



Miscellaneous Airport Provisions

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://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,

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Reference Number: MTAS-267

Restrictions on Charges for Use of Airports

A city or airport authority may not require payment of a license fee, tax, or other charge for any public use (landing or taking off) of an airport by planes weighing up to 12,500 pounds unless the aircraft is used by "regularly scheduled aeronautics." However, a charge may be made for storing aircraft overnight, and a tax or fee may be collected for selling aviation fuel. Metropolitan airport authorities are exempted from this law, and the Department of Transportation may exempt others "for good cause shown". T.C.A. § 42-2-107.

Disposing of Airport Property

Unless there are specific limitations included in grant or loan agreements, a city must sell or lease an airport or any portion of it in accordance with state laws or the city charter. If the facility is transferred to another governmental unit, however, disposal is on terms that are in the city's best interests. T.C.A. § 42-5-109.

Regulations

When a city acquires or establishes an airport, the local governing body may adopt ordinances and regulations to manage the facility and establish penalties for violations whether or not the airport is within the city's boundaries. The city also may appoint airport guards with full police powers to enforce its regulations. The airport is under the full control of the owner-city, but regulations adopted by the city must conform to state and federal laws and standards. An airport outside a city in Davidson, Shelby, Hamilton, and Sullivan counties is not subject to taxation by the jurisdiction in which it is located. T.C.A. § 42-5-113.

Civil Air Patrol

Civil Air Patrol activities are in the public interest, and cities may appropriate funds for them. T.C.A. § 42-7-101.

Audits

Any city receiving state funds for its aviation program must allow the state Department of Transportation to audit municipal books to assure the money is being used properly. Refusal to permit such an audit or misuse of aviation program funds may result in withholding of state funds. T.C.A. § 42-2-222.

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.

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