

**TITLE 2: NATURAL RESOURCES**  
**DIVISION 2: PORTS**

**§ 2209. Criteria for Granting a Permit.**

Unless the executive director finds that the proposed or resulting use, structure, or tree would not conform to the restrictions provided by this article, he shall grant the permit, provided that:

(a) No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on September 12, 1984, or than it is when the application for a permit is made.

(b) Whenever the executive director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such a structure or tree to exceed the applicable height limit or otherwise deviate from the restrictions provided by this article.

**Source:** PL 4-10, § 9.