



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE

Published on *MTAS* (<http://www.mtas.tennessee.edu>)

October 19, 2019

## Aircraft Overflights

---

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee  
Municipal Technical Advisory Service  
1610 University Avenue  
Knoxville, TN 37921-6741  
865-974-0411 phone  
865-974-0423 fax  
[www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)

# Table of Contents

Aircraft Overflights .....	3
----------------------------	---

## Aircraft Overflights

**Reference Number:** MTAS-1307

A taking of airspace above private property may result from frequent low flights of aircraft that substantially interfere with the practical use and enjoyment of the property. <sup>[41]</sup> Noise, vibrations, and airplane pollutants unaccompanied by an actual physical invasion of the airspace immediately over the property owner's land may also constitute a taking. Direct overflight is not required. <sup>[42]</sup>

A taking has also been found when trees were cut on private property in an airport approach zone established by a municipal ordinance. <sup>[43]</sup> The court found that removing the trees and limiting the height of buildings in the airport approach zone constituted a taking. <sup>[44]</sup>

---

**Notes:**

[41] *Osborne Enterprises, Inc. v. City of Chattanooga, supra.*

[42] *Jackson v. Metropolitan Knoxville Airport Authority*, 922 S.W.2d 860 (Tenn. 1996).

[43] *Osborne Enterprises, Inc. v. City of Chattanooga, supra.*

[44] *Osborne Enterprises, Inc. v. City of Chattanooga, supra.*

---

*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

**Source URL (retrieved on 10/19/2019 - 6:15pm):** <http://www.mtas.tennessee.edu/reference/aircraft-overflights>



Municipal Technical Advisory Service  
INSTITUTE for PUBLIC SERVICE