

## REGULATIONS TO GOVERN THE ERECTION AND MAINTENANCE OF OBSTRUCTIONS TO AIR NAVIGATION.

## (B) SCOPE.

THESE RULES AND REGULATIONS SHALL INCORPORATE THE FEDERAL AVIATION ADMINISTRATION CONSTRUCTION STANDARDS EXCEPT TO THE EXTENT THAT, AFTER PUBLIC HEARING, THE ADMINISTRATOR FINDS ANY PART OF THE FEDERAL STANDARDS TO BE DETRIMENTAL TO THE GENERAL PUBLIC SAFETY, THE SAFETY OF PERSONS OPERATING, USING, OR TRAVELING IN AIRCRAFT, OR THE SAFETY OF PERSONS AND PROPERTY ON LAND OR WATER.

REVISOR'S NOTE: This section presently appears as Art. 1A, §8-804(b).

In subsection (a) of this section, the phrase "to govern the erection and maintenance of obstructions ..." is new language derived from present §8-804(a)(2) - now §5-701(b) of this subtitle - and added for clarity.

The only other changes are in style.

## 5-703. PROHIBITED ACTIVITIES.

EXCEPT AS PROVIDED IN §5-704 OF THIS SUBTITLE, A PERSON MAY NOT BUILD ANY STRUCTURE, PERMIT ANY STRUCTURE TO BE BUILT, OR PERMIT ANY OBJECT TO GROW TO A HEIGHT THAT, IN VIOLATION OF ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE, CONSTITUTES AN OBSTRUCTION TO AIR NAVIGATION AT OR NEAR ANY LICENSED PUBLIC USE AIRPORT, AS THAT TERM IS DEFINED IN §5-301 OF THIS TITLE.

REVISOR'S NOTE: This section presently appears as Art. 1A, §8-804(c).

A cross-reference to the definition of "public use airport" in §5-301 of this title is added for clarity.

The only other changes are in style.

## 5-704. VARIANCES.

## (A) POWER OF POLITICAL SUBDIVISION TO GRANT.

A POLITICAL SUBDIVISION OR A JOINT BOARD ESTABLISHED UNDER SUBTITLE 6 OF THIS TITLE MAY GRANT ANY VARIANCE TO A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE, IF THE VARIANCE WILL NOT ENDANGER THE PUBLIC HEALTH, SAFETY, AND WELFARE.

## (B) APPLICATION.

UNLESS THE LEGISLATIVE BODY OF THE POLITICAL SUBDIVISION OR THE JOINT BOARD PROVIDES OTHERWISE, ANY PERSON WHO DESIRES A MAXIMUM HEIGHT VARIANCE MAY APPLY