

Chapter 69. Airport

Article I. Purpose, Administration and Enforcement; Definitions

§ 69-1. Purpose, statutory authorization, jurisdiction, administration, enforcement, violations and penalties, severability, and effect.

- A. Purpose. The purpose of this chapter is to protect the existing and future operation of the L.O. Simenstad Municipal Airport and the public investment therein and to promote the health, safety, and general welfare of the public and aviation users.
- B. Statutory authorization. This chapter is adopted pursuant to Ch. **114**, Wis. Stats.
- C. Jurisdiction. The jurisdiction of this chapter shall extend over all lands and waters within three statute miles of the boundaries of the L.O. Simenstad Municipal Airport, except for those lands and waters within Chisago County, Minnesota, which are under the jurisdiction and administration of Chisago County.
- D. Administration. The Osceola Airport Commission administers the L.O. Simenstad Municipal Airport, Osceola, Polk County, Wisconsin. The Commission's goal is to ensure reliable, safe, and nondiscriminatory aeronautical services, facilities and air transportation and to foster the economic health and orderly development of the airport and the Village of Osceola. The following policies and minimum standards have been adopted by the Commission and the owner for the orderly operation of the airport:
 - (1) The Osceola Airport Commission has jurisdiction for the construction, improvement, equipment, maintenance, and operation of the airport under § 114.14(2) and (3), Wis. Stats.
 - (2) Five Commissioners shall be appointed by the Village President, subject to the approval of the Village Board.
 - (3) The terms of office for said Commissioners shall be six years.
 - (4) The Commission shall elect one member Chairperson and one member Secretary. Said election of those officers or any other officers shall occur no less than once annually. The Secretary shall keep an accurate record of all of the proceedings and transactions of the Commission and report such at least quarterly to the Village Board.
 - (5) All moneys appropriated for the construction, improvement, equipment, maintenance or operation of the airport or earned by the airport or made available for its construction, improvement, equipment, maintenance or operation in any manner whatsoever shall be deposited with the Treasurer of the Village, where it shall be accounted for separately and paid out at the direction of the Airport Commission as provided in § 114.14(2), Wis. Stats.

- (6) The Commission will report to the owner current information on aircraft operations, based aircraft, airport expenditures, and revenues and other such information as required by the owner.
- E. Enforcement. The Commission and the appropriate enforcement agent or agency shall enforce the provisions of this chapter.
- F. Violations and penalties. Except as otherwise provided, any person found in violation of any provisions of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 219-10 of the Municipal Code.
- G. Severability. If any of the provisions of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.
- H. Effect. This chapter amends the previous chapter, and all amendments thereto, adopted by the Village Board of the Village of Osceola 4-15-2002 by Ord. No. 03-02.^[1] This chapter shall take effect and be in force upon passage by the Village Board and publication.
- [1] *Editor's Note: Ordinance No. 03-02 was adopted 4-8-2003.*

§ 69-2. Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated. Words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number; the word "shall" is mandatory and not permissive. Any words not herein defined shall be construed as defined in the state and Village codes.

ACCESS

Access to the common areas of the airport, including runways, taxiways, aprons and other conveniences for the taxi, takeoff, flying and landing of aircraft.

AERONAUTICAL SERVICE

Any commercial service that involves, makes possible, or is required for the operation of aircraft or which contributes to or is required for such services.

AIRPORT

The L.O. Simenstad Municipal Airport located in parts of Sections 26, 27, 34, and 35, T33N, R19W, within the corporate limits of the Village of Osceola in Polk County, Wisconsin.

AIRPORT HAZARD

Any object of natural growth, structure, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off.

AIRPORT LAYOUT PLAN (ALP)

A scaled drawing of existing and proposed land and facilities necessary for the operation and development of the airport, adopted by the Airport Commission and Federal Aviation Administration.

AIRPORT MANAGER

A person employed by the Commission under § 114.14(3), Wis. Stats.

AIRPORT ZONING MAP

The L.O. Simenstad Municipal Airport Overlay Zoning and Height Limitation Map, Village of Osceola, Polk County, Wisconsin,"^[1] dated July 1, 2009, which is attached hereto and adopted as part of this chapter. Said map has been prepared for adoption as a part of this chapter pursuant to the authority granted the Village of Osceola under § 114.136, Wis. Stats.

ALTERATION

Any construction, reconstruction, renovation or remodeling that would result in the change of height or lateral dimensions of an existing structure.

AVIGATION EASEMENT

An easement drafted by the Village Attorney and approved by the Airport Commission from the property owner to and for the benefit and protection of the Village and airport. Avigation easements prohibit uses, structures, trees, signs, stacks, and antennas that would protrude into the airspace needed by aircraft using the airport and that are not covered by the provisions of this chapter. All avigation easements required by this chapter shall be recorded with the Register of Deeds for Polk County.

COMMERCIAL OPERATOR

Any person providing goods or services for compensation or hire.

COMMISSION

The Osceola Airport Commission.

COMMUNITY CENTER

A facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

DEPARTMENT

The Village of Osceola Airport Department.

DETENTION POND

A pond or pool used for the temporary storage of water runoff and which provides for the controlled release of such waters.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to construction of, or additions or substantial improvements to, buildings, other structures, or accessory uses; the placement of mobile homes; mining, dredging, filling, grading, paving, excavating or drilling operations; or depositing of materials.

ELEVATION

The overall distance above mean sea level to the top of a structure, including any appurtenance installed thereon, or to the top of any object of natural growth.

EMERGENCY EQUIPMENT

Ambulances, crash, rescue, and fire-fighting apparatus and other equipment which the Commission may, from time to time, designate as necessary to protect the airport runways, taxiways, ramps, buildings, and other property.

FAA

The Federal Aviation Administration.

FIXED-BASE OPERATOR (FBO)

A commercial operator who provides any aeronautical services at the airport.

FLYING CLUBS

A flying club is a group of people that organize to share the cost of owning or leasing and operating aircraft.

GROWTH

Any object of natural growth, including trees, shrubs, or foliage, except farm crops which are cut at least once a year.

HEIGHT

The distance measured from the surface of the ground to the highest point of any structure or growth.

HUNTING PRESERVE

Also termed a "game preserve." Properties used for the raising, residence, and hunting of wildlife animals within a confined area for commercial or fraternal hunting clubs.

INDUSTRIAL AIRPARK

An area of privately owned industrial land adjacent to airport property, as shown on the Airport Layout Plan.

INDUSTRIAL AIRPARK PROPERTY LINE

The property line between the airport and privately owned industrial property.

INDUSTRIAL BUILDING RESTRICTION LINE

The line as shown and labeled on the Airport Layout Plan from which no industrial building may be erected closer to the runway.

LESSEE

A person who has signed a lease with the Commission.

MAINTENANCE AND CONSTRUCTION EQUIPMENT

Village equipment normally operated on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and operation of airport facilities and structures, and shall include equipment operated by private contractors performing work on the airport premises under contract with the Village or Commission.

MINIMUM STANDARDS

The qualifications which are established by the Commission as the minimum requirements to be met as a tenant or for the right to provide aeronautical services at the airport.

MULTIPLE T-HANGAR

A building composed of partitioned, nestled units designed to house no more than one aircraft in each unit and having single door openings for each unit.

NONCONFORMING USE

Any tree, structure, pole, or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulation.

OWNER and/or VILLAGE

The Village of Osceola, Polk County, Wisconsin.

PERSON

Any individual, firm, partnership, company, joint-stock association, association, corporation, or body politic, and includes any trustee, receiver, referee, assignee, or similar representative thereof.

PLACE OF PUBLIC ASSEMBLY

All buildings, or parts of buildings, where people gather for theater, recreation, entertainment, worship or educational purposes, as a principal use.

PREEXISTING PERMITTED USE

Any use of land lawfully in existence as of the effective date of this chapter, or any amendment thereto.

PRIVATE HANGAR

A building housing one or more aircraft for the personal or business use of the hangar owner or lessee and in which no commercial activity is allowed.

PRIVATE PROPERTY

Property not owned by the Village and under jurisdiction of the Commission.

RETENTION POND

A pond designed to hold a specific amount of water indefinitely. Usually the pond is designed to have drainage leading to another location when the water level gets above the pond capacity, but still maintains a certain capacity.

RUNWAY

A level portion of an airport having a surface specially developed and maintained for the landing and takeoff of aircraft.

SHOOTING RANGE, OUTDOOR

The use of land for the discharging of firearms for the purpose of target practice, skeet, and trap shooting. Excluded from this definition are general hunting and uses that do not pose an air navigational hazard.

SPECTATOR ATHLETIC FIELDS

An indoor or outdoor recreational facility with permanent seating for individuals or stadium-style lighting.

STRUCTURE

Any object constructed or installed by man.

TENANT

Any person who leases public land or facilities from the Commission for commercial or noncommercial use.

TREE

Any object of natural growth which exceeds five feet in height, except for farm crops which are cut at least once each year.

UNDERLYING ZONING ORDINANCE

The base, or existing, zoning ordinance in effect in an area subject to this chapter.

VARIANCE

A departure from the terms of this chapter as applied to a specific building, structure, or parcel of land, granted by the Board of Appeals upon the applicant proving unnecessary hardship, which permits the construction, alteration, remodeling, or use of land that deviates from the requirements of this chapter.

WILDLIFE SANCTUARY

Also termed "wildlife refuge," refers to the use of public or private property for the permanent or temporary residence or rehabilitation of wildlife animals or birds. Properties typically include the use of high fencing or netting to prevent wildlife from leaving the property. The raising and keeping of farm animals, veterinary clinics, or dog kennels are not considered wildlife sanctuaries.

ZONING ADMINISTRATOR

The Zoning Administrator for the airport, as designated by the Commission.

ZONING BOARD OF APPEALS

Article II. Airport Overlay Zoning; Height Limitation Regulations

§ 69-3. Airport Overlay Zoning and Height Limitation Map.

All zones established by this chapter are as depicted on the map entitled "Airport Overlay Zoning and Height Limitation Map, L.O. Simenstad Municipal Airport, Village of Osceola, Polk County, Wisconsin, [1] dated July 1, 2009, which is attached hereto and adopted as part of this chapter. Said map has been prepared for adoption as a part of this chapter pursuant to the authority granted the Village of Osceola under § 114.136, Wis. Stats.

[1] *Editor's Note: Said map is on file in the Village offices.*

§ 69-4. General provisions.

- A. Intent. The intent of the airport overlay zoning districts is to protect the aerial approaches to the airport by regulating, restricting and determining the use, location, height, number of stories and size of structures and objects of natural growth near the airport. As the name implies, these districts are laid over the underlying, or base, zoning districts in the airport-affected area to tackle specific issues that are not addressed in the underlying zoning districts. Such regulations, restrictions and determinations are intended to accomplish the stated purpose of this chapter.
- B. Use restrictions. Notwithstanding any other provisions of this chapter, the following standards shall be in full force and effect within the Airport Zoning Map:
- (1) Glare.
 - (a) No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation or result in glare in the eyes of pilots using the airport. (Zones 1, 2, 3, and 4).
 - (b) Intent. An example of a development that has the potential to cause hazardous glare is a multistory office complex encased in reflective (mirrored) glass. An example of a development that would not likely have the same potential is the addition of a sunroom on the side of a house.
 - (2) Lighting.
 - (a) There shall be neither display of signs which produce a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify airport lights, nor any lighting projecting upward that would interfere with aircraft or a pilot's ability to identify airport lights. (Zones 1, 2, 3, and 4)
 - (b) Intent. An example of lighting which would be of concern are lighting patterns that could simulate runway edge lighting, end or taxiway lighting, guidance lights, or upward-shining searchlights used for commercial advertising.
 - (3) Electrical interference. No structure or use on land or water shall create electrical or electronic interference with navigational signals or radio or radar communications between the aircraft and a ground station. (All zones)
 - (4) Visibility.

- (a) No structure or use shall impair the visibility in the vicinity of the airport, or otherwise endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport, including the emission or discharge of smoke, steam or other obscuring phenomena which would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety, and general welfare of the public in the use of the airport. (Zones 1, 2, 3, and 4)
 - (b) Intent. An example of a development that would likely not have the potential to cause visibility conflicts is the smoke produced by a wood furnace for a single-family residence. An example of development that has the potential to cause visibility conflicts is an industrial complex with cooling towers, evaporation ponds, and smoke stacks.
- (5) Any use of property that is not permitted by the underlying zoning ordinance, this chapter, and any federal or state aviation regulations is deemed to be prohibited. Where there is question regarding whether a particular use is permitted or prohibited, the Commission, on its own initiative or at the request of a property owner, may conduct a study to determine what zone, if any, is appropriate for the proposed use and which conditions, if any, shall apply.
- C. Hazard marking and lighting. Any permit or variance granted under this chapter may, if such action is deemed advisable by the Zoning Administrator to effectuate the purpose of this chapter and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.
- D. Construction requirements. Persons building new structures within Zones 1, 2, 3, 4, and 5 are advised to use construction techniques that make common sense in an airport environment.
- E. Notice/hold harmless. Persons purchasing land or buildings or constructing a structure or structural alteration within Zones 1, 2, 3, 4, and 5 are advised that such structure or structural alteration is situated in the area of an airport and may be subject to noise, dust, lights, and the arrival and departure of aircraft, which may cause damage to dwellings or other structures, or may adversely impact the health of animals. The Commission, its officers, agents, or employees will not be responsible for any adverse impacts as a result of aircraft or airport operations.
- F. Nonsuit covenant. Persons constructing any residence within Zone 2 shall provide a nonsuit covenant as a condition of approval of a zoning or building permit to ensure compliance with the intent and purpose of this article. Such covenant shall be placed on the deed of the property and recorded with the Register of Deeds for Polk County. Persons constructing such residences waive as to the Village of Osceola any claim for damages incurred as a result of aircraft using the public airspace regardless of any future changes in volume or character of aircraft overflights. Persons constructing such residences further agree with the Village of Osceola that they will not sue the Village on account of the flight of aircraft over or near their parcels of land. The covenant shall run with the property in perpetuity, transferable to all subsequent owners of the property. The covenant may only be amended, modified, or repealed upon approval of the Airport Commission and the Osceola Village Board after a public hearing is held. All covenants required by this article shall be completed on forms provided by the Village.
- G. Airport zones. All airport zones established by this chapter are shown on the Airport Zoning Map on file with the Department and adopted as part of this chapter.
- H. Height zones. All height zones previously established by Ord. No. 03-02 and shown on a map dated April 15, 2002 ("Height Limitation Zoning Map, L.O. Simenstad Municipal Airport, Village of Osceola, Polk County, Wisconsin"), are now included in this chapter and shown on the Airport Zoning Map.
- I. Height limitations.

- (1) Except as otherwise provided in this chapter, no structure, tree or growth shall be erected, altered, allowed to grow, or be maintained within any of the five airport zones established by this chapter to an elevation in excess of the applicable elevation limitations as shown on the Airport Zoning Map. The permitted elevation shall not exceed the elevation limitation numbers shown within the various zones encompassed by this chapter. Any structure constructed, altered or located in violation of this chapter shall be removed at the owner's expense. The Commission shall have the right to trim, prune, or remove, at the Commission's expense, any tree allowed to grow to a height in excess of the height limitation set forth herein.
 - (2) Exceptions. The restrictions contained in this chapter shall not apply to legal fences or to farm crops that are cut at least once each year.
- J. District boundaries. District boundary lines are center lines of highways, roads or pavements, section, division of section, tract, or lot lines, or extensions of such lines, as applicable, or as otherwise indicated.
- (1) When a district line divides a lot/parcel of record existing prior to the effective date of this chapter in such a manner that a use is not permitted in the most restrictive district of such lot but is permitted on that portion of such lot in the lesser restrictive district, then a permitted use may be developed only on that portion of the lot/parcel where it is permitted, provided that:
 - (a) The proposed use meets the underlying municipal zoning requirements;
 - (b) The use complies with all applicable setback requirements;
 - (c) A site plan, drawn to scale showing the location of the use and the district line on that lot/parcel, is submitted to the Commission and is reviewed and approved pursuant to the procedure contained herein.
 - (2) Zone 1 shall be considered the most restrictive, and Zone 5 shall be considered the least restrictive.

§ 69-5. Airport overlay zones.

In order to carry out the provisions of this chapter, there are hereby created and established five zones as shown on the Airport Zoning Map, consisting of one sheet, and attached to and made a part of this chapter. For the purpose of this section, the lands and waters within three statute miles from the boundaries of the airport are divided into five districts defined as follows:

- A. Zone 1, Airport District. The Airport District is defined as all those lands owned by the airport and intended to be used for airport purposes. The Airport District is created to encompass areas that, due to the operation of aircraft, could be exposed to excessive noise, are within the aircraft approach and departure areas, or are in areas which are exposed to a greater risk of aircraft crashes (crash hazard area). The Airport District is established to protect the approaches to the airport from incompatible land uses and to preserve the airport's ability to serve its present and future air transportation needs. Any new building, or expansion, alteration, or enlargement of any existing building, structure, or property within this zone must be approved by the Airport Commission. The boundaries of Zone 1 are shown on the Airport Zoning Map.
- (1) Permitted uses and structures: only uses and structures that are directly related to and necessary for the function, enhancement, or operation of the airport. (See also Articles I and IV of this chapter.)
 - (a) Air terminals.
 - (b) Aircraft hangers.
 - (c) Runways, taxiways, aprons, and related lighting and air support apparatus.

- (d) Airport administration and maintenance buildings and facilities.
 - (e) Airport security, rescue, and firefighting buildings and facilities.
 - (f) Aircraft repair and maintenance buildings and facilities.
 - (g) Fuel storage facilities and pumps.
 - (h) Commercial uses directly related to airport operations.
 - (i) Public gatherings in conjunction with an airport-related activity sponsored or approved by the airport.
 - (j) Air cargo facilities.
 - (k) Other related airport and municipal uses and structures.
 - (l) Municipal emergency response facilities.
 - (m) Agricultural uses, provided that they do not inadvertently result in a concentration of birds or other wildlife, which poses a threat to aviation operations.
- (2) Prohibited uses: any construction not approved by the Airport Commission. Wildlife sanctuaries, hunting preserves, or game preserves (including aviaries).
- (3) Dimensional requirements. The size, height, location, and placement of structures or objects shall comply with the Osceola Municipal Airport Layout Plan.
- B. Zone 2, High Impact Runway Approach and Departure District. The purpose of this district is to establish land use requirements in areas that are typically overflowed by aircraft during initial takeoff and final landing maneuvers and hence could be subjected to excessive noise and greater risk of aircraft crashes. The boundaries of Zone 2 are shown on the Airport Zoning Map.
- (1) Permitted uses and structures: those uses permitted by the underlying zoning ordinance, except for those uses specifically prohibited, or listed as a conditional use, by this chapter.
 - (2) Prohibited uses.
 - (a) Residential uses with a gross density greater than one unit per 10 acres.
 - (b) Assisted living and nursing homes.
 - (c) Licensed group day-care facilities.
 - (d) Hotels, motels, banquet facilities, and conference centers.
 - (e) Hospitals, except for clinics or medical offices, provided that the use does not include overnight sleeping quarters for patients.
 - (f) Churches, schools, libraries, museums, and community centers.
 - (g) Theaters, amphitheaters, and amusement parks.
 - (h) Commercial or fraternal outdoor shooting ranges.
 - (i) Campgrounds.
 - (j) Wildlife sanctuaries, hunting preserves, or game preserves (including aviaries).

- (k) Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds.

(3) Conditional uses.

- (a) Residential uses with a gross density less than or equal to one unit per 10 acres, provided that new residential buildings are not directly located beneath the approach and departure flight paths of each runway, and the approval of a nonsuit covenant.
- (b) Sports stadiums and spectator athletic fields, except those designed with lighting for nighttime play.
- (c) The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial (excluding residential swimming pools), provided that mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
- (d) Mineral extraction operations, provided that the owner/operator of the mineral extraction operation sign an operational agreement with the Commission, agreeing to provide written notice to the Airport Manager one-day prior to the start of any blasting activities, as resulting dust and debris may pose a threat to aviation operators. Any site reclamation that includes the creation of water bodies shall provide mitigation measures to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
- (e) Enclosed trash transfer stations, provided that the facility meets the FAA's definition of a fully enclosed trash transfer station. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
- (f) Commercial or public composting operations that accept only yard waste (e.g., leaves, lawn clippings, or branches), provided that the compost never includes food or other municipal solid waste.
- (g) Golf courses, except those designed with lighting for nighttime play, provided that mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)

(4) Dimensional requirements.

- (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
- (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
- (c) Lot area. The minimum lot area provisions of the underlying zoning ordinance shall apply to all areas within Zone 2.

C. Zone 3, Moderate Impact Runway Approach and Departure District. The purpose of this District is to establish land use requirements in areas that may be overflowed by aircraft entering, operating within, and departing from a typical airport flight pattern and hence could be subject to occasional excessive noise and risk of aircraft crashes. The boundaries of Zone 3 are shown on the Airport Zoning Map.

- (1) Permitted uses and structures: those uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this chapter.

- (2) Prohibited uses.
 - (a) Assisted living and nursing homes.
 - (b) Hospitals, except for clinics or medical offices, provided that the use does not include overnight sleeping quarters for patients.
 - (c) Churches, schools, libraries, museums, and community centers.
 - (d) Theaters, amphitheaters, and amusement parks.
 - (e) Commercial or fraternal outdoor shooting ranges.
 - (f) Wildlife sanctuaries, hunting preserves, or game preserves (including aviaries).
 - (g) Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds.
- (3) Conditional uses.
 - (a) Campgrounds, provided that they are not directly located beneath the approach and departure flight paths of each runway, and the approval of a nonsuit covenant.
 - (b) Licensed group day-care facilities, provided that they are not directly located beneath the approach and departure flight paths of each runway, and the approval of a nonsuit covenant.
 - (c) Sports stadiums and spectator athletic fields, except those designed with lighting for nighttime play.
 - (d) The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial (excluding residential swimming pools), provided that mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
 - (e) Mineral extraction operations, provided that the owner/operator of the mineral extraction operation sign an operational agreement with the Commission, agreeing to provide written notice to the Airport Manager one-day prior to the start of any blasting activities, as resulting dust and debris may pose a threat to aviation operators. Any site reclamation that includes the creation of water bodies shall provide mitigation measures to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
 - (f) Enclosed trash transfer stations, provided that the facility meets the FAA's definition of a fully enclosed trash transfer station. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
 - (g) Commercial or public composting operations that accept only yard waste (e.g. leaves, lawn clippings, or branches), provided the compost never includes food or other municipal solid waste.
 - (h) Golf Courses, except those designed with lighting for nighttime play, provided mitigations measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
- (4) Dimensional requirements.

- (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
 - (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
 - (c) Lot area. The minimum lot area provisions of the underlying zoning ordinance shall apply to all areas within Zone 3.
- D. Zone 4, Noise Control/Overflight District. The purpose of this district is to establish land use requirements in areas that are typically within the flight pattern of aircraft approaching and departing the airport's runways and hence could be subject to occasional excessive noise and risk of aircraft crashes. The boundaries of the Zone 4 are shown on the Airport Zoning Map and include all property within one mile of the ultimate runway (per the approved Airport Layout Plan), not already within Zone 1, 2, or 3 of this chapter.
- (1) Permitted uses and structures: those uses permitted by the underlying zoning ordinance, except for those uses specifically prohibited, or listed as a conditional use, by this chapter.
 - (2) Prohibited uses.
 - (a) Commercial or fraternal outdoor shooting ranges.
 - (b) Wildlife sanctuaries, hunting preserves, or game preserves (including aviaries).
 - (c) Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds.
 - (3) Conditional uses.
 - (a) The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial (excluding residential swimming pools), provided that mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
 - (b) Mineral extraction operations, provided that the owner/operator of the mineral extraction operation sign an operational agreement with the Commission, agreeing to provide written notice to the Airport Manager one day prior to the start of any blasting activities, as resulting dust and debris may pose a threat to aviation operators. Any site reclamation that includes the creation of water bodies shall provide mitigation measures to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
 - (c) Enclosed trash transfer stations, provided that the facility meets the FAA's definition of a fully enclosed trash transfer station. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
 - (d) Commercial or public composting operations that accept only yard waste (e.g., leaves, lawn clippings, or branches), provided that the compost never includes food or other municipal solid waste.
 - (4) Dimensional requirements.
 - (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.

- (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
 - (c) Lot area. The minimum lot area provisions of the underlying zoning ordinance shall apply to all areas within Zone 4.
- E. Zone 5, Height Limitations Overlay District. The purpose of this district is to protect the approaches to the airport from the construction or erection of structures that would constitute a hazard to air navigation and from incompatible land uses. The boundaries of Zone 5 include all parcels falling within three statute miles, as shown on the Airport Zoning Map.
 - (1) Permitted uses and structures: those uses permitted by the underlying zoning ordinance, except for those uses specifically prohibited by this chapter.
 - (2) Prohibited uses.
 - (a) Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds.
 - (3) Conditional uses.
 - (a) The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial (excluding residential swimming pools), provided that mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.)
 - (4) Dimensional requirements.
 - (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
 - (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
 - (c) Lot area. The minimum lot area provisions of the underlying zoning ordinance shall apply to all areas within Zone 5.

§ 69-6. Nonconforming structures or uses.

- A. Nonretroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or use not conforming to the regulations herein at the date of adoption or amendment of this chapter, or otherwise interfere with the continuance of any structure or use of land not conforming to the regulations herein at the date of adoption or amendment of this chapter, except as otherwise provided in § 69-6B and C.
- B. Reconstruction. When a nonconforming use, building, structure or tree is destroyed by fire, explosion, act of God, or the public enemy, it may be restored so long as it complies with the underlying zoning ordinance requirements and the height limitations imposed by this chapter as verified by a signed statement from the Zoning Administrator prior to any such rebuilding, reconstructing or rehabilitation.
- C. Expansion. Nonconforming uses described in this chapter, except for uses located in Zone 1, may be expanded, altered or otherwise enlarged, provided that the following conditions are met:
 - (1) The expansion, alteration or enlargement meets the requirements of the height limitations under this chapter and the Zoning Administrator signs a statement showing such compliance

prior to the expansion, alteration or enlargement. Refer to § **69-7C(1)**.

- (2) The expansion, alteration or enlargement in no way increases or creates any hazard within the airspace required for the flight of aircraft in landing or taking off, or creates or increases any potential hazard to any persons on the ground.
 - (3) The expansion, alteration or enlargement complies with any more restrictive underlying zoning ordinance requirements or state and federal laws or regulations.
- D. 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 begun prior to date of adoption or amendment of this chapter, and if such is diligently prosecuted.
- E. Removal. This section shall not interfere with, or prevent the removal of, nonconforming structures or uses by purchase or by the exercise of the right of eminent domain in the manner provided by the Wisconsin Statutes.

§ 69-7. Administration; permits and fees.

- A. Administration. Administration of this chapter shall be the responsibility of the Village of Osceola, except for those lands and waters within Chisago County, Minnesota, which are under the jurisdiction and administration of Chisago County.
- B. Conflicting regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of the structure or any other matter, the more stringent limitations or requirements shall govern and prevail.
- (1) Whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such a case, the Commission, on its own initiative or upon the request of a specific property owner, may conduct a study to determine if the use is appropriate and which, if any, performance standards are appropriate to govern said use.
 - (2) The Commission shall have the right to remove, at the owner's expense, any use or structure which was developed, constructed, or placed after the adoption of this chapter and found to be in violation of this chapter.
- C. Permits.
- (1) Future uses. No structure shall hereafter be constructed, erected or installed in any zone created by § **69-5** of this chapter until the owner or his or her agent shall have applied, in writing, for a permit therefor and obtained such permit from the Commission, except structures less than 35 feet in height above the ground and within 1/2 mile of the airport boundary and structures less than 50 feet in height above the ground within the area beginning 1/2 mile from the airport boundary and extending to three miles from the airport boundary, provided that the development activity is not a prohibited or conditional use.
 - (a) Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment.
 - (b) 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 Commission to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Commission shall issue the permit applied for.
 - (2) Nonconforming uses. Before any nonconforming structure may be replaced, altered or rebuilt, a permit shall be applied for and secured in the manner prescribed by § **69-7C(1)** authorizing

such change, replacement or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this chapter or than it was when the application for a permit was made.

- D. Conditional uses. Conditional uses shall be reviewed by the Airport Commission, and Plan Commission, pursuant to the regulations of the Village's Zoning Code.
- E. Expiration. Any permit issued under this chapter shall expire within six months, unless substantial work has commenced, or within 18 months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration the applicant shall reapply for a permit before commencing work on the structure.
- F. Fees. Fees for the administration of this chapter and zoning permits shall be established by the Village. It is intended that the fees should cover the reasonable costs of administering this ordinance.

§ 69-8. Review process.

- A. Optional preapplication meeting. The property owner (or owner's agent) of a proposed development within the jurisdiction of this ordinance is encouraged to submit preliminary information regarding the proposed project to the Village's Zoning Administrator (or other authorized agent) prior to submitting a formal application.
- B. Application submittal. A complete application shall be submitted to the Village's Zoning Administrator (or other authorized agent). The application shall indicate the use for which the permit is desired and shall describe and locate the use with sufficient detail to permit the Zoning Administrator (or other authorized agent) to determine whether such use would conform to the applicable provisions of this ordinance.
- C. Staff review. Upon receipt by the Zoning Administrator (or other authorized agent), a copy of the application shall be transmitted to the Chairperson of the Airport Commission, Plan Commission, and the Airport Manager for comment. The Zoning Administrator (or other authorized agent) may submit copies of the application to other departments or government agencies, as deemed necessary, to provide adequate review of the application. Applications shall be granted or denied within 30 days of the date of filing of the applications, unless Federal Aviation Administration (FAA) approval is requested by the applicant or the Airport Commission, in which case the Zoning Administrator's (or other authorized agent's) action may await determination by the FAA.
- D. Approval. Prior to making a final decision, the Zoning Administrator (or other authorized agent) may hold a meeting with the applicant to discuss and attempt to resolve any issues that become evident during the review of the application. Upon completion of the review of the application, the Zoning Administrator (or other authorized agent) shall make a determination and notify the applicant of one of the following final actions:
 - (1) Approved application.
 - (2) Approved application, with modifications that the Zoning Administrator (or other authorized agent) deems necessary to meet any criteria for approval. An approval with modifications or conditions shall be agreed upon by the property owner, unless the applicant appeals the final action.
 - (3) Denied application. Such denial must include specific reasons for denial.
- E. Issuance of a building permit. If the Zoning Administrator (or other authorized agent) approves the proposed development, the municipality within which the development is located may issue a building permit. If the proposed development is not approved, no building permit shall be issued.

- F. Appeals. Applications for action by the Board of Appeals shall be forthwith transmitted by the Zoning Administrator (or other authorized agent) to the Board for hearing and decision.

§ 69-9. Board of Appeals.

All references to the Board of Appeals in this chapter shall be deemed to mean the Village of Osceola Board of Appeals.

- A. Variances. Upon appeal in special cases the Board of 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, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship and such relief will do substantial justice and be in accord with the spirit of this chapter and does not create a hazard to the safe, normal operation of aircraft.
- B. Aggrieved person. Any person aggrieved or affected by any decision or action of the Commission made in its administration of this chapter may appeal such decision or action to the Board of Appeals.
- C. Procedure. Any appeal taken pursuant to this § 69-9 shall be in conformity with the procedure established by § 62.23(7)(e), Wis. Stats.

Article III. General Airport Operations

§ 69-10. Airport land use.

In order to regulate the development and use of the airport, an Airport Layout Plan (ALP), as revised, depicts those areas dedicated to the specific uses described as follows:

- A. Municipal terminal area. This area shall be reserved for the public terminal building and other public facilities.
- B. Utility and services area. This area shall be reserved for utility, service, crash, fire and rescue and maintenance facilities operated by the Commission.
- C. Commercial aviation area. This area shall be reserved for commercial aviation business normally conducted by fixed-base commercial operators. Allowable activities include, but are not limited to, aircraft sales and rental, airframe power plant and instrument repair, aircraft fuel and oil dispensing, flight training and air taxi service.
- (1) Minimum lot sizes and setbacks shall be in conformity with minimum standards, and building heights shall conform to federal aviation regulations.
 - (2) The location of specialized commercial aviation businesses that pose special safety and operational problems, such as agricultural spraying facilities, shall be considered on an individual basis by the Commission.
- D. Multiple T-hangar area. This area shall be reserved for the location of a multiple-unit T-hangar for the storage of aircraft. Aircraft, vehicles and equipment shall be parked in a manner which does not interfere with the movement of aircraft. Aircraft maintenance or repair that creates a fire hazard or danger to other aircraft or property of another is prohibited.
- E. Tie-down areas. These areas are reserved for long-term parking of aircraft based on the airport or those transient aircraft remaining overnight. Temporary tie-down areas will be designated by the Commission.

- F. Public apron areas. These areas are reserved for unloading passengers and cargo, refueling aircraft and temporary parking of aircraft.
- G. Auto parking areas. These areas are reserved for automobile parking. Temporary vehicle parking areas will also be designated by the Commission.
- H. Agricultural areas. These areas are reserved for agricultural purposes under approved lease until such time as they are designated for other purposes by the Commission.
- I. Industrial airpark area (private property). This area is privately owned land adjacent to airport property.
 - (1) Any proposal for leasing access from the industrial airpark area to the airport will be reviewed on an individual basis by the Commission.
 - (2) Persons owning property in the industrial airpark area must obtain Commission approval before utilizing any property, for any reason, between the industrial airpark property line and the industrial building restriction line.
 - (3) Persons purchasing property in the industrial airpark area shall be required to sign a noise and aviation easement and nonsuit covenant.
 - (4) Industrial airpark property lines and industrial building restriction lines are to be included on the Airport Layout Plan.
- J. Hangar lease areas. These areas are reserved for the development and placement of private hangars.
- K. Air cargo area. This area shall be reserved for the location of businesses engaged in the transportation of everything except passengers and baggage.
 - (1) Proposals for leasing land in this area will be reviewed on an individual basis by the Commission.
 - (2) Lot size, setbacks and building heights shall be specified in the written agreement between the lessee and the Commission.
- L. Nonconforming uses.
 - (1) At the time of revision of this chapter, nonconforming uses exist as to Lot 6, subleased to Osceola Plumbing and Heating, Inc., and Lot 11b, owned by Osceola Plumbing and Heating, Inc. Lots 6 and 11b may be used for nonaviation purposes, provided that these premises may not be sold, subleased or used by any other person or entity for nonaviation use. To effect the nonaviation use permitted above, the lessees of Lot 6 and the owners of Lot 11b shall erect a fence so that the adjacent taxiway will not be used for ingress and egress to these lots.
 - (2) At the time of revision of this chapter, nonconforming use exists as to 7.25 acres of land leased by Custom Fire Apparatus, Inc., for the purpose of manufacturing fire-fighting equipment. Such lease emanates from the Village and predates the jurisdiction of the Airport Commission. The last amendment to such lease is dated April 13, 1993. That lease governs the use of the subject premises.

§ 69-11. Agreements and leases.

- A. No person shall engage in any business or commercial activity on the airport, except under the terms and conditions of an agreement between that person and the Commission. Commercial operator leases will be granted on the following basis:

- (1) An operator's qualifications to provide the particular service.
 - (2) The operator's financial qualifications and background.
 - (3) Such other requirements or qualifications as the Commission may require.
- B. All tenants on the airport are required to enter into a written agreement with the Commission for use of its facilities and lands.
- C. The agreement or lease shall be for a term to be mutually agreed upon between the parties commensurate with the tenant's financial investment and the airport owner's interests.
- D. The agreement or lease will provide for periodic negotiations or adjustment of fees.
- E. Leases shall be paid for at rates established from time to time by the Commission based upon the intended and actual end use of the facilities and improvements thereon as set forth on Schedule B,^[1] which may be amended from time to time by the Commission by resolution without requiring any change or amendment to this chapter.
- [1] *Editor's Note: Schedule B is on file in the Village offices.*
- F. All leases shall prohibit the subleasing of the airport owner's lot to any other person or entity; provided, however, that a lessee may lease improvements or facilities made upon a leased lot to another person or entity of its choice after first providing to the Commission written notification that such a sublease will occur, the effective date thereof and the name, address and telephone number of the intended sublessee.
- G. All lessees who construct a hangar on the airport owner's property shall provide an aircraft apron for all such hangars to accommodate aircraft movement from the building to the taxiway.
- H. All leases shall provide a provision requiring the tenant to make improvements upon the demised premises within one year of the date of execution of the lease or within a time frame mutually agreed between the parties.
- I. Any lease 60 days in arrears of payment after the annual review date will be subject to termination of the agreement between the lease holder and the Commission.
- J. The Commission will provide the Wisconsin Bureau of Aeronautics with a complete copy of each current lease agreement.
- K. All operators shall have the right in common with others so authorized to use all common areas of the airport, including pilot lounge, runways, taxiways, aprons and roadways, and all other airport-owned assets, such as navigation aids, lighting systems and flight planning equipment.
- L. Farm leases shall be granted on a yearly or multiyear basis using a per-acre rate that will be established by sealed competitive bid. Such farm leases will be granted, in writing, to the successful bidding party selected by the Commission who desires to farm property of the owner located at the airport.
- M. Any lease agreement shall be subordinate to the provisions of any existing or future agreement between the Village, the State of Wisconsin or the FAA relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal and/or state funds for the development of the airport. Furthermore, any lease may be amended to include provisions required by those agreements with the state or the FAA.

§ 69-12. Vehicle operation on taxiways and on ramp.

- A. No privately owned vehicle shall enter, be driven upon or be operated upon any airport runway, taxiway, ramp or tie-down area or any area posted by signs restricting the entrance thereon, except:
 - (1) Emergency equipment or service, maintenance and construction equipment when engaged in performing official duties.
 - (2) Vehicles operating on the airport proper with the permission of the Commission.
 - (3) Aircraft pilots who are driving vehicles to reach their aircraft, launch site or hangar; provided, however, that such access shall not include crossing a runway to reach the intended destination.
 - (4) Vehicles involved in farming activities on the airport will operate only in the designated agricultural areas and on approved routes to and from the agricultural areas.
- B. All vehicles involved in Subsection **A(1)** and **(2)** will have a flashing light in operation.
- C. No vehicle or trailer shall be left parked or unattended on any hangar apron, airport ramp or on or near any taxiway or runway.
- D. Approved vehicles operating on ramps or taxiways will do so at a speed not to exceed 10 miles per hour. No vehicle shall be driven upon any road within the perimeter of the airport in excess of the posted speed limit.
- E. All ground vehicle operations, including all aircraft operations, on airport property shall be at the operator's own risk, and the owner and the Commission shall not be liable for any claims arising out of any such operations.
- F. The prohibition and limitations placed upon private vehicles by this or other sections of the Village Code may be waived for special events upon the majority vote of the Village Board and the majority vote of the Airport Commission.
[Amended 8-9-2011 by Ord. No. 11-13]

§ 69-13. Pedestrian traffic on airport.

- A. No pedestrian shall be allowed in restricted areas of aircraft parking ramps or tie-down areas, except as follows:
 - (1) A person who is a licensed pilot and persons accompanying a licensed pilot.
 - (2) Persons for the purpose of access to an aircraft for which the person is a passenger or crew member.
 - (3) Persons otherwise authorized by the Commission or personnel of a fixed-base operator operating on the airport.
- B. Pedestrian traffic is also restricted on any runway, taxiway and outlying areas of the airport, except for employees of the owner, members of the Airport Commission, government officials and contractors engaged in airport construction or maintenance work. However, a person may be allowed in otherwise restricted outlying areas of the airport if that person is under the direct supervision of an aircraft operator who is authorized to conduct operation in that area.

§ 69-14. Minimum standards for all tenants.

- A. Buildings to be constructed by lessees shall conform to all state and local building codes. The Commission shall approve all building plans for construction at the airport which fall below the threshold requiring state-approved building plans. The Commission may provide or participate in the installation of utility service up to the lessee's property line. The lessee shall bear such cost on its leased property.
- B. Facilities and buildings on the airport will be used for aviation purposes only, except as provided by previous agreements between the Commission and a lessee. A privately owned hangar's primary use must be for the storage of aircraft or aircraft parts and/or aviation-related goods. Storage of nonaviation articles may be approved by the Commission if such storage does not interfere with or restrict the primary use.
- C. Buildings will be maintained and kept in good repair so they remain structurally sound and functional and do not present an unreasonable potential hazard to property within or around them.
- D. Leased lots will be landscaped with grass or other ground cover to prevent dirt, sand, rocks or other material from contaminating the taxiways or ramps. The lots will be maintained to be aesthetically consistent with the other hangar lots on the airport. Storage of parts or materials outside a hangar or building is not permitted except if specifically authorized by the Commission.
- E. Storage of flammable and/or hazardous materials and chemicals is prohibited in hangars and buildings or on airport property except as provided in Subsection **E(1)** to **(6)** below:
 - (1) Aircraft oils and lubricants not to exceed 55 gallons.
 - (2) Aircraft de-ice or anti-ice fluids not to exceed 110 gallons.
 - (3) Paint, thinners and strippers not to exceed 25 gallons in aggregate.
 - (4) Cleaning products and other miscellaneous products not to exceed 55 gallons or equivalent dry products in aggregate.
 - (5) Heating fuels in approved containers.
 - (6) Specific cases as approved by the Commission.
- F. Storage and use of all such materials shall be further subject to all applicable local, state and federal ordinances and regulations.
- G. All leases between the Commission and the lessees of land at the airport shall provide, without limitation based on enumeration, that the lessee agrees to waive, indemnify and hold the owner and the Commission harmless against any and all liability and claims of any nature whatsoever for property, casualty and liability damage, injury or death arising in any manner out of the lessee's or its employee's, agent's or invitee's occupancy or use of the leased property, improvements, personal property or aircraft, vehicles, equipment or fixtures located thereon or therein.

Article IV. Aviation Operations

§ 69-15. Aircraft operation.

- A. All aircraft operating at the airport will operate according to established State of Wisconsin and federal aviation regulations. Any individual operating an aircraft on the airport in violation of state or federal aviation regulations will be subjected to enforcement actions by the Federal Aviation Administration or will be subject to enforcement actions commenced by any local, county, state or federal law enforcement officer.

- B. All aircraft operations on the airport shall be conducted at the operator's own risk, and the owner and the Commission shall not be liable for any claims arising out of such operations.

§ 69-16. Flying clubs.

- A. Each member of the flying club shall have an ownership share in the assets of the flying club or the corporation, partnership or other entity formed to own or lease and operate the aircraft.
- B. A flying club may not operate its aircraft for compensation or hire. It may not receive money or reward for the use of its aircraft by a person that is not a member of that flying club, other than sharing the cost of fuel, oil and fees associated with a specific flight when the nonmember is a passenger on that flight.
- C. The flying club will keep current a complete list of the club membership and make it available to the Commission upon request.
- D. Flying clubs that meet the definition and the requirements of Subsections **A**, **B** and **C** above will be considered as noncommercial operators.

§ 69-17. Commercial aviation fuel and oil services.

The commercial aviation fuel commercial operator maintains aviation fuel storage and transfers that fuel to aircraft for profit. A written agreement between a commercial aviation fuel commercial operator and the Commission shall contain, but shall not be limited to, the following provisions:

- A. No commercial fuel operator or individual shall sell and then transfer aviation fuels to any aircraft or vehicle at the airport without a written lease.
 - B. Commercial fuel operators shall comply with all local ordinances, state statutes and administrative regulations and federal law governing the installation, registration, permit application, recordkeeping, operation, system upgrading and maintenance of all commercial aviation fueling facilities.
 - C. Commercial fuel operators shall submit to the Commission photocopies of all fuel purchases every three months. Fuel transfers must be made once every 180 days or the lessee's fueling facilities will be subject to closure in accordance with ILHR 10.730 or 10.732.^[1]
- [1] *Editor's Note: See now Ch. SPS 310, Flammable, Combustible and Hazardous Liquids.*
- D. Commercial fuel operators shall pay to the Commission the prescribed per-gallon tax for each gallon of aviation fuel dispensed through the commercial aviation fuel system. The prescribed tax will be stated in the lot lease granted to the commercial operator by the Commission.
 - E. Leases on lots that contain commercial aviation fuel systems are not transferable.
 - F. Neither the owner's lots nor the facilities on such lots that contain commercial aviation fuel systems may be subleased by the lease holder to any individual, business or corporation without prior Commission approval.
 - G. Commercial operators with lots containing commercial aviation refueling systems shall remove that commercial aviation fueling system from the airport upon business termination in accordance with applicable ILHR^[2] and DNR regulation, unless continued operation of the refueling system is approved by the Airport Commission.

[2] *Editor's Note: See now the Department of Safety and Professional Services.*

§ 69-18. Noncommercial aviation fuel tanks.

A noncommercial aviation fuel user maintains fuel storage and transfers aviation fuel only for its own aircraft and for its exclusive use. The following rules govern noncommercial aviation fuel tanks:

- A. No person shall install or maintain noncommercial aviation fuel storage tanks on the airport without Commission approval.
- B. At no time shall noncommercial aviation fuel system owners share, lease, sell or in any other manner provide fuel or fueling facilities to any other person or aircraft except those persons and aircraft owned by the system owner or its renter.
- C. All noncommercial aviation fuel system owners with underground storage tanks on the lessee's leased lot shall comply with all local ordinances, state statutes and administrative regulations and federal laws governing the registration, permit application, recordkeeping, operation and maintenance of all noncommercial aviation fuel facilities.
- D. Noncommercial aviation refueling system owners shall submit to the Commission photocopies of all fuel purchases every three months. Fuel transfers must be made once every 180 days or the lessee's lot fueling facilities will be subject to closure in accordance with ILHR 10.730 or 10.732.^[1]
[1] *Editor's Note: See now Ch. SPS 310, Flammable, Combustible and Hazardous Liquids.*
- E. Each quarter, the noncommercial aviation refueling system owner shall submit to the Commission a per-gallon fee for each gallon dispensed through its refueling facilities. The current rate fee for each gallon of aviation gas dispensed from the refueling system will be found in the last lease that the lessee has been granted by the Commission.
- F. For safety reasons, noncommercial aviation fuel system owners shall not dispense aviation fuels nor store aviation fuel inside a hangar.

§ 69-19. Minimum standards for all commercial operators.

- A. Commercial operators shall lease from the owner an area which is considered sufficient by agreement of the Commission and the operator.
- B. The lease shall be for a term to be mutually agreed upon between the parties commensurate with the operator's financial investment and the owner's interest.
- C. Each lease for ground space and contract for business at the airport entered into by the Commission shall include each of the following provisions as are required by the state and/or federal government:
 - (1) Fair and nondiscriminatory provision.
 - (2) Affirmative action assurances.
 - (3) Civil rights assurances.
 - (4) Nonexclusive rights provision.
 - (5) Other mandated provision.
- D. The most current amendment or form of such mandatory lease provision shall be included in each lease at the time of the execution.
- E. If so required by the FAA, all commercial operators and their employees and agents shall be certified and trained in accordance with the applicable FAA regulation for the specific operation performed.

- F. Any new construction required by any commercial operator shall be in accordance with design and construction requirements of the owner, State of Wisconsin and federal regulation and applicable administrative codes. All plans and specifications shall be submitted to the Commission for approval at least 30 days before the proposed construction.
- G. If required by Wisconsin statute or Administrative Code, commercial operators shall provide rest room facilities for customers and employees by installing a private sanitary system or agreeing with the Commission to allow such customers and employees to use the facilities of the Commission.
- H. Prior to the sale of a commercial operation, the seller and purchaser shall comply with the following provisions:
 - (1) The selling commercial operator shall give a thirty-day prior written notice to the Commission of the proposed building or aviation fuel-dispensing system sale.
 - (2) The purchasing commercial operator shall bring all buildings or aviation fuel-dispensing systems current with all federal, state and local regulations and codes.
 - (3) The purchasing operator shall meet the requirement of § **69-11** of this chapter.
- I. Any commercial operator ending business operations on the airport and failing to remove all personal property from the airport or obtaining a noncommercial lease within 180 days of business termination shall forfeit those building, aviation fuel systems and personal property to the Commission.
- J. All commercial operators must comply with § 114.40, Wis. Stats., by disclosing to student pilots and pilots renting aircraft from the commercial operator whether or not the renter is covered under the commercial operator's liability policy. If the renter is covered under the commercial operator's liability policy, the extent of the coverage must be disclosed to the renter.
- K. The commercial operator's lease shall contain the waiver and indemnification provisions of § **69-14** and shall further provide for the payment of all Commission and owner-incurred attorney fees and costs in actions brought against the commercial operator.
- L. Schedule A^[1] contains a list of aeronautical operations and other commercial services along with the required facilities for each type of service shown in a table form. It is incorporated by reference in its entirety in this chapter and may be modified from time to time by resolution of the Commission without requiring specific amendment, addition, deletion or change in this chapter.

[1] *Editor's Note: Schedule A is on file in the Village offices.*
- M. The Commission reserves the right to deny any commercial aviation activities on any private property adjacent to the airport.

§ 69-20. Private property access.

- A. There shall be no private property access to the airport without a private property access lease.
- B. Private property access shall be used only for the ingress and egress of aircraft.
- C. Commercial aeronautical activity on private property is not permitted except as provided in §§ **69-17** and **69-19**.
- D. Installation of aviation fuel storage or dispensing equipment is prohibited on private property except as provided in §§ **69-17** or **69-18**.

- E. The Commission shall not provide taxiway to private property. The Commission may allow rent credit for that portion of taxiway on airport property and on the ALP which is incurred by the private property owner, provided that the construction is in accordance to all applicable codes.
- F. Lessee shall be responsible for maintaining that portion of the taxiway that lies on airport property between the lessee's property and the nearest appropriate point on an airport taxiway or runway.
- G. The Commission shall not provide utilities to private property.
- H. Lessee shall sign a noise and aviation easement and nonsuit covenant.
- I. All access leases shall prohibit the subleasing of access to any other person or entity; provided, however, that a lessee may lease improvements or facilities made upon its land to another person or entity wishing airport access, provided that person or entity obtains a separate airport access lease with the Commission.
- J. The access lease shall be for a term to be mutually agreed upon between the parties commensurate with the operator's financial investment and the owner's interest.
- K. Access lease rates are to be established and added to Schedule B^[1] of this chapter.
[1] Editor's Note: Schedule B is on file in the Village offices.
- L. All leases between the Commission and the lessees of access at the airport shall provide, without limitation based on enumeration, that the lessee agrees to waive, indemnify and hold the owner and Commission harmless against any and all liability and claims of any nature whatsoever for property, casualty and liability damage, injury or death arising in any manner out of the lessee's or its employee's, agent's or invitee's use of airport property and improvements or aircraft, vehicles, equipment or fixtures located thereon or therein.