

CHAPTER 21

MUNICIPAL AIRPORT

21.01	Airport Zoning
21.02	Airport Commission
21.03	Leases
21.04	Trespassing Prohibited
21.05	Operation of Vehicles on Runways, Taxiways, and Ramps Regulated
21.06	Pedestrian Traffic Regulated
21.07	Speed of Vehicles
21.08	Minimum Standards
21.10	Penalty

21.01 AIRPORT ZONING.

(1) **DEFINITIONS.** As used in this chapter, unless the context otherwise requires, the following words and phrases shall have the meaning given herein:

(a) Airport. The Clintonville Municipal Airport located in Sections 25 and 30, T25N, R14E, Waupaca County, Wisconsin.

(b) Airport Hazard. Any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

(c) Nonconforming Use. Any structure, tree or use of land which does not conform to a regulation prescribed in this chapter or amendment thereto as of the effective date of such regulation.

(d) Structure. Any object constructed or installed by man.

(e) Tree. Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than 5 feet.

(f) Owner. The City of Clintonville.

(g) Fixed Base Operator. Any person, firm, corporation or association carrying persons or property for hire, or furnishing aeronautical services, supplies or instruction, and carrying on such business from a particular municipal airport.

(h) T-Hangar. A multiple or single T-shaped building capable of housing one or more airplanes.

(i) Shop. A building capable of housing one or more aircraft while such aircraft are being repaired.

(j) Taxiway. an area designated or used solely for the taxing of aircraft, except apron areas.

(k) Concession. Any nonaeronautical or facility service required for the convenience of the public using the airport.

(l) Runway. Any hard surfaced area used and designed for taking off and land of aircraft.

(m) Landing Strip. Any area designed and used for the landing and taking off of aircraft.

(n) Apron. An area adjacent to the administrative and business hangar sections of the airport designed and used solely for the parking and servicing of aircraft.

(o) Tie-Down. An area designed and used for the parking and tying down and storage of aircraft.

(p) Hangar. Any building designed and used for aeronautical purposes providing space for aircraft storage and service activities.

(q) Public Thoroughfare. All areas located in the administration section of the airport designed and used for the passage of vehicles and pedestrians.

(r) Public Areas. The area consisting of the commercial, municipal and vehicle parking areas in accordance with Zoning Maps A and B (see sub. (2) below).

(s) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn, except aircraft.

(t) Lessor. Owner, as defined in par. (f) above.

(u) Emergency Equipment. Crash, fire and rescue, or police motor vehicles, and such other equipment as the Airport Manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

(v) Service, Maintenance and Construction Equipment. Approved equipment normally operated by a fixed base operator, the owner and/or the Federal Aviation Administration on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of Airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the Airport under a contractual agreement with the owner.

(2) ZONES ESTABLISHED. Pursuant to ' 114.136, Wis. Stats., all zones established by this chapter for airport approach protection are as shown on the map dated December, 1974, and entitled "Height Limitation Zoning Map, Clintonville Municipal Airport, Clintonville, Wisconsin," which is hereby adopted by reference.

(3) HEIGHT ZONES.

(a) Restrictions. Except as otherwise provided in this chapter, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated in each zone on the Map referred to in sub. (2) above.

(b) Exceptions. The restrictions contained in par. (a) above shall not apply to objects which are less than 35 feet in height above ground level at the object site within 1/2 mile of the Airport boundary, or to structures less than 50 feet in height above ground within the area beginning 1/2 mile from the Airport boundary and extending to one mile from the Airport boundary, or to structures less than 100 feet in height above the ground within the area beginning one mile from the airport boundary and extending to 3 miles from the Airport boundary.

(4) INTERFERING USES PROHIBITED. In addition to the restrictions set forth in sub. (3) above, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the Airport and aircraft, or make it difficult for pilots to distinguish between Airport lights and others, or result in glare in the eyes of pilots using the Airport, or impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

(5) NONCONFORMING USES.

(a) Not Retroactive. The regulations prescribed in subs. (2) and (3) above shall not be construed to require the removal, lowering or other change or alteration of any nonconforming use, or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by sub. (7)(b) below.

(b) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure if the construction or alteration of such was commenced prior to the effective date of this chapter and was diligently prosecuted.

(c) Removal. This section shall not preclude the removal of nonconforming uses by purchase or the use of eminent domain.

(6) ADMINISTRATION. It shall be the duty of the Airport Manager and Zoning Administrator to administer and enforce the regulations prescribed in this chapter. Applications for permits and variances shall be made to the Airport Manager and Zoning Administrator upon a form furnished by them. Applications which are, by this section, to be approved by the Airport Manager and Zoning Administrator shall be promptly considered and granted or denied by them within 15 days. Applications for action by the Board of Zoning Appeals shall be forthwith transmitted by the Airport Manager and Zoning Administrator to the Board for hearing and decision.

(7) PERMITS.

(a) Future Uses. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by sub. (2) above until the owner or his agent have applied in writing for a permit therefore and obtained such permit from the Airport Manager and Zoning Administrator, except structures less than 35 feet in height above the ground and within 1/2 mile of the Airport boundary; structures less than 50 feet in height above the ground within the area beginning 1/2 mile from the Airport boundary and extending to 1 mile from the Airport boundary; and structures less than 100 feet in height above the ground within the area beginning one mile from the Airport boundary and extending to 3 miles from the Airport boundary. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. No tree may be planted without a permit and any tree planted without a permit or permitted to grow without planting may be ordered removed at any time by the Airport Manager and Zoning Administrator upon their finding that such tree violates or is about to violate the height restriction for the zone. Application for such permit shall indicate the use for which the permit is desired, and shall describe and locate the use with sufficient particularity to permit the Airport Manager and Zoning Administrator to determine whether such would conform to the regulations herein prescribed. If such determination is in the affirmative, the Airport Manager and Zoning Administrator shall issue the permit applied for.

(b) Existing Uses. Before any nonconforming structure or tree may be replaced, altered or repaired, rebuilt or replanted, a permit shall be applied for and secured in the manner prescribed by par. (a) above authorizing such change, replacement or repair. No such permit shall be granted that would allow the structure or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or than it is when the application for permit is made.

(8) HAZARD MARKING AND LIGHTING. Any permit or variance granted under sub. (7) and (9) of this section may, if such action is deemed advisable by the Airport Manager and Zoning

Administrator to effectuate the purpose of this chapter and if it is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(9) **BOARD OF ZONING APPEALS.** The Board of Zoning Appeals shall hear and decide appeals brought under the provisions of this chapter. See ch. 17 of this Code.

(10) **APPEALS AND REVIEW.**

(a) **Variances.** Upon appeal in special cases, the Board of Zoning Appeals may, after investigation and public hearing, grant such variance from the terms of this chapter as will not be contrary to the public interest where, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and such relief will do substantial justice be in accord with the spirit of this chapter, and does not create a hazard to the safe and normal operation of aircraft.

(b) **Aggrieved Person.** Any person aggrieved or affected by any decision or action of the Airport Manager and Zoning Administrator made in their administration of this chapter may appeal such decision or action to the Board.

(c) **Procedure.** Any appeal taken pursuant to this chapter shall be in conformity with the procedure established by 62.23 (7) (e), Wis. Stats.

21.02 **AIRPORT COMMISSION.** See Sec. 1.29 of this Code.

21.03 **LEASES.**

(1) **REQUIRED.** No person shall conduct any business on airport property without a written lease from the City. Such businesses include, without exclusion, aircraft sales; airframe and power plant repair; aircraft rental; flight training; aircraft fuels and oil dispensing service; radio, instrument or propeller repair service; aircraft charter and air taxi; or specialized commercial flying services.

(2) **TERMS AND EXECUTION.** The Airport Commission, with the assistance of the City Attorney, shall negotiate all leases for Airport property. The terms of such leases shall be in form recommended by the Department of Transportation, Division of Aeronautics, and be consistent with guidelines established by the Commission and approved by the Council. All leases shall be approved by the Council and executed by the Mayor and the Clerk-Treasurer.

21.04 **TRESPASSING PROHIBITED.**

(1) No person shall enter upon any part of the Airport without the permission of the Airport Commission or its representative or in violation of any City, State or Federal rule or regulation.

(2) Except for public parking areas, no person shall enter the Airport with any type of vehicle without the permission of the Airport Commission or its representative, or in violation of any City, State or Federal rule or regulation.

21.05 **OPERATION OF VEHICLES ON RUNWAYS, TAXIWAYS AND RAMPS**

REGULATED. No vehicle shall enter, be driven upon or operated upon any Airport runway, taxiway, ramp, tie-down area, or any area posted by signs prohibiting the entrance thereon, except as follows:

(1) **EQUIPMENT.** The provisions of this section shall not apply to emergency equipment or service, maintenance and construction equipment when engaged in performing normal duties.

(2) **AIRCRAFT OWNERS.** Aircraft owners may be granted authorization by the Airport Manager or his designated representative to operate a vehicle to reach their own aircraft in a tie-down area. Aircraft owners desiring to operate a vehicle for this purpose shall request such authorization in advance. Any authorization granted shall apply only to a specific need request. Blanket-type authorizations shall not be granted. Unless specifically authorized, aircraft owners shall not pass over any runway, taxiway or ramp and shall proceed through said tie-down area at a speed not to exceed 5 miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of Part 139 or Part 107, Federal Aviation Regulations.

21.06 **PEDESTRIAN TRAFFIC REGULATED.** No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie-down areas unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the Airport Manager. Pedestrian traffic is prohibited on taxiways, runways, and aircraft operational areas of the airport except for those employees of the City, State or Federal government, or contractors engaged in airport construction or maintenance work.

21.07 **SPEED OF VEHICLES.** No vehicles shall be driven upon any road within the perimeter of the airport or upon other airport areas in excess of 10 miles per hour.

21.08 **MINIMUM STANDARDS.** Minimum standards for persons or firms based upon or engaging in one or more aeronautical services at the Clintonville Municipal Airport shall be established and maintained by the Airport Commission of the City of Clintonville. These standards be set forth in Airport Administrative regulations Part 1.

21.10 **PENALTY.** Any person who shall violate any provision of this chapter shall be subject to a forfeiture as provided in Sec. 25.04 of this code except any person who shall violate any provision of Airport Administrative Regulations, Minimum Standards, Part 1 shall be subject to forfeiture as provided in the Regulation.