

HOUSE BILL No. 2623

By Representative Sloan

1-15

9 AN ACT concerning land use ordinances; relating to military installa-
10 tions; authorizing restrictions and prohibited uses of certain property.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) Any municipality in this state that is wholly or in part
14 within an air installation compatible Use Zone (AICUZ) study area, joint
15 land use study (JLUS) area, army compatible use buffer (ACUB), or an
16 environmental noise management plan (ENMP) of an active duty, na-
17 tional guard or reserve military installation shall annually meet with the
18 installation commander in an official meeting to discuss enacting or mod-
19 ifying a city or county ordinance restricting or prohibiting future uses for
20 that incorporated or unincorporated area which lies within the AICUZ,
21 JLUS, ACUB, or ENMP area and which may expose residents to noise
22 greater than 65 day-night noise level (DNL) or accident potential that
23 could affect the public health, including, but not limited to, aircraft op-
24 erations and night training exercises by infantry or mechanized units or
25 that could threaten the mission capability training or base mission sus-
26 tainment capabilities.

27 (b) The ordinance shall restrict or prohibit future uses within the
28 AICUZ or JLUS which:

29 (1) Release into the air any substance which would impair visibility
30 or otherwise interfere with military operations, including ground opera-
31 tions, such as steam, dust or smoke unless the substance is generated
32 from agricultural use;

33 (2) produce light emissions, either directly, or indirectly or by reflec-
34 tive light, which would interfere with pilot vision, and aerial or ground-
35 based night vision training;

36 (3) produce electrical emissions which would interfere with military
37 ground and aircraft communications and navigation equipment;

38 (4) attract birds or waterfowl including, but not limited to, operation
39 of sanitary landfills and maintenance of large scale feeding stations;

40 (5) provide for structures within 10 feet of defined aircraft approach,
41 departure, or transitional surfaces; or 100 feet beneath a low-level military
42 aircraft training route as provided by the federal aviation administration;

43 (6) expose persons to noise greater than 65 DNL; or

1 (7) detract from the aesthetic appearance, or otherwise create or pro-
2 mote an unsightly, unsanitary or unhealthy appearance of any entrance
3 into a military installation including, but not limited to, automobile or
4 truck salvage yards, equipment storage sites or solid waste storage or
5 disposal sites.

6 (c) The ordinance shall restrict or prohibit future uses within the
7 AICUZ/JLUS area which violate any federal aviation administration
8 height restriction in title 14 of the code of federal regulations (14 CFR)
9 part 77, objects affecting navigable airspace.

10 (d) (1) The ordinance shall be consistent with the most current rec-
11 ommendations or studies made by the United States air force installation
12 located at McConnell air force base located in Wichita, Kansas, entitled
13 "Air Installation Compatible Use Zone Study" or studies made by the
14 United States department of the army installations located at Fort Riley
15 in Junction City, Kansas, and Fort Leavenworth in Leavenworth, Kansas,
16 entitled "Army Compatible Use Buffers".

17 (2) Interpretations of such ordinance shall consider the recommen-
18 dations or studies provided by the military with a view to protection of
19 public health, safety, and welfare and maintenance of safe military and
20 aircraft operations, and assure sustainability of installation missions.

21 (e) Subject to the provisions and requirements of paragraph (1) of
22 subsection (d) of this section, the ordinance shall not prohibit single-
23 family residential use on the tracts of one acre or more in the area, pro-
24 vided that future construction shall comply with the "Guidelines for the
25 Sound Insulation of Residences Exposed to Aircraft Operations, Wyle
26 Research Report WR 89-7" and provided that the register of deeds notes
27 on such titles any landowner lighting restrictions and any noise or other
28 impacts on the landowner produced by normal military operations.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the statute book.