

thereto as may be necessary or desirable for the establishment, construction and operation of said housing. The Authority is further empowered to acquire by purchase, lease, condemnation, or otherwise, rights-of-way or easements for roads, streets, trails, utilities, power lines, and other similar facilities necessary and desirable for the proper establishment, operation and maintenance of the housing or housing projects.

**Transfers to
Authority.**

Section 13. The Authority is authorized to accept any lands, building, property or equipment which may be available from any executive department, independent establishment or agency of the Federal Government or the Territory of Alaska, or any municipality, for the purpose of carrying out this Act.

Local materials.

Section 14. In the planning, designing and construction of projects hereunder, use shall be made of Alaskan professional and contractors' services so far as practicable. Likewise use of local building materials shall be encouraged.

Appropriation.

Section 15. There is hereby appropriated out of any money in the Territorial Treasury not otherwise appropriated the sum of \$250,000.00 to carry out the purposes of this Act.

Approved February 23, 1949.

CHAPTER 14

AN ACT

[S. B. 1]

Granting municipalities power to enter upon and carry out programs for establishment, operation, maintenance and disposal of muni-

cial airports under grants from the United States, the Territory of Alaska, or otherwise; repealing that portion of Sec. 16-1-35 ACLA 1949 designated as Fifth (B); and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. DEFINITIONS.

Definitions.

(1) "Federal Government" shall mean the government of the United States of America.

(2) "Territory" shall mean the Territory of Alaska.

(3) "Municipality" shall mean any city or town now incorporated or hereafter incorporated in Alaska, and shall include public utility districts duly incorporated under territorial law.

Section 2. POWERS OF MUNICIPALITIES REGARDING AIRPORTS.

(1) ESTABLISHMENT, OPERATION, LAND ACQUISITION. Every municipality is authorized, subject to approval of its application by the Territory's aeronautics authority, to receive grants of money from the Federal Government or from the Territory for airport purposes and to expend same in accordance with the terms of each grant, and, for the purpose of obtaining such grant or grants, to enter into long-term contractual obligations which shall be binding upon future city councils and other municipal officials, or the Board of Directors of a public utility district, as the case may be. Every municipality is authorized, out of money obtained by the exercise of its taxing or bonding powers, or derived from other sources, to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and air navigation facilities, either within or without the town boundaries, including the construction, installation, equipment, maintenance and operation at such airports of buildings and other facilities for

Municipal
aeronautics
authority.

Extent of
authority.

the servicing of aircraft or for the comfort and accommodation of air travelers, or for the housing and maintenance of communications and navigation facilities. For such purposes the municipality may use any available property that it may now or hereafter own or control and may, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire airport or air navigation facilities or other real or personal property, or any interest therein including easements in airport hazards or land outside the boundaries of an airport or airport site as are necessary to permit safe and efficient operation of the airport or to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards or to prevent the establishment of airport hazards, but shall not acquire an airport or facility owned or controlled by another municipality or public agency without its consent.

Limit on
municipal
operation.

(2) PURCHASE AND SALE OF GOODS AND PERFORMANCE OF SERVICES. No municipality may compete with private enterprise in the operation of any airport facility such as servicing or repairing aircraft, operating schools or transportation services, restaurants, stores, shops or other services usually performed by commercial companies, but may authorize such services to be performed by a lessee of a municipally owned or controlled airport.

Marine air
facilities.

(3) ESTABLISHMENT OF AIRPORTS ON PUBLIC WATERS AND RECLAIMED LANDS. For the purpose of this Act, a municipality may establish or acquire and maintain, within or bordering upon the territorial limits of the municipality, airports in, over and upon, any public waters of this Territory, any submerged lands under such public waters, and any artificial or reclaimed lands which, before the artificial making or reclamation thereof, constituted a portion of the submerged lands under such public waters; and may construct and maintain terminal buildings, landing floats,

causeways, roadways and bridges for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof.

(4) **LIMITATION ON DESIGN AND OPERATION OF AIR NAVIGATIONAL FACILITIES.** No municipality may establish air navigational facilities or services where like facilities or services have been previously provided by the Federal government, and when it is necessary and permissible to provide such facilities including boundary lights, beacons, control towers, radio ranges or radio communications, they shall be supplementary to and coordinated in design and operation with such facilities provided by the Federal Government.

Limitation on duplication.

(5) **DISPOSAL OF AIRPORT PROPERTY.** Except as may be limited by the terms and conditions of any grant, loan or agreement with the Federal government or the Territory, every municipality may by sale, lease or otherwise, dispose of any airport, air navigation facility or other property, or portion thereof of interest therein, acquired pursuant to this Act. Such disposal by sale, lease, or otherwise, shall be in accordance with the laws of this Territory governing the disposition of other property of the municipality.

Disposal of property.

(6) **OPERATION AND USE PRIVILEGES.**

(a) **UNDER MUNICIPAL OPERATION.** In operating an airport or air navigation facility owned, leased or controlled by a municipality, such municipality may, except as may be limited by the terms and conditions of any grant, loan, or agreement with the Federal Government or the Territory, enter into contracts, leases and other arrangements for a term not exceeding ten years with any person or persons (1) granting the privilege of using or improving such airport or air navigation facility or any portion or facility thereof, or space therein for commercial purposes; (2) conferring the privilege of

Time limit.

Space rental.

supplying goods, commodities, things, services or facilities at such airport or air navigation facility; or (3) making available services to be furnished by the municipality or its agents at such airport or air navigation facility. In each case the municipality may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the municipality.

(b) UNDER OTHER OPERATION. Except as may be limited by the terms and conditions of any grant, loan or agreement with the Federal Government or Territory, a municipality may by contract, lease or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed ten years the privilege of operating, as agent of the municipality or otherwise, any airport owned or controlled by the municipality; provided, that no such person shall be granted any authority to operate such an airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the municipality might not have undertaken under Section 2(6) (a) of this Act.

(7) REGULATIONS AND JURISDICTION.

(a) SCOPE. A municipality, which has established or which may hereafter establish or acquire an airport or air navigation facility, is authorized to adopt, amend and repeal such reasonable ordinances, resolutions, rules, regulations and orders as it shall deem necessary for the management, government, and use of such airport or air navigation facility under its control, whether situated within or without the town limits of the municipality. For the enforcement thereof, the municipality may, by ordinance or resolution, as may by law be appropriate,

Goods and services.

Time limit.

Limitation.

Authority to change rules.

appoint airport guards or police, with full police powers, and fix penalties, within the limits prescribed by law, for the violation of municipal ordinances. Said penalties shall be enforced in the same manner in which penalties prescribed by other ordinances or resolutions of the municipality are enforced. To the extent that an airport or other air navigation facility controlled and operated by a municipality is located outside the territorial limits of the municipality, it shall, subject to Federal and Territorial laws, rules and regulations, be under the jurisdiction and control of the municipality controlling or operating it, and no other municipality shall have any authority to charge or exact a license fee or occupation tax for operations thereof.

(b) CONFORMITY TO FEDERAL AND TERRITORIAL LAW. All ordinances, resolutions, rules, regulations or orders which are issued by the municipality shall be kept in substantial conformity with the laws of this Territory or any regulations promulgated or standards established pursuant thereto, and, as nearly as may be, with the Federal laws governing aeronautics and the rules, regulations and standards duly issued thereunder. Uniformity with Federal rules.

Section 3. SHORT TITLE. This Act may be cited as: Title.
"Alaska Municipal Airport Act".

Section 4. REPEAL CLAUSE. That portion of Sec. Repeal.
16-1-35 ACLA 1949 designated as Fifth (B) is hereby repealed.

Section 5. EMERGENCY CLAUSE. An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval. Emergency clause.

Approved February 24, 1949.