natural growth~~ 511  
~~with, respectively, a structure or object that is not more than~~ 512  
~~ten feet or twenty per cent higher than the height of the~~ 513  
~~existing structure or object, whichever is higher, does not~~ 514  
~~constitute commencing to install a structure or object, except~~ 515  
~~when any part of the structure or object will penetrate or is~~ 516  
~~reasonably expected to penetrate into or through any airport's~~ 517  
~~clear zone surface, horizontal surface, conical surface, primary~~ 518  
~~surface, approach surface, or transitional surface. Such~~ 519  
~~replacement of a like structure or object is not exempt from any~~ 520  
~~other requirements of state or local law.~~ 521

~~(2) No person shall substantially change, as determined by~~ 522  
~~the department, the height or location of any structure or~~ 523  
~~object of natural growth in this state, any part of which, as a~~ 524  
~~result of such change, will penetrate or is reasonably expected~~ 525  
~~to penetrate into or through any airport's clear zone surface,~~ 526  
~~horizontal surface, conical surface, primary surface, approach~~ 527  
~~surface, or transitional surface, and for which installation had~~ 528

~~commenced or which was already installed prior to October 15, 1991, without first obtaining a permit from the department under section 4561.34 of the Revised Code. This division does not exempt the structure or object from any other requirements of state or local law.~~

~~(3) No person shall substantially change, as determined by the department, the height or location of any structure or object of natural growth for which a permit was issued pursuant to section 4561.34 of the Revised Code, without first obtaining an amended permit from the department under that section.~~

~~(B)~~ (C) No person shall install, erect, construct, establish, alter, operate, or maintain any structure or object of natural growth for which a permit has been issued under section 4561.34 of the Revised Code, except in compliance with the permit's terms and conditions and with any rules or orders issued under ~~sections 4561.30 to 4561.39 of the Revised Code~~ this chapter.

~~(C)~~ (D) The holder of a permit issued under section 4561.34 of the Revised Code, ~~with the department's approval,~~ may transfer the permit to another person who agrees to comply with its terms and conditions. The transferor shall notify the department of the transfer not later than sixty days after the transfer.

~~(D)~~ Any (E) A person ~~who receives~~ shall apply for a permit to install, erect, construct, establish, substantially change, or substantially alter a structure or object of natural growth from an airport zoning board ~~on or after October 15, 1991,~~ under Chapter 4563. of the Revised Code when both of the following apply:

(1) The airport zoning board exists in the geographical 558  
area of the proposed installation, erection, construction, 559  
establishment, or alteration of the structure or object of 560  
natural growth. 561

(2) The airport zoning board has adopted airport zoning 562  
regulations pursuant to section 4563.032 of the Revised Code. 563

Any person required to apply for a permit from the airport 564  
zoning board under this division is not required to apply for a 565  
permit from the department under ~~sections 4561.30 to 4561.39 of~~ 566  
~~the Revised Code, provided that the airport zoning board has~~ 567  
~~adopted airport zoning regulations pursuant to section 4563.032~~ 568  
~~of the Revised Code~~this chapter. 569

~~(E)~~ (F) Any person who receives required to apply for a 570  
certificate from the power siting board pursuant to section 571  
4906.03 or 4906.10 of the Revised Code ~~on or after October 15,~~ 572  
~~1991,~~ is not required to apply for a permit from the department 573  
under ~~sections 4561.30 to 4561.39 of the Revised Code~~this 574  
chapter. 575

~~(F) Any person who, in accordance with 14 C.F.R. 77.11 to~~ 576  
~~77.19, notified the federal aviation administration prior to~~ 577  
~~June 1, 1991, that the person proposes to construct, establish,~~ 578  
~~substantially change, or substantially alter a structure or~~ 579  
~~object of natural growth is not required to apply for a permit~~ 580  
~~from the department under sections 4561.30 to 4561.39 of the~~ 581  
~~Revised Code in connection with the construction, establishment,~~ 582  
~~substantial change, or substantial alteration of the structure~~ 583  
~~or object of natural growth either as originally proposed to the~~ 584  
~~federal aviation administration or as altered as the person or~~ 585  
~~the federal aviation administration considers necessary,~~ 586  
~~provided that the federal aviation administration, pursuant to~~ 587

~~14 C.F.R. Part 77, does not determine that the proposed~~ 588  
~~construction, establishment, substantial change, or substantial~~ 589  
~~alteration of the structure or object of natural growth would be~~ 590  
~~a hazard to air navigation.~~ 591

(G) (1) Whoever violates division ~~(A) (1) or (2)~~ (B) of this 592  
section is guilty of a misdemeanor of the third degree. Each day 593  
of violation constitutes a separate offense. 594

(2) Whoever violates division ~~(A) (3) or (B)~~ (C) of this 595  
section is guilty of a misdemeanor of the first degree. Each day 596  
of violation constitutes a separate offense. 597

**Sec. 4561.32.** (A) In accordance with Chapter 119. of the 598  
Revised Code, the department of transportation shall adopt, and 599  
may amend and rescind, any rules necessary to administer 600  
sections ~~4561.30~~4561.31 to ~~4561.39~~4561.40 of the Revised Code 601  
~~and shall adopt rules based in whole upon the obstruction~~ 602  
~~standards set forth in 14 C.F.R. 77.21 to 77.29, as amended~~part 603  
77, to uniformly regulate the height and location of structures 604  
and objects of natural growth ~~in any airport's clear zone~~ 605  
~~surface, horizontal surface, conical surface, primary surface,~~ 606  
~~approach surface, or transitional surface~~that are considered an 607  
obstruction to air navigation in accordance with those federal 608  
standards. The rules shall provide that the department, upon a 609  
determination that the height and location of a structure or 610  
object of natural growth, as set forth in the permit 611  
application, will be an obstruction, may grant a permit under 612  
section 4561.34 of the Revised Code that includes a waiver from 613  
full compliance with the obstruction standards found in 14 614  
C.F.R. part 77. The rules shall ~~also provide that the department~~ 615  
~~shall base its~~ what information shall be included in the 616  
department's decision on whether to grant such a waiver on sound 617

aeronautic principles, ~~as set out in F.A.A. technical manuals,~~ 618  
~~as amended, including advisory circular 150/5300-13, "airport~~ 619  
~~design standards"; 7400.2e, "airspace procedures handbook,"; and~~ 620  
~~the U.S. terminal procedures handbook~~ including the results of 621  
any studies or investigations conducted and any federal aviation 622  
administration technical manuals, advisory circulars, airport 623  
design standards, airspace procedures, and the U.S. terminal 624  
procedures that were consulted. 625

The consideration of safety shall be paramount to 626  
considerations of economic or technical factors. In making a 627  
determination under this division, the department may consider 628  
findings and recommendations of other government entities and 629  
interested persons concerning the proposed structure or object 630  
of natural growth. However, those findings and recommendations 631  
are not binding on the department. 632

(B) The department may conduct any studies or 633  
investigations it considers necessary to carry out sections 634  
~~4561.30~~4561.31 to ~~4561.39~~4561.40 of the Revised Code or may 635  
enter into any contract for those services. 636

**Sec. 4561.33.** (A) An applicant for a permit required by 637  
section 4561.31 of the Revised Code shall ~~file with the~~ 638  
~~department of transportation an application made on forms the~~ 639  
~~department prescribes, which shall contain the following~~ 640  
~~information:~~ 641

~~(1) A description of the structure or object of natural~~ 642  
~~growth for which the permit is sought, its location, and the~~ 643  
~~planned date of commencement of installation;~~ 644

~~(2) A statement explaining the need for the structure or~~ 645  
~~object;~~ 646

~~(3) A statement of the reasons why the proposed location~~ 647  
~~is best suited for the structure or object;~~ 648

~~(4) Any additional information the applicant considers~~ 649  
~~relevant or the department requires.~~ 650

~~An application for an amended permit shall be in the form~~ 651  
~~and contain the information the department prescribes.~~ 652

~~In lieu of an application prescribed by the department, an~~ 653  
~~applicant may file a copy of the~~ submit a completed federal 654  
aviation administration's administration form 7460-1, "notice of 655  
proposed construction or alteration" to the federal aviation 656  
administration. Such submission shall serve as the application 657  
for the permit required from the department of transportation. 658

~~(B) An applicant shall file an application not less than~~ 659  
~~thirty days nor more than two years prior to the planned date of~~ 660  
~~commencement of installation or substantial change. This period~~ 661  
~~may be waived by the department for unforeseen emergencies.~~ 662

~~(C) If the structure or object in the application could~~ 663  
~~have a potential impact on a military installation, as such an~~ 664  
~~impact is described in the airfield land use compatibility study~~ 665  
~~of that military installation, the applicant shall send, within~~ 666  
~~seven days after the filing of his application, a copy of the~~ 667  
~~application to the commander of the installation and the~~ 668  
~~appropriate branch of the United States department of defense.~~ 669

~~(D)~~ It is not necessary that ownership of, option for, or 670  
other possessory right to a specific site be held by the 671  
applicant before an application may be filed under this section. 672

~~(E)~~ (C) If the department has reason to believe that any 673  
person has or is commencing to install, erect, construct, 674  
establish, or alter a structure or object of natural growth for 675

which a permit appears to be required under section 4561.31 of 676  
the Revised Code, but concerning which no application for a 677  
permit under section 4561.34 of the Revised Code has been filed\_ 678  
or no permit issued, the department shall issue an order to such 679  
person to appear before the department and show cause why a 680  
permit need not be obtained. 681

**Sec. 4561.34.** (A) The department of transportation, 682  
subject to Chapter 119. of the Revised Code, shall grant or deny 683  
a permit or grant a permit with waiver from obstruction 684  
standards for which an application has been filed under section 685  
4561.33 of the Revised Code. In determining whether to grant or 686  
deny a permit, the department shall ~~determine whether the height~~ 687  
~~and location of a structure or object of natural growth, as set~~ 688  
~~forth in the permit application, will be an obstruction to air~~ 689  
~~navigation based upon the rules adopted under section 4561.32 of~~ 690  
~~the Revised Code if installed as proposed. In the case of an~~ 691  
~~application to substantially change an existing structure or~~ 692  
~~object, the department shall determine whether the change in the~~ 693  
~~height or location of the structure or object, as set forth in~~ 694  
~~the application, will create such an obstruction. The~~ 695  
~~consideration of safety shall be paramount to considerations of~~ 696  
~~economic or technical factors. In making a determination under~~ 697  
~~this division the department shall render its decision upon the~~ 698  
~~record, but may consider findings and recommendations of other~~ 699  
~~governmental entities and interested persons concerning the~~ 700  
~~proposed structure or object; however, those findings and~~ 701  
~~recommendations are not binding on the department~~ conduct its own 702  
study and review of the permit application concurrent with the 703  
federal aviation administration's review. Not later than 704  
seventy-five days after the federal aviation administration 705  
issues its final determination, the department shall grant the 706



permit, deny the permit, or grant a permit with waiver from 707  
obstruction standards. In making the department's decision, the 708  
department shall do one of the following: 709

(1) If a federal aviation administration form 7460-1 was 710  
filed, but the proposed installation, erection, construction, 711  
establishment, or alteration does not meet the notification 712  
standards under 14 C.F.R. part 77, the department shall issue a 713  
written statement to the applicant that no permit is required. 714

(2) If the federal aviation administration issues a 715  
determination of hazard, the department shall deny the permit. 716

(3) If the federal aviation administration issues a 717  
determination of no hazard and the proposed installation, 718  
erection, construction, establishment, or alteration will not be 719  
an obstruction to the navigable airspace of an airport, the 720  
department shall issue a permit. 721

(4) If the federal aviation administration issues a 722  
determination of no hazard, but the proposed installation, 723  
erection, construction, establishment, or alteration will be an 724  
obstruction to the navigable airspace of an airport, the 725  
department shall make a determination of whether to grant a 726  
permit with waiver from obstruction standards pursuant to 727  
section 4561.32 of the Revised Code or to deny the permit. Prior 728  
to the department's determination, all of the following shall 729  
occur: 730

(a) Not later than five business days after the receipt of 731  
the federal aviation administration's final determination, the 732  
department shall contact the airport sponsor and request a 733  
written decision, on official letterhead, as to the federal 734  
aviation administration's determination of no hazard. If the 735

airport sponsor objects to the determination of no hazard, the 736  
airport sponsor within its written decision shall list the 737  
specific aeronautical impacts the obstruction would have to its 738  
facility or to the navigable airspace of the airport. The 739  
decision also shall include any proposed conditions or 740  
modifications that would allow the obstruction to exist in the 741  
navigable airspace of the airport. 742

(b) The airport sponsor shall submit the written decision 743  
to the department not later than sixty days after the federal 744  
aviation administration's determination is final. 745

(c) Not later than five days after receipt of the airport 746  
sponsor's written decision, the department shall forward that 747  
written decision to the permit applicant. The permit applicant 748  
may submit additional information to the department in response 749  
to the airport sponsor's written decision not later than seven 750  
days after receipt of the written decision. If submitted, the 751  
department shall consider any additional information in making 752  
its decision regarding the permit. 753

(B) ~~The~~ If a permit is denied, the department ~~may grant a~~ 754  
~~permit under this section subject to~~ shall indicate any 755  
~~modification of~~ to the height or location of a ~~structure or~~ 756  
~~object the department considers necessary. In the absence of~~ 757  
~~such modification or unless it grants a waiver from compliance~~ 758  
~~with the obstruction standards, the department shall deny a~~ 759  
~~permit if it determines, in accordance with division (A) of this~~ 760  
~~section, that a proposed structure or object or a change to an~~ 761  
~~existing structure or object, as set forth in the application,~~ 762  
~~would be an obstruction to air navigation based upon the rules~~ 763  
~~adopted under section 4561.32 of the Revised Code~~ the proposed 764  
installation, erection, construction, establishment, or 765

alteration that would allow the department to issue the permit.

(C) In rendering a decision on an application for a permit, the department shall issue an opinion stating ~~its~~ reasons for the action taken. ~~The department all factors it~~ considered in making its decision, and shall serve upon the applicant and each party, ~~as provided in division (C) of section 4561.33 of the Revised Code,~~ the applicable airport sponsor a copy of its decision regarding a permit and the opinion. The department shall include with the copy of its decision a notice that an appeal of the decision may be made in accordance with Chapter 119. of the Revised Code.

(D) Any written decisions issued in accordance with this section may be sent to the recipient through electronic means, in addition to regular mail, in order to expedite sharing the content of the decision.

**Sec. 4561.341.** Pursuant to any consultation with the power siting board regarding an application for certification under section 4906.03 or 4906.10 of the Revised Code, the office of aviation ~~of the division of multi-modal planning and programs of~~ the department of transportation shall review the application to determine whether the facility constitutes or will constitute an obstruction to air navigation based upon the rules adopted under section 4561.32 of the Revised Code. Upon review of the application, if the office determines that the facility constitutes or will constitute an obstruction to air navigation, it shall provide, in writing, this determination and either the terms, conditions, and modifications that are necessary for the applicant to eliminate the obstruction or a statement that compliance with the obstruction standards may be waived, to the power siting board under section 4906.03 or 4906.10 of the

Revised Code, as appropriate. 796

**Sec. 4561.35.** The department of transportation shall 797  
specify all of the following in each permit and each permit with 798  
a waiver granted under section 4561.34 of the Revised Code: 799

(A) The terms and conditions regarding the height and 800  
location of the structure or object of natural growth that the 801  
department considers necessary to ensure the safety of aircraft 802  
in landing or taking off at any airport, the safety of persons 803  
occupying or using such area, and the security of property, 804  
including any modifications to the height or location of the 805  
structure or object of natural growth set forth in the permit 806  
application. If the department modifies the location of all or 807  
part of a proposed structure or object, it shall provide notice 808  
of the relocation to the municipal corporation or township and 809  
the county to which the structure or object is being relocated, 810  
and the persons residing in the area of the relocation, by 811  
whatever means the department considers appropriate. 812

(B) The obstruction markers, markings, lighting, or other 813  
visual or aural identification, if any, that must be installed 814  
on or in the vicinity of the structure or object of natural 815  
growth as a condition of the permit. Any such identification 816  
shall conform as much as practicable to federal guidelines and 817  
standards. As a condition of the permit, the department ~~shall~~ 818  
may require that any required lighting be maintained in operable 819  
condition. 820

**Sec. 4561.36.** (A) The department of transportation shall 821  
not issue any permit under ~~sections 4561.30 to 4561.39 of the~~ 822  
~~Revised Code~~ this chapter that will result in the creation of an 823  
obstruction ~~to air navigation~~ based upon the rules adopted under 824  
section 4561.32 of the Revised Code, unless the department 825

waives compliance with the obstruction standards included in 826  
those rules. 827

(B) ~~Sections 4561.30 to 4561.39 of the Revised Code do~~ 828  
This chapter does not authorize the department to restrict the 829  
height or location of structures or objects of natural growth 830  
under ~~those sections~~ the chapter for any reason other than to 831  
ensure the safety of aircraft in landing and taking off at an 832  
airport, the safety of persons occupying or using the area, and 833  
the security of property. 834

**Sec. 4561.37.** ~~Sections 4561.30 to 4561.39 of the Revised~~ 835  
~~Code~~ (A) (1) This chapter and the rules adopted under it shall 836  
not be construed to require the removal or lowering of, or the 837  
making of any other change in to, any structure or object of 838  
natural growth ~~not conforming to rules or orders of the~~ 839  
~~department of transportation under those sections when adopted~~ 840  
~~or amended, or otherwise interfere with the continuance of any~~ 841  
~~nonconforming use; except that, if ordered by the department,~~ 842  
~~the~~ that was in existence prior to the original enactment of 843  
this section on October 15, 1991, or for which a permit, a 844  
written statement of no permit required, or a permit with waiver 845  
from obstruction standards was issued by the department of 846  
transportation. 847

(2) Division (A)(1) of this section does not apply if the 848  
structure or object of natural growth was altered in a way that 849  
is contrary to the terms and conditions of the issued permit. 850

(B) A structure or object of natural growth is subject to 851  
the laws and rules that are effective as of the issue date of 852  
the permit for the structure's or object of natural growth's 853  
installation, erection, construction, establishment, or 854  
alteration. However, any substantial change to the structure or 855

substantial growth to the object of natural growth is subject to 856  
the laws and rules that are effective as of the date the 857  
substantial change or growth occurs. 858

(C) The owner of a nonconforming structure or object that 859  
is permanently out of service, or is partially dismantled, 860  
destroyed, deteriorated, or decayed shall demolish or remove 861  
that structure or object; and, if. If any nonconforming use is 862  
voluntarily discontinued for two years or more, any future use 863  
of the premises shall be in conformity with sections 4561.30 to 864  
4561.39 of the Revised Code this chapter. 865

**Sec. 4561.38.** With respect to any structure or object of 866  
natural growth for which a permit is required under section 867  
~~4561.34~~ 4561.31 of the Revised Code, rules adopted or orders 868  
~~issued under sections 4561.30 to 4561.39 of the Revised Code~~ 869  
this chapter and the terms and conditions of any permit issued 870  
~~under those sections~~ it prevail in the event of a conflict with 871  
any airport zoning regulation adopted under sections 4563.01 to 872  
4563.21 of the Revised Code, any local regulation under section 873  
4905.65 of the Revised Code, any zoning regulation otherwise 874  
applicable to the structure or object, or the terms or 875  
conditions of any permit issued under sections 4563.01 to 876  
4563.21 of the Revised Code after ~~the effective date of this~~ 877  
~~section~~ the effective date of this amendment. 878

**Sec. 4561.39.** In addition to any other remedy provided by 879  
law, the department of transportation or an airport sponsor may 880  
institute in any court of competent jurisdiction an action to 881  
prevent, restrain, correct, or abate any alleged violation or 882  
threatened violation of ~~sections 4561.30 to 4561.39 of the~~ 883  
~~Revised Code~~ this chapter or any rule adopted or order issued 884  
~~under them~~ it. The court may grant such relief as may be 885

necessary.

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Sec. 4561.40. The department of transportation and the  
office of aviation are not liable for any damages caused by a  
structure or object of natural growth that is an obstruction if  
any of the following apply:

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(A) The structure or object of natural growth was  
installed, erected, constructed, established, or altered without  
a permit issued under this chapter.

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(B) A permit was issued under this chapter for the  
structure or object of natural growth, but the structure or  
object of natural growth was installed, erected, constructed,  
established, altered, or allowed to grow in a manner that is not  
in compliance with the terms and conditions of the permit.

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(C) The structure or object of natural growth was  
installed, erected, constructed, established, or altered  
pursuant to a certificate issued by the power siting board  
pursuant to section 4906.03 or 4906.10 of the Revised Code.

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(D) The structure or object of natural growth was  
installed, erected, constructed, established, or altered  
pursuant to a permit issued by an airport zoning board pursuant  
to Chapter 4563. of the Revised Code.

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Sec. 4561.99. Whoever violates any provision of ~~sections~~  
~~4561.021 to 4561.13 of the Revised Code~~ this chapter for which  
no penalty otherwise is provided in the section that contains  
the provision violated shall be fined not more than five hundred  
dollars, imprisoned not more than ninety days, or both.

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Sec. 4563.01. As used in ~~sections 4563.01 to 4563.21 of~~  
~~the Revised Code~~ this chapter:

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(A) "Airport" means any area of land or water designed and 914  
set aside for the landing and taking off of aircraft, and for 915  
that purpose possessing one or more hard surfaced runways of a 916  
length of not less than ~~three~~ one thousand ~~five~~ eight hundred 917  
feet, and designed for the storing, repair, and operation of 918  
aircraft, and utilized or to be utilized in the interest of the 919  
public for such purposes, and any area of land designed for such 920  
purposes for which designs, plans, and specifications conforming 921  
to the above requirements have been approved by the office of 922  
aviation ~~of the division of multi-modal planning and programs of~~ 923  
the department of transportation and for which not less than 924  
seventy per cent of the area shown by such designs and plans to 925  
constitute the total area has been acquired. An airport is 926  
"publicly owned" if the portion thereof used for the landing and 927  
taking off of aircraft is owned, operated, leased to, or leased 928  
by the United States, any agency or department thereof, this 929  
state or any other state, or any political subdivision of this 930  
state or any other state, or any other governmental body, public 931  
agency, or public corporation, or any combination thereof. 932

(B) "Airport hazard" means any structure or object of 933  
natural growth or use of land within an airport hazard area that 934  
obstructs the ~~air space~~ airspace required for the flight of 935  
aircraft in landing or taking off at any airport or is otherwise 936  
hazardous to ~~such landing or taking off of aircraft~~ air 937  
navigation. 938

(C) "Airport hazard area" means any area of land adjacent 939  
to an airport that has been declared to be an "airport hazard 940  
area" ~~by the office of aviation in connection with any airport~~ 941  
~~approach plan recommended by the office~~ as depicted on an 942  
approved airport approach plan. 943



(D) "Political subdivision" means any municipal 944  
corporation, township, or county. 945

(E) "Person" means any individual, firm, 946  
~~co~~partnershippartnership, corporation, company, association, 947  
joint stock association, or body politic and includes any 948  
trustee, receiver, assignee, or other similar representative 949  
thereof. 950

(F) "Structure" ~~means any erected object, including,~~ 951  
~~without limitation, buildings, towers, smokestacks, and overhead~~ 952  
~~transmission lines~~has the same meaning as in section 4561.01 of 953  
the Revised Code. 954

(G) "Navigable airspace" has the same meaning as in 955  
section 4561.01 of the Revised Code. 956

**Sec. 4563.03.** (A) When an airport is publicly owned and 957  
all airport hazard areas appertaining to such airport are 958  
located inside the territorial limits of one political 959  
subdivision, the legislative authority of the political 960  
subdivision shall constitute the airport zoning board. Such 961  
legislative authority, acting as the airport zoning board, may 962  
adopt, administer, and enforce airport zoning regulations for 963  
such airport hazard area. Airport zoning regulations may divide 964  
an airport hazard area into zones, and, within such zones, 965  
regulate and restrict land uses which by their nature constitute 966  
airport hazards, and regulate and restrict the height to which 967  
structures may be erected or objects of natural growth may be 968  
allowed to grow. ~~An obstruction of air space in an airport~~ 969  
~~hazard area rising to a height not in excess of forty feet above~~ 970  
~~the established elevation of the airport, or three feet for each~~ 971  
~~one hundred feet or fraction thereof its location is distant~~ 972  
~~from the nearest point in the perimeter of the airport,~~ 973

~~whichever is greater, shall be prima facie reasonable.~~

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(B) When an airport is publicly owned and any airport  
hazard area appertaining to such airport is located in more than  
one political subdivision, the board of county commissioners of  
each county in which such airport or such airport hazard area  
may exist, shall constitute the airport zoning board, which  
shall have the same power to adopt, administer, and enforce  
airport zoning regulations as provided in division (A) of this  
section. The board shall elect its own ~~chairman~~ chairperson.

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**Sec. 4563.031.** Within the approach, transitional, ~~inner~~  
horizontal, and conical areas at a publicly owned airport, an  
airport zoning board constituted under section 4563.03 of the  
Revised Code may adopt, administer, and enforce zoning  
regulations, in addition to its regulations adopted under  
section 4563.03 of the Revised Code, in order to ensure the  
safety of the navigable airspace, persons occupying or using  
such areas, and the security of property located within such  
areas. Airport zoning regulations may divide such approach,  
transitional, ~~inner~~-horizontal, and conical areas into zones,  
and within such zones, regulate and restrict land use in order  
to minimize injury, loss of life, and hazards to the safety of  
persons or to the security of property within such zones, and  
may include regulations governing population density and  
concentration of persons within such zones.

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Prior to initial zoning under this section, the procedures  
set forth in sections 4563.05, 4563.06, and 4563.08 of the  
Revised Code for establishing the boundaries of the various  
zones and adopting the regulations therefor, shall be followed.  
"Approach area," "transitional area," "~~inner~~-horizontal area,"  
or "conical area," respectively, means any area of land adjacent

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to an airport and within an airport hazard area, which has been 1004  
declared to be an "approach area," "transitional area," "~~inner-~~ 1005  
horizontal area," or "conical area" by the office of aviation, 1006  
based upon the approach plan for the airport. No zone 1007  
established under this section may include any area outside such 1008  
approach, transitional, ~~inner-~~horizontal, and conical areas. 1009

**Sec. 4563.032.** Any airport zoning board that adopts, 1010  
administers, and enforces airport zoning regulations for an 1011  
airport hazard area under section 4563.03 of the Revised Code 1012  
shall adopt, as minimum regulations, the rules adopted by the 1013  
department of transportation under section 4561.32 of the 1014  
Revised Code that are based ~~in whole~~ upon the obstruction 1015  
standards set forth in 14 C.F.R. ~~77.21 to 77.29, as amended,~~ 1016  
part 77, in order to uniformly regulate the height and location 1017  
of structures and objects of natural growth ~~in any airport's~~ 1018  
~~clear zone surface, horizontal surface, conical surface, primary~~ 1019  
~~surface, approach surface, or transitional surface~~pursuant to 1020  
section 4563.031 of the Revised Code. 1021

**Sec. 4563.04.** In the event of conflict between any airport 1022  
zoning regulations adopted under ~~sections 4563.01 to 4563.21,~~ 1023  
~~inclusive, of the Revised Code~~this chapter, and any other zoning 1024  
regulations applicable to the same area, whether the conflict be 1025  
with respect to the height of structures or objects of natural 1026  
growth, the use of land, or any other matter, and whether such 1027  
other regulations were adopted by the political subdivision 1028  
which adopted the airport zoning regulations or by some other 1029  
political subdivision, the limitation or requirement best 1030  
calculated to ~~insure~~ensure safety shall govern. 1031

**Sec. 4563.05.** Prior to initial zoning of any airport 1032  
hazard area under ~~sections 4563.01 to 4563.21, inclusive, of the~~ 1033

~~Revised Code~~this chapter, the airport zoning board which is to 1034  
adopt the regulations shall appoint a commission, to be known as 1035  
the airport zoning commission, to recommend the boundaries of 1036  
the various zones to be established and the regulations to be 1037  
adopted therefor. Such commission shall make a preliminary 1038  
report and hold public hearings thereon before submitting its 1039  
final report, and the airport zoning board shall not hold its 1040  
public hearings or take other action until it has received the 1041  
final report of such commission. Where a city planning 1042  
commission, township zoning commission, or county rural zoning 1043  
commission already exists, it may be appointed as the airport 1044  
zoning commission. 1045

**Sec. 4563.06.** No airport zoning regulations shall be 1046  
adopted, amended, or changed under ~~sections 4563.01 to 4563.21,~~ 1047  
~~inclusive, of the Revised Code~~this chapter, except by action of 1048  
the legislative body of the political subdivision, after a 1049  
public hearing in relation thereto, at which parties in interest 1050  
and citizens shall have an opportunity to be heard. At least 1051  
thirty days notice of the hearing shall be published in a 1052  
newspaper of general circulation in the political subdivision in 1053  
which the airport hazard area to be zoned is located and on the 1054  
political subdivision's internet web site. 1055

**Sec. 4563.07.** All airport zoning regulations adopted under 1056  
~~sections 4563.01 to 4563.21, inclusive, of the Revised Code~~this 1057  
chapter shall be reasonable, and none shall impose any 1058  
requirement or restriction which is not reasonably necessary to 1059  
~~insure ensure~~ the safety of ~~aircraft in landing and taking off~~ 1060  
~~and air navigation,~~ the safety of persons occupying or using the 1061  
area, and the security of property thereon. In determining what 1062  
regulations are necessary, each political subdivision or airport 1063  
zoning board shall consider, among other things, the character 1064

of the flying operations expected to be conducted at the 1065  
airport, the per cent of slope or grade customarily used in 1066  
descent or ascent of the aircraft expected to use the airport 1067  
with reference to their size, speed, and type, the nature of the 1068  
terrain within the airport hazard area, the character of the 1069  
neighborhood, and the uses to which the property to be zoned is 1070  
put or is adaptable. 1071

**Sec. 4563.08.** In order to define and determine the airport 1072  
hazard area in which airport zoning shall be applicable, the 1073  
office of aviation, upon request of any airport zoning 1074  
commission appointed pursuant to section 4563.05 of the Revised 1075  
Code, shall ~~formulate and adopt, and may revise when~~ 1076  
~~necessary,~~ review and approve an airport approach plan for any 1077  
airport within its jurisdiction. ~~Each~~ The airport zoning 1078  
commission shall develop the plan. The plan shall indicate the 1079  
airport hazard area, the circumstances under which structures, 1080  
objects of natural growth, public highways, and certain uses of 1081  
land would be airport hazards, and the height limits of 1082  
structures and objects of natural growth, and what other 1083  
restrictions should be contained in the airport zoning 1084  
regulations. In ~~adopting or revising~~ developing the plan, the 1085  
~~office~~ airport zoning commission shall consider, among other 1086  
things, the size, type, and speed of aircraft expected to use 1087  
the airport, the character of the flying operations expected to 1088  
be conducted at the airport, the traffic pattern and regulations 1089  
affecting flying operations at the airport, the location of 1090  
public highways, the nature of the terrain, the height of 1091  
existing structures and objects of natural growth above the 1092  
level of the airport, and the possibility of lowering or 1093  
removing existing obstructions. ~~The office~~ airport zoning 1094  
commission may obtain and consider information from and the 1095

opinion of any agency of the federal government charged with the 1096  
promotion, regulation, or control of civil aeronautics as to the 1097  
approaches necessary to safe flying operations at the airport. 1098

**Sec. 4563.09.** No airport zoning regulations adopted under 1099  
~~sections 4563.01 to 4563.21 of the Revised Code~~ this chapter 1100  
shall require the removal, lowering, or other change or 1101  
alteration of any structure or object of natural growth not 1102  
conforming to the regulations ~~when adopted or amended on or~~ 1103  
before January 1, 2004, or otherwise interfere with the 1104  
continuance of any nonconforming use, except as provided in 1105  
section 4563.14 of the Revised Code. 1106

**Sec. 4563.10.** Nothing in ~~sections 4563.01 to 4563.21 of~~ 1107  
~~the Revised Code~~, this chapter shall confer any power on any 1108  
political subdivision or airport zoning board to prohibit the 1109  
use of any land for farming, dairying, pasturage, apiculture, 1110  
horticulture, floriculture, viticulture, or animal and poultry 1111  
husbandry, except where such use shall create an airport hazard. 1112  
The provisions of ~~sections 4563.01 to 4563.21 of the Revised~~ 1113  
~~Code~~ this chapter shall not apply in respect to the location, 1114  
relocation, erection, construction, reconstruction, change, 1115  
alteration, maintenance, removal, use, or enlargement of any 1116  
buildings or structures, now existing or constructed in the 1117  
future, of any public utility or railroad. 1118

**Sec. 4563.11.** All airport zoning regulations adopted under 1119  
~~sections 4563.01 to 4563.21, inclusive, of the Revised Code~~, this 1120  
chapter shall provide for the administration and enforcement of 1121  
such regulations. The duties of any administrative agency 1122  
designated pursuant to ~~sections 4563.01 to 4563.21, inclusive,~~ 1123  
~~of the Revised Code~~, this chapter shall include that of issuing 1124  
all permits under section 4563.12 of the Revised Code. 1125

**Sec. 4563.12.** Airport zoning regulations adopted under 1126  
~~sections 4563.01 to 4563.21, inclusive, of the Revised Code,~~this 1127  
chapter may require that a permit be obtained before any new 1128  
structure or use may be constructed or established and before 1129  
any existing structure or use may be substantially changed or 1130  
substantially altered in an airport hazard area. No permit shall 1131  
be granted that would allow the establishment or creation of an 1132  
airport hazard, or permit a nonconforming structure to be made 1133  
higher or a nonconforming object of natural growth to become 1134  
higher or become a greater hazard to air navigation than it was 1135  
when the applicable regulations were adopted or than it is when 1136  
the application for a permit is made. If any nonconforming use 1137  
is voluntarily discontinued for two years or more, any future 1138  
use of the premises shall be in conformity with ~~sections 4563.01~~ 1139  
~~to 4563.21, inclusive, of the Revised Code~~this chapter. 1140

**Sec. 4563.13.** All airport zoning regulations adopted under 1141  
~~sections 4563.01 to 4563.21, inclusive, of the Revised Code,~~this 1142  
chapter shall provide for an airport zoning board of appeals. 1143  
Where a zoning board of appeals already exists, it may be 1144  
designated as the airport zoning board of appeals. The airport 1145  
zoning board of appeals, except in those instances in which an 1146  
existing zoning board of appeals is designated as the airport 1147  
zoning board of appeals, shall consist of five members, each to 1148  
be appointed for a term of three years by the authority adopting 1149  
the regulations and subject to removal by the appointing 1150  
authority for cause upon written charges and after public 1151  
hearing. The first members of such board of appeals shall be so 1152  
designated that two shall serve for one year, two shall serve 1153  
for two years, and one shall serve for three years. 1154

**Sec. 4563.16.** Any person desiring to erect any structure, 1155  
or increase the height of any structure, or permit the increases 1156

in height of any object of natural growth, or otherwise use ~~his~~ 1157  
the person's property in any manner in conflict with airport 1158  
zoning regulations adopted under ~~sections 4563.01 to 4563.21,~~ 1159  
~~inclusive, of the Revised Code~~ this chapter, may apply to the 1160  
airport zoning board of appeals for a variance from the zoning 1161  
regulations in question. Such variance shall be allowed where a 1162  
literal application or enforcement of the regulations would 1163  
result in unnecessary hardship and the relief granted would not 1164  
be contrary to the public interest or create conditions 1165  
dangerous to the safety of aircraft using the airport or the 1166  
navigable airspace of an airport, but would do substantial 1167  
justice and would not be in conflict with factors set down for 1168  
consideration in ~~sections 4563.07 and 4563.08 of the Revised~~ 1169  
~~Code~~ this chapter. The board of appeals may subject any variance 1170  
to any reasonable conditions that ~~they deem~~ it considers 1171  
necessary. 1172

**Sec. 4563.18.** (A) ~~Any person aggrieved by any~~ Either of 1173  
the following may appeal a decision of ~~an administrative agency~~ 1174  
made in its administration of airport zoning regulations adopted 1175  
under ~~sections 4563.01 to 4563.21, inclusive, of the Revised~~ 1176  
~~Code, or any~~ this chapter: 1177

(1) Any person aggrieved by the decision; 1178

(2) Any governing body of a political subdivision or any 1179  
airport zoning board ~~which is of the opinion that a~~ that 1180  
considers the administrative agency's decision of such an 1181  
~~administrative agency is an improper application of airport~~ 1182  
~~zoning regulations of concern to such governing body or board,~~ 1183  
~~may.~~ 1184

The appeal shall be made to the airport zoning board of 1185  
appeals authorized to hear and decide appeals from the decisions 1186



of ~~such the~~ administrative agency.

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(B) All appeals taken under this section shall be taken  
within twenty days after an order is filed in the office of the  
administrative agency, as provided by the rules of the airport  
zoning board of appeals, by filing ~~with the administrative~~  
~~agency from which the appeal is taken and with the airport~~  
~~zoning board of appeals~~ a notice of appeal specifying the  
grounds of such appeal. The notice of appeal shall be filed with  
the administrative agency from which the appeal is taken and  
with the airport zoning board of appeals. The administrative  
agency from which the appeal is taken shall transmit to the  
airport zoning board of appeals all the papers constituting the  
record upon which the action appealed from was taken.

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(C) An appeal shall stay all proceedings in furtherance of  
the action appealed from unless the administrative agency from  
which the appeal is taken certifies to the airport zoning board  
of appeals, after the notice of appeal has been filed with it,  
that by reason of the facts stated in the certificate a stay  
would, in its opinion, cause imminent peril to life or property.  
In such cases proceedings shall not be stayed other than by  
order of the airport zoning board of appeals on notice of the  
agency from which the appeal is taken and on due notice to the  
parties in interest.

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(D) The airport zoning board of appeals shall fix a  
reasonable time for the hearing of appeals that is not more than  
thirty days after the filing of the notice of appeal, give  
public notice and due notice to the parties in interest, and  
decide the same within a reasonable time. Upon the hearing any  
party may appear in person, by agent, or by attorney.

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(E) The airport zoning board of appeals, in conformity

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with ~~sections 4563.01 to 4563.21, inclusive, of the Revised~~ 1217  
~~Code~~ this chapter, may reverse, affirm wholly or partly, or 1218  
modify, the order, requirement, decision, or determination 1219  
appealed from. 1220

**Sec. 4563.20.** (A) No person shall violate any regulation, 1221  
order, or ruling promulgated or made pursuant to ~~sections~~ 1222  
~~4563.01 to 4563.21 of the Revised Code~~ this chapter. 1223

(B) Whoever violates this section shall be fined not more 1224  
than one hundred dollars. Each day's willful continuation of the 1225  
violation is a separate offense. 1226

**Sec. 4563.21.** The political subdivision or airport zoning 1227  
board adopting zoning regulations under ~~sections 4563.01 to~~ 1228  
~~4563.21, inclusive, of the Revised Code~~, this chapter may 1229  
institute in any court of competent jurisdiction an action to 1230  
prevent, restrain, correct, or abate any violation of ~~sections~~ 1231  
~~4563.01 to 4563.21, inclusive, of the Revised Code~~ this chapter, 1232  
or of airport zoning regulations adopted under ~~such sections~~ it, 1233  
or of any order or ruling made in connection with the 1234  
administration or enforcement. The court shall adjudge to the 1235  
plaintiff such relief, by way of injunction, which may be 1236  
mandatory, or otherwise, as may be proper under all the facts of 1237  
and circumstances of the case, in order fully to effectuate the 1238  
purposes of ~~sections 4563.01 to 4563.21, inclusive, of the~~ 1239  
~~Revised Code~~, this chapter and of the regulations adopted and 1240  
orders and rulings made pursuant thereto. 1241

**Sec. 4906.10.** (A) The power siting board shall render a 1242  
decision upon the record either granting or denying the 1243  
application as filed, or granting it upon such terms, 1244  
conditions, or modifications of the construction, operation, or 1245  
maintenance of the major utility facility as the board considers 1246

appropriate. The certificate shall be subject to sections 1247  
4906.101, 4906.102, and 4906.103 of the Revised Code and 1248  
conditioned upon the facility being in compliance with standards 1249  
and rules adopted under section 4561.32 and Chapters 3704., 1250  
3734., and 6111. of the Revised Code. An applicant may withdraw 1251  
an application if the board grants a certificate on terms, 1252  
conditions, or modifications other than those proposed by the 1253  
applicant in the application. 1254

The board shall not grant a certificate for the 1255  
construction, operation, and maintenance of a major utility 1256  
facility, either as proposed or as modified by the board, unless 1257  
it finds and determines all of the following: 1258

(1) The basis of the need for the facility if the facility 1259  
is an electric transmission line or gas pipeline; 1260

(2) The nature of the probable environmental impact; 1261

(3) That the facility represents the minimum adverse 1262  
environmental impact, considering the state of available 1263  
technology and the nature and economics of the various 1264  
alternatives, and other pertinent considerations; 1265

(4) In the case of an electric transmission line or 1266  
generating facility, that the facility is consistent with 1267  
regional plans for expansion of the electric power grid of the 1268  
electric systems serving this state and interconnected utility 1269  
systems, that the facility will serve the interests of electric 1270  
system economy and reliability, and, in the case of an electric 1271  
transmission line, that the facility must consider implementing 1272  
cost-effective advanced transmission technologies to maximize 1273  
the value, expand capacity, or improve the reliability of the 1274  
facility; 1275

(5) That the facility will comply with Chapters 3704., 1276  
3734., and 6111. of the Revised Code and all rules and standards 1277  
adopted under those chapters and under section 4561.32 of the 1278  
Revised Code. In determining whether the facility will comply 1279  
with all rules and standards adopted under section 4561.32 of 1280  
the Revised Code, the board shall consult with the office of 1281  
~~aviation of the division of multi-modal planning and programs of~~ 1282  
the department of transportation under section 4561.341 of the 1283  
Revised Code. 1284

(6) That the facility will serve the public interest, 1285  
convenience, and necessity; 1286

(7) In addition to the provisions contained in divisions 1287  
(A) (1) to (6) of this section and rules adopted under those 1288  
divisions, what its impact will be on the viability as 1289  
agricultural land of any land in an existing agricultural 1290  
district established under Chapter 929. of the Revised Code that 1291  
is located within the site and alternative site of the proposed 1292  
major utility facility. Rules adopted to evaluate impact under 1293  
division (A) (7) of this section shall not require the 1294  
compilation, creation, submission, or production of any 1295  
information, document, or other data pertaining to land not 1296  
located within the site and alternative site. 1297

(8) That the facility incorporates maximum feasible water 1298  
conservation practices as determined by the board, considering 1299  
available technology and the nature and economics of the various 1300  
alternatives. 1301

(B) If the board determines that the location of all or a 1302  
part of the proposed facility should be modified, it may 1303  
condition its certificate upon that modification, provided that 1304  
the municipal corporations and counties, and persons residing 1305

therein, affected by the modification shall have been given 1306  
reasonable notice thereof. 1307

(C) A copy of the decision and any opinion issued 1308  
therewith shall be served upon each party. 1309

(D) The board shall render a decision under this section 1310  
not later than one hundred fifty days after the date the 1311  
application is determined to be complete. If the board does not 1312  
render a decision within the time period required by this 1313  
division, the application shall be deemed approved by operation 1314  
of law, and the board shall issue a certificate to the 1315  
applicant. 1316

**Section 2.** That existing sections 4561.01, 4561.021, 1317  
4561.05, 4561.06, 4561.08, 4561.09, 4561.11, 4561.12, 4561.14, 1318  
4561.15, 4561.31, 4561.32, 4561.33, 4561.34, 4561.341, 4561.35, 1319  
4561.36, 4561.37, 4561.38, 4561.39, 4561.99, 4563.01, 4563.03, 1320  
4563.031, 4563.032, 4563.04, 4563.05, 4563.06, 4563.07, 4563.08, 1321  
4563.09, 4563.10, 4563.11, 4563.12, 4563.13, 4563.16, 4563.18, 1322  
4563.20, 4563.21, and 4906.10 of the Revised Code are hereby 1323  
repealed. 1324

**Section 3.** That section 4561.30 of the Revised Code is 1325  
hereby repealed. 1326

**Section 4.** This act shall be known as the Airspace 1327  
Protection Act. 1328