

**REPORT OF THE  
JOINT SUBCOMMITTEE STUDYING**

# **AIRSPACE INTRUSIONS**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



## **HOUSE DOCUMENT NO. 53**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1989**

# CONTENTS

Summary	page 1
General Background	page 2
Joint Subcommittee Activities	page 2
Recommendations	page 3
Appendix I: Recommended Legislation	page 5
Appendix II: Joint Subcommittee Members	page 20

## Summary

In order to ensure safety of air navigation, obstacle-free aerial pathways must be maintained to and from airports. At many Virginia airports these pathways extend not only beyond the property of the airport itself, but also into adjoining political jurisdictions. Over the past two years, the Virginia Department of Aviation has succeeded in identifying many structures which penetrate the imaginary surfaces that form the "floors" of these pathways and present hazards to aircraft. While the Department, working with individual airport sponsors and owners, was able to obtain removal or mitigation of many of these hazards, it appeared desirable both from an economic and from a safety standpoint that these hazards be prevented rather than removed or mitigated. The 1988 General Assembly, through the passage of House Joint Resolution No. 24, commissioned a Joint Subcommittee to seek an appropriate preventative mechanism.

Following input from the Department of Aviation, local government officials, airport sponsors, and the general public, the Joint Subcommittee decided that prevention of airspace intrusions should, wherever possible, be achieved by local governments' through the exercise of their zoning powers. However, in cases in which local governments fail to act -- or affirmatively choose not to act -- this responsibility for protection of airport approach zones should be vested with the Commonwealth, the group felt.

The Joint Subcommittee recommends two pieces of legislation to deal with these future intrusions: One bill prohibits the erection of any structure which penetrates the imaginary surfaces (as described in Federal Aviation Administration and Virginia Department of Aviation regulations) of any licensed airport, unless a permit is first obtained from the Aviation Board. This permit, however, would not be required in localities which regulate the height of structures which penetrate these surfaces -- even though the regulations might be less than a full-fledged airport safety zoning ordinance. The other bill requires that all localities in which licensed airports are located, and all localities over whose territory approach slopes and zones of licensed airports extend, adopt airport safety zoning ordinances by July 1, 1991, and sets out the text of a model airport safety zoning ordinance. If a locality has not adopted an airport safety zoning ordinance by July 1, 1991, the Virginia Aviation Board, by regulation, would be permitted to undertake the regulation of construction of structures around that airport directly.

## General Background

Airports have become an essential ingredient in the economic development of Virginia. For many corporations, the availability of a convenient airport is a critical element in their decision on whether to locate in Virginia or elsewhere. Many Virginia airports have become the hubs of industrial parks and business centers. Unfortunately, the very development to which airports have so materially contributed, has also created difficulties for Virginia's airports as more and taller structures have been erected adjacent to airport property.

To enable aircraft to land at and depart from airports it is necessary not only that airport property itself, but also adjoining property, be kept free of tall structures which would interfere with aircraft operations. Just which structures in which locations present dangers to aircraft depends on the location and configuration of the airport and the kinds of aircraft that use it.

The Federal Aviation Administration (FAA) and the Virginia Department of Aviation have used several kinds of imaginary surfaces, sloping away from airports and runways, to describe the paths which must be kept clear of obstacles to ensure air navigation safety. In many instances these imaginary surfaces extend over property which is not only not owned or controlled by the airport owner or sponsor, but may be located in another political jurisdiction.

In 1987 the Virginia Department of Aviation, supported by a grant from the FAA, undertook the "Photoslope Project." Through the use of composite photographs taken by a camera mounted on a theodolite, the department was able pictorially to identify, for each of the sixty-four licensed airports in Virginia, the precise structures and vegetation which penetrated these imaginary surfaces. When the obstacle-identification phase of the project was completed in the spring of 1988, only two of the sixty-four licensed airports in Virginia were free of airspace intrusions -- structures and vegetation which penetrated these imaginary surfaces.

## Joint Subcommittee Activities

The Joint Subcommittee formed by the General Assembly to study the airspace intrusions problem began its work with a briefing by the Department of Aviation on its "Photoslope Project" and the scope of the existing intrusions difficulties which it disclosed. With the assistance of the Department, the group toured several airports to see for themselves the difficulties presented by existing intrusions and to consider the hazards which nearby development posed for future airport safety. In the course of the summer and fall of 1988, the Joint Subcommittee monitored the work of the Department as it collaborated with with airport sponsors to bring their airports into compliance with FAA and Department regulations. Some impetus was added to the Department's efforts when the Aviation Board began withholding -- or warning of potential withholding -- of state airport development funds if substantial efforts were not made to eliminate or mitigate airspace intrusions. By the end of the year fully half of Virginia's sixty-four licensed airports had been brought into substantial compliance.

While the Department concentrated its administrative efforts on dealing with already-existing intrusions, the Joint Subcommittee considered methods of preventing future airspace intrusion difficulties. After public hearings in Charlottesville, Dublin, and Richmond, the Joint Subcommittee concluded that the most effective way of preventing airspace intrusions was through local governments' exercise of their zoning powers. This approach would permit local governments, those closest to the situation, to deal with their own individual situations. It was felt that only in cases in which local governments failed to act -- or affirmatively chose not to act -- would responsibility for protection of airport approach zones be vested with the Commonwealth, in this case acting through the Virginia Department of Aviation. The Department's staff, working with the Attorney General's Office and the Joint Subcommittee's staff in the Division of Legislative Services, prepared draft legislation for the Subcommittee's consideration, based on several local ordinances, a model ordinance produced by the FAA, and legislation in several other states.

## Recommendations

The Joint Subcommittee recommends two pieces of legislation to deal with future airspace intrusions. (See Appendix I.)

One bill, the shorter of the two, prohibits the erection of any structure which penetrates the imaginary surfaces (as described in FAA and Virginia Department of Aviation regulations) of any licensed airport unless a permit is first obtained from the Aviation Board. This permit, however, would not be required in localities which have adopted ordinances regulating the height of structures -- even though the regulations might be less than a full-fledged airport safety zoning ordinance. The bill's chief benefit lies in that it would enable the Commonwealth, in the event of a violation, to obtain from the courts an injunction either blocking the construction of the offending structure or compelling its removal.

The second, longer, bill is more complex. Based on a synthesis of a model statute recommended by the FAA, other states' statutes, and several existing local Virginia ordinances, it requires that all localities in which licensed airports are located, and all localities over whose territory approach slopes and zones of licensed airports extend, adopt airport safety zoning ordinances by July 1, 1991. It then sets out the text of a model airport safety zoning ordinance, which localities can adapt to suit their local situations. If a locality has not adopted an airport safety zoning ordinance by July 1, 1991, the Virginia Aviation Board, by regulation, may undertake to protect aviators and licensed airports from construction of airspace intrusions. The Virginia Department of Aviation intends to make its staff and resources available to localities in adapting the model ordinance to local circumstances.

This approach balances the need to (i) protect aviation safety, (ii) safeguard the public investment in aviation facilities, (iii) maintain the viability of Virginia's public use airports, and (iv) preserve the economic development asset which airports represent to Virginia's localities and to the Commonwealth as a whole with (v) the desirability, whenever possible, of retaining zoning, land-use, and building permit powers in the hands of local governments.

Respectfully submitted,

J. Robert Dobyns (Chairman)

Charles J. Colgan (Vice Chairman)

Robert T. Andrews

Whittington W. Clement

J. Granger Macfarlane

Robert C. Scott

Mitchell Van Yahres

APPENDIX I

Recommended Legislation

1 D 10/3/88 Wambold C 12/21/88 smw

2 SENATE BILL NO. .... HOUSE BILL NO. ....

3 A BILL to amend and reenact § 5.1-25.1 of the Code of Virginia,  
4 relating to construction permits from the Virginia Aviation  
5 Board.

6

7 Be it enacted by the General Assembly of Virginia:

8 1. That § 5.1-25.1 of the Code of Virginia is amended and reenacted  
9 as follows:

10 § 5.1-25.1. Permit required for erection of certain  
11 structures.--It shall be unlawful for any person to erect any  
12 structure  ~~, which structure, or any part of which structure, exceeds a~~  
13 height of 500 feet above the ground penetrates into or through any  
14 licensed airport's clear zone, approach zone, imaginary surface,  
15 obstruction clearance surface, obstruction clearance zone, or surface  
16 or zone as described in regulations of the Department of Aviation or  
17 Federal Aviation Administration , without securing a permit for such  
18 its erection from the Board  ~~, provided, however, that the provisions~~  
19 of this . This section shall not apply as to any structure to be  
20 erected in a county  ~~or ,~~ city or town which has an applicable zoning  
21 an ordinance regulating the height of such structures  ~~, nor to any~~  
22 structure for which the Federal Aviation Administration has issued a  
23 Determination of No Hazard to Air Navigation to prevent the  
24 penetration of zones and surfaces provided for in Federal Aviation  
25 Regulation Part 77 and Rule 19 of the Department of Aviation .

26 For the purpose of this section, "structure" shall mean any



1 object, including a mobile object, constructed or erected by man,  
2 including but not limited to buildings, towers, cranes, smokestacks,  
3 earth formations, overhead transmission lines, flag poles, and ship  
4 masts.

5 #

1 D 11/21/88 Wambold C 12/22/88 df

2 SENATE BILL NO. .... HOUSE BILL NO. ....

3 A BILL to amend the Code of Virginia by adding in Article 3 of Chapter  
4 1 of Title 5.1 a section numbered 5.1-25.5, relating to local  
5 zoning ordinances governing structures hazardous to air  
6 navigation.

7

8 Be it enacted by the General Assembly of Virginia:

9 1. That the Code of Virginia is amended by adding in Article 3 of  
10 Chapter 1 of Title 5.1 a section numbered 5.1-25.5 as follows:

11 § 5.1-25.5. Model airport safety zoning ordinance.--Before July  
12 1, 1991, the governing body of any county, city, or town (i) in whose  
13 jurisdiction a licensed airport is located or (ii) over whose  
14 jurisdiction the approach slopes and other safety zones of a licensed  
15 airport extend shall by ordinance provide for the regulation of the  
16 height of structures and objects of natural growth for the purpose of  
17 protecting the safety of air navigation and the public investment in  
18 air navigation facilities. Any such ordinance may be adopted  
19 regardless of whether the local governing body has adopted a zoning  
20 ordinance applicable to other land uses in the locality. Any such  
21 ordinance may be designed and adopted by the locality as an overlay  
22 zone superimposed on any preexisting base zone.

23 In the event a local governing body within whose jurisdiction a  
24 licensed airport is located or over whose jurisdiction the approach  
25 slopes and other safety zones of a licensed airport extend has not  
26 adopted such an airport safety zoning ordinance by July 1, 1991, the

1 Virginia Aviation Board may, by regulation, regulate the height of  
2 structures and vegetation through land use controls in that locality  
3 to the extent necessary to prevent the creation or establishment of  
4 obstructions it finds to be hazardous to air navigation.

5 The provisions of the airport safety zoning ordinance shall be  
6 substantially as follows:

7 Airport Safety Zoning Ordinance.

8 AN ORDINANCE regulating and restricting the height of structures  
9 and objects or natural growth, and otherwise regulating the use of  
10 property in the vicinity of the airports in (-insert name of  
11 locality-) by creating the appropriate zones and establishing the  
12 boundaries thereof; providing for changes in the restrictions and  
13 boundaries of such zones; defining certain terms used herein;  
14 providing for enforcement; and imposing penalties.

15 This ordinance is adopted pursuant to the authority conferred by  
16 §§ 5.1-25.5 and 15.1-427 through 15.1-503 of the Code of Virginia. It  
17 is hereby found that an obstruction has the potential for endangering  
18 the lives and property of users of the airports in (-insert name of  
19 locality-) and property or occupants of land in its vicinity; that an  
20 obstruction may affect existing and future instrument approach  
21 minimums of the airports in (-insert name of locality-); and that an  
22 obstruction may reduce the size of areas available for the landing,  
23 takeoff, and maneuvering of aircraft, thus tending to destroy or  
24 impair the utility of the airports and the public investment therein.  
25 Accordingly, it is declared:

26 1. That it is necessary in the interest of the public health,  
27 safety, and general welfare that the creation or establishment of  
28 obstructions that are hazards to air navigation be prevented;

1        2. That the creation or establishment of an obstruction has the  
2 potential for being a public nuisance and may injure the area served  
3 by the airports;

4        3. That the Commonwealth derives accelerated economic  
5 development and enhanced interstate commerce from a system of airways  
6 and airports held strictly to the highest possible safety standards;  
7 and

8        4. That the prevention of these obstructions should be  
9 accomplished, to the extent legally possible, by the exercise of the  
10 police power without compensation.

11        Be it ordained by (-insert name of local governing body-):

12                                Article 1.

13                                Short Title.

14        § 1.1. This ordinance shall be known and may be cited as the  
15 (-insert name of locality-) Airport Safety Zoning Ordinance.

16                                Article 2.

17                                Definitions.

18        § 2.1. As used in this ordinance, the following terms shall have  
19 the meanings respectively ascribed to them, unless the context clearly  
20 requires otherwise:

21        "Administrator": The official charged with the enforcement of  
22 this ordinance. He shall be the (-insert title of designated local  
23 official-).

24        "Airport": (-insert name of affected airport or airports-).

25        "Airport elevation": The highest point on any usable landing  
26 surface expressed in feet above mean sea level.

27        "Approach surface": A surface longitudinally centered on the  
28 extended runway centerline, extending outward and upward from the end

1 of the primary surface and at the same slope as the approach zone  
2 height limitation slope set forth in Article 4 of this ordinance. In  
3 plan the perimeter of the approach surface coincides with the  
4 perimeter of the approach zone.

5 "Approach, transitional, horizontal, and conical zones": The  
6 zones as set forth in Article 3 of this ordinance.

7 "Conical surface": A surface extending horizontally twenty feet  
8 for every one foot vertically from the periphery of the horizontal  
9 surface.

10 "Hazard to air navigation": An obstruction determined by the  
11 Virginia Department of Aviation or the Federal Aviation Administration  
12 to have a substantial adverse effect on the safe and efficient  
13 utilization of navigable airspace in the Commonwealth.

14 "Height": For the purpose of determining the height limits in  
15 all zones set forth in this ordinance and shown on the zoning map, the  
16 datum shall be mean sea level elevation unless otherwise specified.

17 "Horizontal surface": A horizontal plane 150 feet above the  
18 established airport elevation, the perimeter of which in plan  
19 coincides with the perimeter of the horizontal zone.

20 "Nonconforming use": Any preexisting structure or object of  
21 natural growth which is inconsistent with the provisions of this  
22 ordinance or any amendment to this ordinance.

23 "Obstruction": Any structure, growth, or other object, including  
24 a mobile object, which exceeds a limiting height set forth in Article  
25 4 of this ordinance.

26 "Permit": A document issued by (-insert name of locality-)  
27 allowing a person to begin an activity which may result in any  
28 structure's or vegetation's exceeding the height limitations provided

1 for in this ordinance.

2 "Person": Any individual, firm, partnership, corporation,  
3 company, association, joint stock association, or governmental entity.  
4 The term includes a trustee, a receiver, an assignee, or a similar  
5 representative of any of them.

6 "Primary surface": A surface, with a specified width as provided  
7 in Article 3 of this ordinance, longitudinally centered on a runway.  
8 When the runway has a specifically prepared hard surface, the primary  
9 surface extends 200 feet beyond each end of that runway. The  
10 elevation of any point on the primary surface is the same as the  
11 elevation of the nearest point on the runway centerline.

12 "Runway": A specified area on an airport prepared for landing  
13 and takeoff of aircraft.

14 "Structure": Any object, including a mobile object, constructed  
15 or installed by any person, including but not limited to buildings,  
16 towers, cranes, smokestacks, earth formations, overhead transmission  
17 lines, flag poles, and ship masts.

18 "Transitional surfaces": Surfaces which extend outward  
19 perpendicular to the runway centerline extended at a slope of seven  
20 feet horizontally for each foot vertically from the sides of the  
21 primary and approach surfaces to where they intersect the horizontal  
22 and conical surfaces.

23 "Vegetation": Any object of natural growth.

24 "Zone": All areas provided for in Article 3 of this ordinance,  
25 generally described in three dimensions by reference to ground  
26 elevation, vertical distances from the ground elevation, horizontal  
27 distances from the runway centerline and the primary and horizontal  
28 surfaces, and capped at specific vertical limits by the surfaces of

1 the zones provided for in Article 4 of this ordinance.

2 Article 3.

3 Airport Safety Zones.

4 § 3.1. In order to carry out the provisions of this ordinance,  
5 there are hereby established certain zones which include all of the  
6 area of (-insert name of locality-) lying beneath the approach  
7 surfaces, transitional surfaces, horizontal surfaces, and conical  
8 surfaces as they apply to (-insert name of airport or airports-). An  
9 area located in more than one of the following zones is considered to  
10 be only in the zone with the most restrictive height limitation.

11 These zones are as follows:

12 "Airport zone": A zone that is centered about the runway and  
13 primary surface, and is capped by the horizontal surface.

14 "Approach zone": A zone that extends away from the runway, ends  
15 along the extended runway centerline, and is capped by the approach  
16 surfaces.

17 "Transitional zone": A zone that fans away perpendicular to the  
18 runway centerline and approach surfaces, and is capped by the  
19 transitional surfaces.

20 "Conical zone": A zone that circles around the periphery of and  
21 outward from the horizontal surface, and is capped by the conical  
22 surface.

23 Specific geometric standards for these zones are to be found in  
24 Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of  
25 Federal Regulations, or in successor federal regulations.

26 Article 4.

27 Airport Safety Zone Height Limitations.

28 § 4.1. Except as otherwise provided in this ordinance, in any

1 zone created by this ordinance no structure shall be erected, altered,  
2 or maintained, and no vegetation shall be allowed to grow to a height  
3 so as to penetrate any referenced surface of any zone provided for in  
4 Article 3 of this ordinance at any point. The height restrictions for  
5 the individual zones shall be those planes delineated as surfaces in  
6 Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of  
7 Federal Regulations, or in successor federal regulations.

8 Article 5.

9 Use Restrictions.

10 § 5.1. Notwithstanding any other provision of this ordinance,  
11 within any zone established by this ordinance no use may be made of  
12 land or water in such a manner as to:

- 13 1. Create electrical interference with navigational signals or  
14 radio communication between the airport and aircraft;
- 15 2. Diminish the ability of pilots to distinguish between airport  
16 lights and other lights;
- 17 3. Result in glare in the eyes of pilots using the airport;
- 18 4. Impair visibility in the vicinity of the airport;
- 19 5. Create the potential for bird strike hazards; or
- 20 6. Otherwise in any way endanger or interfere with the landing,  
21 takeoff, or maneuvering of aircraft intending to use the airport.

22 Article 6.

23 Nonconforming Uses.

24 § 6.1. Except as provided in § 6.2 of this ordinance, the  
25 regulations prescribed by this ordinance shall not require the  
26 removal, lowering, or other change or alteration of any structure or  
27 vegetation not conforming to the regulations as of the effective date  
28 of this ordinance, or otherwise interfere with the continuance of a



1 nonconforming use. Nothing contained in this ordinance shall require  
2 any change in the construction, alteration, or intended use of any  
3 structure, the construction or alteration of which was begun prior to  
4 the effective date of this ordinance, and is diligently prosecuted.

5 § 6.2. Notwithstanding the provision § 6.1, the owner of any  
6 existing nonconforming structure or vegetation is hereby required to  
7 permit the installation, operation, and maintenance thereon of  
8 whatever markers and lights deemed necessary by the Federal Aviation  
9 Administration, the Virginia Department of Aviation, or the  
10 administrator to indicate to the operators of aircraft in the vicinity  
11 of the airport the presence of that airport obstruction. These  
12 markers and lights shall be installed, operated, and maintained at the  
13 expense of the airport owners.

14 Article 7.

15 Permits.

16 § 7.1. Except as provided in subdivisions 1, 2, and 3 of this  
17 section, no structure shall be erected or otherwise established in any  
18 zone created by this ordinance unless a permit therefor shall have  
19 been applied for and granted. Each application for a permit shall  
20 indicate the purpose for which desired with sufficient specificity to  
21 determine whether the resulting structure would conform to the  
22 regulations prescribed in this ordinance. No permit for a structure  
23 inconsistent with this ordinance shall be granted unless a variance  
24 has been approved as provided in § 7.4.

25 § 7.2. No permit shall be granted that would allow the  
26 establishment or creation of an obstruction or permit a nonconforming  
27 use or structure to become a greater hazard to air navigation than it  
28 was on the effective date of this ordinance or any amendments thereto

1 or than it is when the application for a permit is made. Except as  
2 indicated, all applications for such a permit shall be granted.

3 § 7.3. Whenever the administrator determines that a  
4 nonconforming structure has been abandoned or more than fifty percent  
5 destroyed, physically deteriorated, or decayed, no permit shall be  
6 granted that would enable such structure to be rebuilt, reconstructed,  
7 or otherwise refurbished so as to exceed the applicable height limit  
8 or otherwise deviate from the zoning regulations contained in this  
9 ordinance.

10 § 7.4. Any person desiring to erect or increase the height or  
11 size of any structure not in accordance with the regulations  
12 prescribed in this ordinance may apply for a variance from such  
13 regulations to the (-insert board of zoning appeals or other entity-).  
14 The application for variance shall be accompanied by a determination  
15 from the Virginia Department of Aviation as to the effect of the  
16 proposal on the operation of air navigation facilities and the safe,  
17 efficient use of navigable airspace. Such variances shall be allowed  
18 where it is duly found that a literal application or enforcement of  
19 the regulations will result in unnecessary hardship and relief granted  
20 will not be contrary to the public interest, will not create a hazard  
21 to air navigation, will do substantial justice, and will be in  
22 accordance with the spirit of this ordinance. Additionally, no  
23 application for a variance to the requirements of this ordinance may  
24 be considered by the (-insert board of zoning appeals or other  
25 entity-) unless a copy of the application has been furnished to the  
26 airport owner for advice as to the aeronautical effects of the  
27 variance. If the airport owner does not respond to the application  
28 within fifteen days after receipt, the (-insert board of zoning

1 appeals or other entity-) may act on its own to grant or deny the  
2 application for a variance.

3 § 7.5. Any permit or variance granted may, if such action is  
4 deemed advisable to effectuate the purpose of this ordinance and be  
5 reasonable in the circumstances, be so conditioned as to require the  
6 owner of the structure in question to install, operate, and maintain,  
7 at the owner's expense, such markings and lights as may be deemed  
8 necessary by the Federal Aviation Administration, the Virginia  
9 Department of Aviation, or the administrator. If deemed proper by the  
10 (-insert board of zoning appeals or other entity-), this condition may  
11 be modified to require the owner to permit the airport owner, at his  
12 own expense, to install, operate, and maintain the necessary markings  
13 and lights.

14 Article 8.

15 Enforcement.

16 § 8.1. The administrator shall administer and enforce the  
17 regulations prescribed in this ordinance. Applications for permit and  
18 variances shall be made to the administrator on a form published for  
19 that purpose. Applications required by this ordinance to be submitted  
20 to the administrator shall be properly considered and granted or  
21 denied. Application for action by the (-insert board of zoning  
22 appeals or other entity-) shall be mailed or presented to the (-insert  
23 board of zoning appeals or other entity-).

24 Article 9.

25 Appeals.

26 § 9.1. Any person aggrieved, or any officer, department, board,  
27 or bureau of (-insert name of locality-) affected by a decision of the  
28 administrator may appeal to the (-insert board of zoning appeals or

1 other entity-).

2 Article 10.

3 Judicial Review.

4 § 10.1. Any person aggrieved or any taxpayer affected by any  
5 decision of the (-insert board of zoning appeals or other entity-) may  
6 appeal to the (-insert name of circuit court having jurisdiction in  
7 the locality-).

8 Article 11.

9 Penalties.

10 § 11.1. Each violation of this ordinance or of any regulation,  
11 order, or ruling promulgated under this ordinance shall constitute a  
12 misdemeanor and be punishable by a fine of no more than five hundred  
13 dollars. Each day on which a violation occurs shall constitute a  
14 separate offense.

15 Article 12.

16 Conflicting Regulations.

17 § 12.1. Where there exists a conflict between any of the  
18 regulations or limitations prescribed in this ordinance and any other  
19 regulations applicable to the same subject, where the conflict is with  
20 respect to the height of structures or trees, and the use of land, or  
21 any other matter, the more stringent limitation or requirement shall  
22 govern.

23 Article 13.

24 Severability.

25 § 13.1. Should any portion or provision of this ordinance be  
26 held by any court to be unconstitutional or invalid, that decision  
27 shall not affect the validity of the ordinance as a whole or any part  
28 of the ordinance other than the part held to be unconstitutional or

LD5335457

DE

1 invalid.

2

#

APPENDIX II

Joint Subcommittee Members

J. Robert Dobyms (Chairman)

Charles J. Colgan, (Vice Chairman)

Robert T. Andrews

Whittington W. Clement

J. Granger Macfarlane

Robert C. Scott

Mitchell Van Yahres

Clerical, research, and legal staff support for the  
joint subcommittee were provided by  
The House Clerk's Office  
and  
The Division of Legislative Services



