

TITLE 21  
AERONAUTICS

CHAPTER 4  
AIR NAVIGATION FACILITIES

21-401. AUTHORITY TO PROVIDE FACILITIES -- EXPENSE -- ISSUANCE OF BONDS -- DUTIES OF COMMISSIONERS AND COUNCILMEN -- RESTRICTION ON LEASE OF FACILITIES. Counties, highway districts and cities are hereby authorized to acquire by purchase, lease, condemnation, or otherwise, take over and hold lands either wholly or partly within or without the boundaries or corporate limits of such counties, highway districts or cities, or wholly or partly within or without the state of Idaho, for the purpose of constructing and maintaining aviation fields, airports, hangars and other air navigation facilities; to provide equipment necessary or incidental to the maintenance and operation of such aviation fields or airports; to maintain, operate and manage such aviation fields, airports and grounds and prescribe rules and regulations for the maintenance, operation and management thereof, and fix fees and rentals to be charged for the use of the same or any part thereof; to survey, plat, map, grade, ornament and otherwise improve such lands and all appurtenances thereto, whether owned and operated or owned or leased by such counties, highway districts or cities, and all approaches and avenues leading to or adjacent thereto; to lease for aviation purposes or for any purposes connected therewith and incidental thereto and for such commercial purposes as the governing bodies of such counties, highway districts and cities may determine upon all or any part of the land or lands so required, under such regulations and upon such terms and conditions as shall be established by such governing bodies, and not subject to the limitation as to length of term prescribed in section [31-836](#), Idaho Code; to construct, operate and maintain hangars, buildings and equipment necessary or convenient to the maintenance and operation of aviation fields or airports.

Counties, highway districts and cities are hereby empowered to provide for all costs and expenses necessary or incident to the exercise of the foregoing powers or the attainment of the foregoing objects or any of them, out of the general funds or out of any of the funds made available for such purposes, of such counties, highway districts and cities, or to issue bonds pursuant to law for the payment of any or all of such costs and expenses except for the maintenance and operation of such aviation fields or airports. Nothing contained in this chapter shall be construed to increase the maximum of any tax levies for counties, highway districts or cities.

The boards of county commissioners of their respective counties, the highway commissioners of their respective highway districts and the councilmen of their respective cities, shall have jurisdiction and power under such limitations and restrictions as are prescribed by law to carry into full force and effect all of the provisions of this law.

Such aviation fields or airports shall in no case be leased to any person, association or corporation under such terms or conditions as to give such person, association or corporation, the exclusive right to the use of such aviation fields or airports.

[ (21-401) 1929, ch. 106, sec. 1, p. 172; I.C.A., sec. 21-301; am. 1937, ch. 59, sec. 1, p. 79; am. 1951, ch. 54, sec. 1, p. 77; am. 1963, ch. 45, sec. 1, p. 194; am. 1971, ch. 88, sec. 1, p. 189; am. 1995, ch. 118,

sec. 1, p. 418; am. 2005, ch. 203, sec. 1, p. 613; am. 2012, ch. 268, sec. 1, p. 750.]

21-403. COUNTIES AND MUNICIPALITIES MAY SHARE IN COST OF AIRPORTS. Recognizing the need for airports as part of the national defense system and the inability of one (1) municipality or one (1) county to finance the cost of such construction and maintenance thereof within its own limits or boundaries, it is the intent and purpose of this act to enable them to jointly and severally enter into contracts or agreements and share in the cost of such construction and maintenance.

[21-403, added 1941, ch. 103, sec. 1, p. 184.]

21-404. TAX LEVY AUTHORIZED. Any county or municipality may levy on all of the taxable property of said county or said municipality, for the purpose of building and maintaining an airport either within or without the boundaries of such county or municipality, a tax not to exceed four hundredths percent (.04%) of market value for assessment purposes, on all taxable property within such county or such municipality, provided, however, that this section does not constitute a limitation upon the powers of cities as provided in section [50-321](#), Idaho Code.

[21-404, added 1941, ch. 103, sec. 2, p. 184; am. 1965, ch. 147, sec. 1, p. 286; am. 1995, ch. 82, sec. 1, p. 219.]

21-405. COOPERATIVE AGREEMENTS FOR DIVISION OF COSTS. Any county may enter into agreements with other contiguous counties or with any municipality within or without said county, and any municipality may enter into agreements with other municipalities either within or without the county wherein said municipality is located; or with any county or counties within, this state, for the purpose of the construction and maintenance of airports and for a division of the costs of such construction and maintenance and for the location of such airports and facilities connected therewith. Any county or municipality may enter into agreements with the federal government, or any of its agencies, for assistance and cooperation in the construction and maintenance of any airports and providing for the transfer of airports so constructed, to the federal government or the state of Idaho for the consideration of perpetual maintenance of said airports.

[21-405, added 1941, ch. 103, sec. 3, p. 184.]

21-406. FUNDS TO CARRY OUT CONTRACTS. For the purpose of carrying out the terms of any contract or agreement entered into pursuant to the provisions of this act, such municipality or county may use any funds at its disposal, not otherwise appropriated.

[21-406, added 1941, ch. 103, sec. 4, p. 184.]