

AIRPORT BOARD

A GUIDE FROM KLC MUNICIPAL LAW

April 2021



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AIRPORT BOARDS

In order to play any game, you must first learn the rules. The same holds true for the law surrounding airport boards. It is impossible to carry out the duties of airport boards unless you familiarize yourself with the applicable state statutes, as well as your local ordinances, that govern.

Statutes are not contained in some magical spell book. There is no forbidden wisdom in a statutory code book. You do not need a law school education to understand their meaning. We wanted to remove some of the mystique from the law by compiling this simple pdf document. It contains the entire portion of Kentucky Revised Statutes which pertain to airport boards.

Feel free to use this guide in any way that you deem fit. The reason we wanted to present this as a pdf though is because a pdf does have just a little bit of magic, truth be told. A pdf is word searchable. If you have the pdf on a laptop during a meeting and an issue comes up - you can plug the words in and hopefully the relevant portion of the law pertaining to airport boards will pop up. Failing that, you can always call the KLC Municipal Law Department at 800.876.4552.

The KLC Municipal Law Team

183.132 Local air boards

- (1) Any urban-county government, city, or county, or city and county acting jointly, or any combination of two (2) or more cities, counties, or both, may establish a nonpartisan air board composed of six (6) members or, under subsection (6) of this section, of eleven (11), twelve (12), or thirteen (13) members. Any city other than the first class and county jointly or an urban-county government established pursuant to KRS Chapter 67A may establish a nonpartisan board composed of ten (10) members. Any existing six (6) member board, including a board established in an urban-county government, may be expanded to ten (10) members by action of the government entity or entities that established the six (6) member board.
- (2) Any city of the first class, jointly with the county containing the city or a consolidated local government, may establish or maintain a nonpartisan air board. Membership of the board shall be appointed in accordance with subsection (9) or (14) of this section. Any air board established or maintained in a county containing a city of the first class or consolidated local government shall be composed of eleven (11) members.
- (3) In the case where a nonpartisan air board composed of six (6) members is created by cities, counties, or both, those cities, counties, or both may pass ordinances and adjust any existing memorandum of agreement to allow a state university which operates an aviation degree program approved by the Council on Postsecondary Education under KRS 164.020 to be a constituent party to the air board. In that case, the board shall be eight (8) members in total, and the university shall nominate for appointment two (2) members to the air board as set out in subsection (6) of this section.
- (4) The board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with, and do all things reasonable or necessary to effectively carry out the duties prescribed by statute. The board shall constitute a legislative body for the purposes of KRS 183.630 to 183.740.
- (5) The members of an air board composed of six (6) members shall be appointed as follows:
 - (a) If the air board is established by a city, the members shall be appointed by the mayor of the city;
 - (b) If the air board is established as a joint city-county air board, the members shall be appointed jointly by the mayor of the city and the county judge/executive;
 - (c) If a combination of cities, counties, or both, establishes a joint air board, the mayors and county judges/executive involved shall jointly choose six (6) members and shall jointly choose successors;
 - (d) If the air board is established by an urban-county government, the mayor of the urban-county government or an officer of the urban-county government designated by the mayor shall serve as one (1) member of the board. The remaining five (5) members shall be appointed by the mayor. One (1) of the members appointed by the mayor shall live within a three (3) mile radius of the airport.
- (6) If an air board is composed of eight (8) members that is a combination of cities, counties, or both, and an eligible state university as set out in subsection (3) of this section, then the mayors, county judges/ executive, and university board of regents involved shall jointly choose eight (8) members and shall jointly choose successors. In making the appointment for the university, the president of the university shall submit for confirmation the name of the individual and the university's board of regents shall confirm his or her nomination before the individual's name is submitted for joint appointment.



- (7) If the air board is established by a county, the members shall be appointed by the county judge/executive, except that in the event that an airport is located outside the boundary of the county establishing the airport board, the voting members of the air board are appointed as follows:
- (a) One (1) member appointed by the Governor of the Commonwealth;
 - (b) Ten (10), eleven (11), or twelve (12) members appointed from the following jurisdictions located within a twenty (20) mile radius of the airport operations:
 - 1. Eight (8) members appointed by the judge/executive of the county establishing the air board, with the approval of the county fiscal court. If the air board is located within a metropolitan statistical area, as defined by the United States Bureau of the Census, the county judge/executive, with the approval of the county fiscal court, may choose to appoint two (2) of these members as follows:
 - a. One (1) member may be appointed following nomination by the chief executive officer of the largest city within the metropolitan statistical area;
 - b. One (1) member may be appointed following nomination by the chief executive officer of the county containing the largest city within the metropolitan statistical area, if that county does not already have representation on the board; and
 - c. The county judge/executive of the county establishing the air board may choose whether to invite the chief executive officers identified in subdivisions a. and b. of this subparagraph to nominate members. If the county judge/executive does invite a chief executive officer to make a nomination and the chief executive officer makes a nomination, the county judge/executive may choose whether to appoint that nominee or to appoint another person instead;
 - 2. Two (2) members appointed by the county judge/executive of the county containing the majority of territory encompassing the airport. This appointment shall be made with the approval of both the fiscal court of the county containing the majority of territory encompassing the airport and the fiscal court of the county establishing the air board; and
 - 3. One (1) or two (2) additional members, if there are any counties within the prescribed geographic limits that do not otherwise have an appointment to the air board. If there is one (1) such county, this appointment shall be made by the county judge/executive of that county, with the approval of that county's fiscal court. If there are two (2) or more such counties, these appointments shall be made by the county judges/executive of the two (2) counties among them having the largest population, and the appointments shall receive the approval of those respective counties' fiscal courts and the fiscal court of the county establishing the air board; and
 - (c) Board members of any air board established prior to June 24, 2015, that is operating an airport that is located outside the boundary of the county establishing the airport board shall serve out the remainder of their terms. Additional voting members shall assume their offices on the July 1 following June 24, 2015, and be appointed as follows:
 - 1. The member appointed by the Governor shall be appointed for an initial term of one (1) year;



2. One (1) member from the county containing the majority of territory encompassing the airport shall be appointed for an initial term of two (2) years;
3. One (1) member from the county containing the majority of territory encompassing the airport shall be appointed for an initial term of three (3) years;
4. One (1) member from the county establishing the airport board shall be appointed for an initial term of four (4) years; and
5. If there are any, the members from the counties that are not otherwise represented on the air board within the prescribed geographic limit shall be appointed for an initial term of four (4) years.

Thereafter, their replacements shall serve a full four (4) year term. All members may be reappointed for subsequent terms. The majority of all air board appointees shall be residents of the county establishing the air board.

- (8) The members of an air board composed of ten (10) members in a city other than a city of the first class and county jointly other than an urban-county government established pursuant to KRS Chapter 67A shall be appointed as follows:
 - (a) Five (5) members shall be appointed by the mayor of the city, without approval of the legislative body;
 - (b) Five (5) members shall be appointed by the county judge/executive without approval of the other members of the fiscal court.
- (9) An air board consisting of eleven (11) members and established jointly by a city of the first class and the county containing the first class city shall be composed of members as follows:
 - (a) The mayor of the city of the first class;
 - (b) The county judge/executive of the county containing the city of the first class;
 - (c) Three (3) members appointed by the mayor of the city of the first class;
 - (d) Three (3) members appointed by the county judge/executive of the county, with the approval of the fiscal court;
 - (e) Two (2) members, who shall be residents of the county containing a city of the first class or of counties contiguous thereto, appointed by the Governor; and
 - (f) One (1) member, who shall be a member of the executive board of an incorporated alliance of incorporated neighborhood associations and cities with a population of less than three thousand (3,000) based upon the most recent federal decennial census which represents citizens living within a five (5) mile radius of airport operations, appointed by the Governor. If more than one (1) incorporated alliance exists, the Governor shall select the appointee from the executive boards of any of the incorporated alliances. If no alliances exist, the Governor shall appoint a citizen of the county who resides within a five (5) mile radius of airport operations.

- (10) An air board consisting of eleven (11) members and established or maintained by a consolidated local government upon its establishment shall be composed of members as follows:
 - (a) The mayor of the consolidated local government;
 - (b) Seven (7) members appointed by the mayor of the consolidated local government;
 - (c) Two (2) members who shall be residents of the county containing the consolidated local government or residents of counties contiguous to the county containing the consolidated local government, appointed by the Governor; and
 - (d) One (1) member who shall be a member of the executive board of an incorporated alliance of incorporated neighborhood associations and cities with a population of less than three thousand (3,000) based upon the most recent federal decennial census which represents citizens living within a five (5) mile radius of airport operations, appointed by the Governor. If more than one (1) incorporated alliance exists, the Governor shall select the appointee from the executive boards of any of the incorporated alliances. If no alliances exist, the Governor shall appoint a citizen of the county who resides within a five (5) mile radius of airport operations.
- (11) The members of an air board composed of ten (10) members established by an urban-county government shall be composed of the mayor of the urban-county government or an officer of the urban-county government designated by the mayor. The remaining nine (9) members shall be appointed by the mayor. Two (2) of the members appointed by the mayor shall live within a three (3) mile radius of the airport.
- (12) Members of the board composed of six (6) members, or eight (8) members as set out in subsection (3) of this section, shall serve for a term of four (4) years each and until their successors are appointed and qualified. The initial appointments shall be made so that two (2) members are appointed for two (2) years, two (2) members for three (3) years, and two (2) members for four (4) years. The initial terms of the members nominated by a state university and jointly appointed by the cities and county comprising the air board in subsection (3) of this section shall be one (1) appointee serving a two (2) year term and one (1) appointee serving a four (4) year term. Upon expiration of the staggered terms, successors shall be appointed for a term of four (4) years.
- (13) Members of the board composed of ten (10) members in a city other than a city of the first class and county jointly shall serve for a term of four (4) years each and until their successors are appointed and qualified. The initial appointments made by the mayor and the county judge/executive shall be made so that one (1) member is appointed for two (2) years, two (2) members are appointed for three (3) years, and two (2) members are appointed for four (4) years. If an existing six (6) member board is being increased to a ten (10) member board, initial appointments of the four (4) new members shall be made so that the mayor and the county judge/executive, or the mayor if the board is established by an urban-county government, each appoint one (1) member for two (2) years and one (1) member for four (4) years. Upon expiration of the initial terms, successors shall be appointed for a term of four (4) years. In the case of a board established by an urban-county government, the term of the mayor for the urban-county government, or the officer of the urban-county government designated by the mayor, shall be coextensive with the term of the mayor.
- (14) Members of an air board composed of eleven (11) members and established or maintained jointly by a city of the first class and the county containing a city of the first class shall serve for a term of three (3) years each and until their successors are appointed and qualified. The terms of the mayor and the county judge/executive shall be coextensive with their terms of office. The mayor and the county judge/



executive shall each make their initial appointments to a board established jointly by a city of the first class and the county containing a city of the first class so that one (1) member is appointed for one (1) year, one (1) member is appointed for two (2) years, and one (1) member is appointed for three (3) years. The Governor shall make the initial appointments so that one (1) member is appointed for two (2) years and one (1) member is appointed for three (3) years. Upon the expiration of the initial terms, successors shall be appointed for a term of four (4) years.

- (15) Members of an air board composed of eleven (11) members in a county that has established a consolidated local government in a county containing a former city of the first class shall serve until their successors are appointed and qualified. The terms of office on the air board of the mayor of the previously existing city of the first class and the county judge/executive of this county shall expire upon the establishment of a consolidated local government. Upon the establishment of a consolidated local government, if the consolidated local government maintains the previously existing air board, the incumbent members, except the mayor of the previously existing city of the first class and the county judge/executive of that county, shall continue to serve as members of the board for the time remaining of their current terms of appointment. The Governor shall appoint members pursuant to subsection (8) (c) and (d) of this section. The mayor of the consolidated local government shall serve on the board for a term which shall be coextensive with his or her term of office. Incumbent members shall be eligible for reappointment upon the expiration of their terms. The terms of all other board members shall be for four (4) years. Upon the establishment of a consolidated local government and maintenance of a previously existing air board, any incumbent member whose term had expired but who had continued to serve because the member's successor had not been appointed, shall continue to serve until a successor is appointed. Successors shall be appointed by the mayor or the Governor as provided by law within sixty (60) days after the establishment of the consolidated local government. As the terms of the previously serving members of an air board being maintained by a consolidated local government expire, the mayor of the consolidated local government and the Governor shall respectively make their new appointments.
- (16) Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The board shall, upon the appointment of its members, organize and elect officers. The board, except for a board composed of eleven (11) members, shall choose a chairman and vice chairman who shall serve for terms of one (1) year. Where the board is composed of eleven (11) members and established jointly by a city of the first class and the county containing a city of the first class, the mayor of the city of the first class and the county judge/executive shall jointly appoint the chairman from among the membership of the board. Where the board is composed of eleven (11) members and is in a county containing a consolidated local government, the mayor shall appoint the chairman from among the membership of the board. The board shall also choose a secretary-treasurer who may or may not be a member of the board. The board may fix a salary for the secretary-treasurer and the secretary-treasurer shall execute an official bond to be set and approved by the board, and the cost of the bond shall be paid by the board.
- (17) The board may employ necessary counsel, agents, and employees to carry out its work and functions and prescribe rules and regulations as it deems necessary.
- (18) The secretary-treasurer shall keep the minutes of all meetings of the board and shall also keep a set of books showing the receipts and expenditures of the board. The secretary-treasurer shall preserve on file duplicate vouchers for all expenditures and shall present to the board, upon request, complete reports of all financial transactions and the financial condition of the board. The books and vouchers shall at all times be subject to examination by the legislative body or bodies by whom the board was created. The secretary-treasurer shall transmit at least once annually a detailed report of all acts and doings of the board to the legislative body or bodies by whom the board was created.



- (19) In the event that a joint air board is created by cities, counties, or both, and has authorized an eligible state university to become party to the air board under subsection (3) of this section, and thereafter a city, county, or state university desires to withdraw from participation, then the remaining participants may jointly choose a successor member or members of the board. A local government or state university wanting to withdraw from participation in the board shall not be entitled to return of any moneys or property advanced to the board.
- (20) A quorum for the transacting of the business of a six (6) member board shall consist of four (4) members, an eight (8) member board shall consist of five (5) members, a ten (10) member board shall consist of six (6) members, and an eleven (11) member board shall consist of six (6) members. Meetings of the board may be called by the chairman or by four (4) members. In case of tie voting by the board, the issue shall be deemed to have failed passage.
- (21) A board member may be replaced by the appointing authority upon a showing to the authority of misconduct as a board member or upon conviction of a felony. A board member shall not hold any official office with the appointing authority, except for the mayor of a city of the first class and the county judge/executive on a board made up of eleven (11) members and established jointly by a city of the first class and the county containing a city of the first class, or the mayor of an urban-county government or a consolidated local government, or an officer of the urban-county government designated by the mayor on a board established by an urban-county government.

183.133 Purpose, duties and powers of the board; rules and regulations, publication; enforcement; promotion of facilities

- (1) The purpose of the board shall be to establish, maintain, operate, and expand necessary, desirable or appropriate airport and air navigation facilities. It shall have the duty and such powers as may be necessary, or desirable to promote and develop aviation, including air transportation, airports and air navigation facilities.
- (2) The board shall establish and fix reasonable rates, charges and fees for the use of the landing area, ramps and other common aviation facilities. In fixing such rates, charges or fees the board may take into consideration, among other factors, the total capital investment by the board or other local or state governmental authority, the revenue needed properly to maintain such facilities, the revenue needed properly to expand the airport and its facilities, the portion of the facilities utilized by the licensee or contracting party and its customers and the volume and type of business conducted. Any party aggrieved by the rates, charges or fees may appeal from the action of the board to the Circuit Court of the county within which the board operates, within ninety (90) days from the date that the board finally publishes such rates, charges or fees and gives notice of same to the contracting party or licensee. The Circuit Court may hear evidence and determine whether or not the rates, charges or fees are, or are not, reasonable in amount. Appeal from the judgment of the Circuit Court may be prosecuted as any other civil appeal.
- (3) The board shall likewise have power, from time to time, to fix rates, charges or fees by contract, or by publishing general rates, charges or fees for commercial vendors, concessionaires or other persons for the use or occupancy of terminal or other ground use facilities, under such terms or conditions as it may deem to be in the best interest of maintaining, operating or expanding necessary airport or air navigation facilities, and the public use thereof.
- (4) The board may acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein, necessary for establishing, operating or expanding airports and air



navigation facilities. The board may erect, equip, operate and maintain on such property, buildings and equipment necessary, desirable or appropriate for airport or air navigation facilities. The board may dispose of any real or personal property, or rights therein, which, in the opinion of the board are no longer needed for operating or expanding the airport or air navigation facilities.

- (5) The board or any other governmental unit may by resolution reciting that the property is needed for airport or air navigation purposes direct the condemnation of any property, including navigation or other easements. The procedure for condemnation shall conform to the procedures set out in the Eminent Domain Act of Kentucky.
- (6) The board or any other governmental unit may from time to time make, adopt and enforce such rules, regulations and ordinances as it may find necessary, desirable or appropriate for carrying into effect the purposes of this chapter, including those relating to the operation and control of the airport, airport facilities or air navigation facilities owned or operated by such board or such other governmental unit. All rules, regulations and ordinances adopted pursuant to this section shall be published according to the provisions of KRS 424.130, and the board or other governmental unit adopting them shall keep a permanent record of such rules, regulations and ordinances available for public inspection, on the airport premises. Prosecution for a violation of any rule, regulation or ordinance adopted pursuant to this section shall be in the District Court of any county within which the airport is located.
- (7) Any board may engage in activities to promote, encourage or develop the use of airports or air navigation facilities under its control and any board which has members thereof appointed by the Governor shall be assisted in such activities by the state Cabinet for Economic Development if it requests such assistance from the cabinet.

183.1335 Compliance with KRS 65A.010 to 65A.090

The board shall comply with the provisions of KRS 65A.010 to 65A.090.

183.134 Appropriations for airports; bond issue, election, tax

- (1) In order to provide money for the purchase of property necessary for the establishment or expansion of airports and to construct, equip, and maintain buildings necessary, desirable, or appropriate for airport purposes, or to acquire rights or interests or contracts for services, the legislative body of any governmental unit owning in whole or part any airport or operating an airport, or having any rights or interests in an airport or contracts for services from an airport, may make an annual appropriation from its general fund; or the governmental unit may make an annual levy to collect a tax on taxable property situated in the governmental unit for airport development. Any appropriation shall be made by the legislative body in amounts, in proportion and upon terms as the legislative body may determine. All funds derived from an appropriation or tax shall be turned over to the airport board, if any, for the purpose of carrying out the duties and powers of the board.
- (2) Whenever a governmental unit deems it necessary to acquire, construct, maintain, expand, finance, or improve any airport facilities or air navigation facilities or rights or interests in any facilities, or to contract for services from the facilities, or for any or all of these purposes, and the annual funds raised from other sources are not sufficient to accomplish the purpose, the governmental unit shall make a careful estimate of the amount of money required for the purpose and shall certify to the proper tax levying authority the fact that an election for an issue of bonds for aviation purposes shall be held, together with the amount of money for which bonds shall be issued and the purpose to which the proceeds shall be applied. The taxing authority shall then adopt an ordinance or resolution submitting to the qualified voters of the district the question as to whether bonds shall be issued for the purpose.

The question shall be so framed that the voter may by his vote answer “For” or “Against.”

- (3) The ordinance or resolution shall fix the time the bonds shall run and, if a serial issue, the amount to mature at each time. It shall limit the rate of interest to be permitted on the bonds and the total amount of bonds to be issued, and shall provide for the levy of a tax to pay the interest and to create a sinking fund to retire them at their maturity.
- (4) The election shall be held at a time fixed in the ordinance or resolution, not less than fifteen (15) nor more than thirty (30) days from the time the certificate of the governmental unit is filed with the tax levying authority, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the governmental unit district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be paid by the fiscal court except where the election is held in a district embracing a city with a population equal to or greater than one thousand (1,000) based upon the most recent federal decennial census, in which case the cost of the election shall be paid by the governing body of the city.
- (5) Notwithstanding the limitations contained in KRS 132.023, any governmental unit which after March 21, 1968, levies a tax for aviation purposes under this chapter may exclude the tax from consideration in calculating the compensating tax rate as now or subsequently defined in KRS 132.010 or any amendments or other act substituted relating to that section.

183.135 Power to borrow money

The board may borrow money on its own credit in anticipation of revenue to be derived from taxes, appropriations, or other income. For these purposes, the board may pledge the taxes, appropriations, or income anticipated. The board may pledge the airport and facilities, or any interest in the airport and its facilities, or contract for service from the airport or its facilities, as security for moneys borrowed.

183.136 Board may issue revenue bonds or purchase securities of other governmental agency

- (1) The board is authorized to defray the cost of acquiring, constructing, maintaining, expanding, financing or improving any airport facilities or air navigation facilities or any part thereof or interest therein, or contract for services therefrom, through the issuance of revenue bonds in the manner provided in KRS 183.630 through 183.740, or through the purchase of securities, stocks, or bonds of any other governmental unit or body politic.
- (2) The board may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, expand, finance or improve airports, airport facilities or air navigation facilities or any part thereof or interest therein, or contract for services therefrom, and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term “governmental agency” means the board and any airport board or airport created pursuant to the provisions of KRS Chapter 183 as it existed prior to the enactment of Chapter 179, Acts of the General Assembly, Regular Session 1960, shall be deemed to have been established pursuant to this chapter with all of the powers, functions and duties as herein prescribed, and the term “public project” means airports and airport facilities and air navigation facilities.

183.137 Contracts for use of airport; expenditures for airport

- (1) The board may contract with any person or governmental agency for the use of the airport. Such contract shall not prevent, restrict or hamper the general use of the airport by the public.



- (2) All unpledged or surplus revenue derived from use of the airport shall be first applied to the maintenance of the airport. A governmental unit may expend funds for this purpose out of its general funds or any other available funds.
- (3) Any airport board is excused, under any contract or lease, from accepting performance from or rendering performance to an entity other than the entity with which it originally entered into the contract or lease, unless the airport board has specifically consented to the assignment and assumption of the contract or lease to the new party following review of such factors as the airport board deems appropriate, including the impact of the assignment upon airport safety and security.

183.138 Title to property acquired by board; tax exemptions

The title to all property acquired by the board may vest in the board or in any other governmental unit owning, operating or controlling an airport, or which has established an air board under this chapter, or in the cabinet. All property acquired for the establishment and maintenance of an airport shall be exempt from taxation and assessment to the same extent as other property used for public purposes. All fees charged by the board or collected by the board for the admission to or use of the airport or its facilities shall also be exempt from taxation.

183.140 Establishment of commuter air carrier services; financial aid, benefits or services by airport boards

- (1) The Transportation Cabinet is authorized to establish in cooperation with airport boards, established pursuant to KRS 183.132 through 183.138, a pilot demonstration air service project for the purpose of developing air services on a regularly scheduled basis for the movement of passengers, mail and cargo by a commuter air carrier between five (5) or more airport termini in the Commonwealth of Kentucky at least one of which does not receive service from a carrier certificated by the civil aeronautics board, in the public interest of convenience and necessity for air transportation.
- (2) The Transportation Cabinet may reimburse any airport board for direct financial aid, or benefits and services in lieu thereof, which the airport board has expended for the development of commuter air carrier services that provide regularly scheduled passenger, mail and cargo service or any combination thereof to the airport terminus operated by the airport board.
- (3) Any airport board established pursuant to KRS 183.132 through 183.138 is authorized to provide direct financial aid, or benefits and services in lieu thereof, to commuter air carriers that provide regularly scheduled passenger, mail, and cargo service or any combination thereof to their community.

183.150 Reimbursement to airport boards

Within the limits of the appropriation made to the cabinet, the cabinet may by agreement provide reimbursement to airport boards, for a period not to extend beyond June 30, 1980, to reimburse them for direct financial aid, or benefits and services in lieu thereof, which the airport boards have expended, in accordance with KRS 183.140 for the development of commuter air services that have provided their communities with regularly scheduled passenger, mail and cargo service or any combination thereof.

183.160 Application for federal funds for operating subsidies

The Transportation Cabinet is authorized to make application for any available federal funds for operating subsidies, either on a matching basis or otherwise and to make such funds as are received available to airport



boards in order to accomplish the purposes of KRS 183.140 and 183.150, or where federal laws or regulations preclude the Transportation Cabinet from direct application for such funds the cabinet is authorized to provide assistance to local airport boards as necessary to enable them to make application for and obtain such federal funds, in order to accomplish the purposes of KRS 183.140.

183.165 Landing strips for personal use; limitation on regulation by local government; fee

- (1) All statutes to the contrary notwithstanding, any property owner who resides in a county with a population of thirty-five thousand (35,000) or greater, and who owns at least one thousand (1,000) contiguous acres, may construct a landing strip for their personal use that is capable of handling two (2) private aircraft. The landing strip shall not be used for public or commercial purposes.
- (2) The landing strip authorized under this section shall meet all regulations or standards promulgated by the Federal Aviation Administration concerning areas regulated for the safe maneuvering approach and landing of aircraft.
- (3) All local governments shall be prohibited from regulating landing strips authorized under this section and shall be prohibited from enacting planning and zoning ordinances contrary to the provisions of this section.
- (4) For the purposes of this section, roadways or railroad rights-of-way shall not be considered a separation of contiguous acres.
- (5) The property owner may be required to pay a fee of one hundred dollars (\$100) per year to the county in which the airport is located.