



Aircraft Overflights

Dear Reader:

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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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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. ^[41] 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. ^[42]

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

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.*

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