**Section 16.150 Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed**

a) When the Division determines that a non-conforming structure, use, or vegetation has been abandoned or more than 80 percent demolished, destroyed, physically deteriorated, or decayed:

1) No permit will be granted that will allow a non-conforming structure, use, or vegetation to exceed the applicable height limit or otherwise deviate from this Part except pursuant to a variance granted under Section 16.180; and

2) Whether or not application is made for a permit, the Division will issue an Order, pursuant to subsection (b) of this Section, in cases where the remaining structure, use, or vegetation constitutes a violation of this Part, compelling the owner of the non-conforming structure, use, or vegetation, at his/her own expense, to lower, remove, reconstruct, or equip the structure, use, or vegetation as may be necessary to conform to this Part. If the owner of the non-conforming structure, use, or vegetation neglects or refuses to comply with the Order within 10 days after receipt, the Division may proceed to have the structure, use, or vegetation lowered, removed, reconstructed, or equipped at the owner’s expense. The Division will have a lien, on behalf of the State, upon the land where the structure, use, or vegetation is or was located, in the amount of the cost and expense. The lien may be enforced by the Division on behalf of the State by suit for enforcement as in the case of other liens. (See Section 23 of the Act.)

b) The Division will issue an Order if it is determined that the non-conforming structure, use, or vegetation interferes with traffic patterns at the airport. In making the determination, the Division will consider factors that include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or non-precision instrument approach runways.