

CHAPTER 13

AIRPORT ZONING

13.01 **DEFINITIONS** As used in this chapter, unless the context otherwise requires:

(1) "Airport" means the New Holstein Municipal Airport located in Section 16, Town 17N, Range 20E, Calumet County, WI.

(2) "Airport hazard" means 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.

(3) "Nonconforming use" means any structure, tree 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.

(4) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(5) "Structure" means any object constructed or installed by man.

(6) "Tree" means 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.

(7) "Runway" means a level portion of an airport having a surface especially developed and maintained for the landing and take-off of aircraft.

13.02 **ZONES.** All zones established by this section are as shown on the Map dated March 3, 1975, entitled, "Height Limitation Zoning Map, New Holstein Municipal Airport, New Holstein, WI, which is attached hereto and adopted as part of this ordinance.

13.03 **HEIGHT ZONES.** 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 on the maps referred to in Section 13.02.

(1) Minimum Space Between Hangars. A minimum space of at least 8 feet shall be maintained between hangars. Existing hangars, at the time this ordinance is adopted, that have an existing space that is 8 feet or less, shall be allowed to maintain that space between hangars, however, they shall not be allowed to reduce said space. (Ord. #403)

#### 13.04 **USE RESTRICTIONS.**

(1) **ACTIVITIES.** Notwithstanding the provisions of Section 13.03, no use may be made of land in any zone in such 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.

(2) **EXCEPTIONS.** That restrictions contained in Section 13.03 shall not apply to objects which are less than fifty feet in height above ground level at the object site.

#### 13.05 **NON-CONFORMING USES.**

(1) **NOT RETROACTIVE.** The regulations prescribed in Sections 13.02 and 13.03 shall not require the removal, lowering or other change or alteration of any nonconforming use, except as otherwise provided by Section 13.07(2).

(2) **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 the effective date of this ordinance, and if such is diligently prosecuted. (Cr. Ord. 155)

(3) **REMOVAL.** This chapter shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

13.06 **ADMINISTRATION.** It shall be the duty of the Common Council to administer the regulations prescribed herein upon review and recommendation by the Committee of the Whole. Applications for permits and variances shall be made to the City Clerk. Applications which are by the ordinance to be submitted to the Common Council shall be granted or denied within 60 days of the date of filing of the application, unless Federal Aviation Administration approval is requested. Applications for action by the Board of Zoning Appeals shall be forthwith transmitted to the Common Council for hearing and decision. There shall be no charge for applications or permits.

#### 13.07 **PERMITS.**

(1) **FUTURE USES.** No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section 13.02 of this chapter until the owner or his agent shall have applied in writing for a permit therefore and obtained such permit from the Common Council, except structures less than 50 feet in height above the ground. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or

establishment. The Common Council shall have the right to trim, prune, or remove at the owner's expense any tree which was planted after adoption of this ordinance and found to be in violation of the height restriction for the zone in which it is located. 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 Common Council to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Common Council shall issue the permit applied for.

(2) **EXISTING USES.** Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by Sub. (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 ordinance, or than it was when the application for permit was made.

13.08 **HAZARD MARKING AND LIGHTING.** Any permit or variance granted under Sections 13.07 or 13.09, may, if such action is deemed advisable by the Common Council 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 owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the fliers the presence of an airport hazard.

13.09 **APPEALS AND REVIEW.**

(1) **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 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.

(2) **AGGRIEVED PERSON.** Any person aggrieved or affected by any decision or action of the Common Council made in its administration of this chapter may appeal such decision or action to the Board of Zoning Appeals.

(3) **PROCEDURE.** Any appeal taken pursuant to this section shall be in conformity with the procedure established by section 62.23(7) (e), WI statutes.

13.10 **PENALTY.** Any person violating any of the provisions of this chapter shall be subject to a penalty as provided in section 20.04 of this Code.

13.11 (1) - **DEFINITIONS OF WORDS AND PHRASES**

A. **PEDESTRIAN:** Any person afoot.

B. VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.

C. 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.

D. SERVICE, MAINTENANCE, AND CONSTRUCTION EQUIPMENT: Approved equipment normally operated by the City of New Holstein, fixed base operator, 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 City of New Holstein, Calumet County, WI.

(2) OPERATION OF VEHICLES ON RUNWAYS, TAXIWAYS, AND RAMPS.

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.

The provision of this section shall not apply to emergency equipment or service, maintenance, and construction equipment when engaged in performing normal duties.

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 ten (10) 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. (Applicable only to airline airports).

(3) SPEED VEHICLES.

No vehicle shall be driven upon any road within the perimeter of the airport, or upon other airport areas, in excess of the speed limit posted, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicle traffic on or about the New Holstein Municipal Airport.

(4) PEDESTRIAN TRAFFIC ON AIRPORT. No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie-down area unless for the

purpose of embarking in or disembarking from an aircraft, or unless authorized by the airport manager. Pedestrian traffic is prohibited on taxiway, runways, and outlining areas of the airport except for those employees of the City, County, State, Federal Government, or contractors engaged in airport construction or maintenance work.

(5) VEHICLE PARKING. All vehicles parked on the airport shall be parked in designated areas and in accordance with posted signs or other markings. The airport manager may move, or order the removal of, at the vehicle owner's expense, any vehicle improperly parked. Fines or forfeitures may be levied in accordance with Section 7.

(6) ENFORCEMENT. It shall be the duty of the Common Council of the City of New Holstein to enforce the provisions of this Ordinance.

(7) VIOLATION. Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof forfeit not less than \$10.00 or nor more than \$200.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the Calumet County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.

### **13.12 MINIMUM REQUIREMENTS FOR AIRPORT AERONAUTICAL SERVICES NEW HOLSTEIN MUNICIPAL AIRPORT**

#### DEFINITIONS

Aeronautical Services - any service which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.

Agricultural Lands - Airport owned property that is not presently needed for aeronautical use and is available for agrarian purposes.

Airport - means the New Holstein Municipal Airport.

FAA - means the Federal Aviation Administration.

Lease - the right to conduct commercial, aeronautical or agricultural activities on the airport as defined within the perimeters of the established minimum standards.

Owner - means the City of New Holstein.

Operator - means any person, firm, partnership, corporation, association or group providing any one or a combination of aeronautical services to or for aviation users at the Airport.

Minimum Standards - means the qualifications which are established herein by the airport Owner as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the airport.

### 13.13 **PREAMBLE**

The Common Council of the City of New Holstein, being the Owner and in a position of responsibility for the administration of the New Holstein Municipal Airport, Calumet County, Wisconsin; and, in order to insure adequate aeronautical services and facilities to the user of the New Holstein Municipal Airport; and, to encourage the development of the Airport and its activity; and, to foster the economic health and orderly development of commercial aeronautical operators at the Airport, Herewith Provide:

1. The minimum standards for a person or persons, firm or corporation based upon and engaging in one or more aeronautical services at the New Holstein Municipal Airport.
2. Requirements for all Flying Clubs based at the New Holstein Municipal Airport.
3. Minimum standards for all non-commercial aviation fuel users.
4. Penalties for violation of the minimum standards herein provided.

### 13.14 **MINIMUM STANDARDS FOR ALL OPERATORS**

The following standards shall apply to all Operators, with the exception of flying clubs whose complete list of standards are presented in the section which pertains solely to that type of operation.

1. Lease shall be for a term to be mutually agreed upon between the parties commensurate with the Operator's financial investment in his facility. If the duration of the lease is to exceed five years in length, provisions shall be made to review the terms, lengths, and rents of the lease relative to other changes in the airport environment that have occurred during that period.
2. Operator shall have the experience necessary to conduct any aeronautical service he wishes to provide to the public and shall submit a statement of qualifications to the Owner upon request. It will be satisfactory if the Operator has in a reasonable supervisory position, a person of such experience. Should an Operator not have such experience, but can demonstrate to the Owner's satisfaction that he has had equivalent related experience or training, such will be deemed acceptable. The Operator shall submit a letter of intent detailing the services which he wishes to provide, compliance with the relevant minimum standard as presented in this document, ratings and licenses his organization will have, and general scope of the operation.



- c. Civil Rights Assurances
- d. Nonexclusive Rights Provision
- e. Other mandated provisions

The most current amendment or form of such mandatory lease provisions shall be obtained from the State or Federal governments and shall be included in each lease at the time of execution.

6. All Operators shall have the right in common with others so authorized, to use common areas of the airport, including runways, taxi ways, aprons, roadways, floodlights, landing lights, signals and other conveniences of the take-off, flying and landing of aircraft.

7. Any construction required of any Operator shall be in accordance with design and construction requirements of the Owner, State and Federal regulations and applicable codes. All plans and specifications shall be submitted to the Owner for approval.

8. The Operator shall provide adequate, paved auto parking space within the leased area sufficient to accommodate all activities and operations.

9. The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxi way or the access to the taxi way that has been or will be provided for the Operator.

10. These minimum standards should be renewed on a periodic basis and adjusted if necessary to reflect changes to the airport environs, compliance requirements and lease terms as they relate to the existing minimum standards.

11. All present Operators conducting operation on the Airport prior to the installation of this minimum standards may be allowed to continue operations without fully complying with them, provided the Owner determines that the continued operation is in the best interest of activity at the Airport and that the operation is no in violation of any airport assurance compliance regulations. At the termination of the Operator's present lease, all existing operators or tenants will be required to comply with these minimum standards.

### 13.15 **AIRCRAFT SALES**

#### **STATEMENT OF CONCEPT**

An aircraft sales Operator engages in the sale of new aircraft through franchises or license dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufac-

turer or used aircraft; and provides such repair, services, and parts as necessary to meet any guarantee or warranty on aircraft sold.

## **MINIMUM STANDARDS**

- (1) The Operator shall lease from the Owner an area of not less than 5000 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 3100 square feet of floor space for aircraft storage and at least 868 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.
- (2) The Operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. The Operator who is engaged in the business of selling new aircraft shall have available or on call at least one single engine demonstrator.
- (3) The following types of insurance are required:
  - (a) Aircraft Liability
  - (b) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.
  - (c) Hangar Keeper's Liability\*
  - (d) Products Liability

\*Needed only if non-owned aircraft are left in Operator's care.

- (4) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days a week. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.
- (5) The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner. The Operator shall also maintain, during all business hours, a responsible person in charge to supervise the operations in the leased area with the authorization to represent and act for and on behalf of the Operator and provide check ride pilots for aircraft sold.

## **13.16 AIRCRAFT AIRFRAME, ENGINE AND ACCESSORY MAINTENANCE AND REPAIR**

### **STATEMENT OF CONCEPT**

An air craft airframe, engine and accessory maintenance and repair Operator provides one or a combination of airframe, engine and accessory overhauls and repair services an aircraft up to and including business jet aircraft and helicopters. This category shall also include the sale of aircraft parts and accessories, but such is not an exclusive right.

### **MINIMUM STANDARDS**

- (1) The Operator shall lease from the Owner an area of not less than 5000 square feet of ground space on which shall be erected a building to provide at least 3100 square feet of floor space for aircraft storage and at least 868 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.
- (2) The Operator shall provide sufficient equipment, supplies and parts availability as required by the FAA relevant to the type of maintenance engaged in.
- (3) The following types of insurance are required:
  - (a) Aircraft Liability.
  - (b) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.
  - (c) Hangar Keeper's Liability.
  - (d) Products Liability.
- (4) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days a week. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.
- (5) The operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner, but never less than one (1) person currently certified by the FAA with ratings appropriate to the work being performed and who holds an airframe, power plant or an aircraft inspector rating, and one (1) other person not necessarily rated.

#### **13.16.1 AIRCRAFT RESTORATION/PAINTING**

### **STATEMENT OF CONCEPT**

An aircraft restoration/painting Operator engages in the business of and providing a shop for the restoration/painting of aircraft. Restoration is the refurbishing of metal and fabric,

and does not include airframe or engine rebuilding or maintenance. The Operator shall hold the appropriate certificates issued by the FAA.

### **MINIMUM STANDARDS**

- (1) The Operator shall lease from the Owner an area of not less than 5000 square feet of ground space on which shall be erected a building to provide at least 3100 square feet of floor space for aircraft and equipment.
- (2) The Operator shall provide sufficient equipment, supplies and parts as required by the FAA relevant to the type of work engaged in.
- (3) The following types of insurance are required:
  - (a) Aircraft Liability.
  - (b) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.
  - (c) Hangar Keeper's Liability.
  - (d) Products Liability.
- (4) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days a week. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.
- (5) The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner.

### **13.17 AIRCRAFT LEASE AND RENTAL**

#### **STATEMENT OF CONCEPT**

An aircraft lease or rental Operator engages in the rental or lease of aircraft to the public.

#### **MINIMUM STANDARDS**

- (1) The Operator shall lease from the Owner an area of not less than 5000 square feet of ground space on which shall be erected a building to provide at least 3100 square feet of floor space for aircraft storage and at least 868 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(2) The Operator shall have available for rental, either owned or under written lease to Operator, not less than one (1) certificated and currently airworthy aircraft, at least one (1) of which must be a two-place aircraft, and at least one (1) of which must be equipped for and capable of flight under instrument weather conditions.

(3) The following types of insurance are required:

(a) Aircraft Liability.

(b) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.

(c) Student and Renter's Liability.

(4) The operator shall have his premises open and services available eight (8) hours daily, five (5) days a week. The operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

(5) The Operator shall have in his employ, and on duty during the appropriate business hours, a minimum of one (1) person having a current FAA commercial pilot certificate with appropriate ratings, including instructor rating.

### 13.18 **FLIGHT TRAINING**

#### **STATEMENT OF CONCEPT**

A flight training Operator engages in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

#### **MINIMUM STANDARDS**

(1) The Operator shall lease from the owner an area of not less than 5000 square feet of ground space on which shall be erected a building to provide at least 3100 square feet of floor space for aircraft storage and at least 868 square feet of floor space for office, classroom, briefing room, pilot lounge and rest room, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(2) The Operator shall have available for use in flight training, either owned or under written lease to Operator, not less than one (1) properly certificated aircraft, at least one (1) of which must be a two-place aircraft, and at least one (1) of which must be equipped for and capable of use in instrument flight instruction.

(3) The following types of insurance are required:

- (a) Aircraft liability.
  - (b) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.
  - (c) Student and Renter's Liability.
- (4) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days a week. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.
- (5) The Operator shall have on a full-time basis at least one (1) flight instructor who has been properly certificated by the FAA to provide the type of training offered.

### 13.19 **AIRCRAFT FUELS AND OIL SERVICE**

#### **STATEMENT OF CONCEPT**

Fuel and oil services include the sale and into-plane delivery of recognized brands of aviation fuels, lubricants, and other related aviation petroleum products. The Operator shall provide servicing of aircraft, including ramp assistance and the parking, storage, and tie-down of aircraft within the leased area.

#### **MINIMUM STANDARDS**

- (1) The Operator shall lease from the Owner an area of not less than 5000 square feet of ground space on which shall be erected a building to provide at least 3100 square feet of floor space for aircraft storage and at least 868 square feet of floor space for office, classroom briefing room, pilot lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.
- (2) As part of the leasehold, land shall be set aside in a designated area for the bulk fuel storage facility. The storage facility shall be capable of maintaining at a minimum a 2000 gallon capacity for each grade of fuel maintained by the Owner. The Owner shall provide the required pumping equipment, either mobile or fixed, to meet all applicable safety requirements relative to fuel dispensing as required by Federal, State and local regulations, and shall provide reliable metering devices which conform to Federal, State and local regulations.
- (3) The Operator shall provide such minor repair service that does not require a certificated mechanic rating and cabin services to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the Operator.

(4) The Operator shall procure and maintain tools, jacks, towing equipment, tire repairing equipment, energizers and starters, heaters, oxygen supplies, fire extinguishers, and passenger loading steps as appropriate and necessary for the servicing of the aircraft regularly using the airport. All equipment shall be maintained and operated in accordance with local and State industrial codes.

(5) The following types of insurance are required:

(a) Comprehensive Public Liability and Comprehensive Damage, including Vehicular.

(b) Hangar Keeper's Liability.

(c) Products Liability.

(d) Fuel Tank Financial Responsibility.

(6) The Operator shall have his premises open for eight (8) hours per day, seven (7) days a week and provide on-call aircraft servicing during all other hours. The Operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.

(7) The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of service in an efficient manner.

(8) The Operator shall maintain an accurate record of all deliveries of aviation fuel and oil and such records shall be subject to examination and audit by the owner or its representatives.

(9) The Owner shall pay the Operator a fuel flowage fee as determined by the owner for every gallon of fuel sold by the Operator. The gallonage will be determined from the invoices and the Operator's/Owners usage records and will be payable the following calendar month.

### 13.20 **RADIO, INSTRUMENT, OR PROPELLER REPAIR STATION**

#### **STATEMENT OF CONCEPT**

A radio, instrument, or propeller repair station Operator engages in the business of and providing a shop for the repair of air craft radios, propellers, and instruments, for general aviation aircraft. This category shall include the sale of new or used aircraft radios, propellers, and instruments, but such is not an exclusive right. The Operator shall hold the appropriate repair shop certificates issued by FAA.

## **MINIMUM STANDARDS**

- (1) The Operator shall lease from the Owner an area of not less than 5000 square feet of ground space on which shall be erected a building to provide at least 3100 square feet of floor space to hangar at least one (1) aircraft, to house all equipment and to provide an office, shop, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.
- (2) The following types of insurance are required:
  - (a) Comprehensive Public Liability and Comprehensive property Damage, including Vehicular.
  - (b) Hangar Keeper's Liability.
  - (c) Products Liability.
- (3) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days each week.
- (4) The Operator shall have in his employ and on duty during appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner, but never less than one (1) person who is an FAA rated radio, instrument, or propeller repairman.

### **13.21 AIRCRAFT CHARTER AND AIR TAXI**

#### **STATEMENT OF CONCEPT**

An aircraft charter and an air taxi Operator in the business of providing air transportation (persons or Property) to the general public for hire, either on a charter basis or as an air taxi operator, as defined by the Federal Aviation Regulations.

#### **MINIMUM STANDARDS**

- (1) The Operator shall lease from the Owner an area of not less than 5000 square feet of ground space on which shall be erected a building to provide at least 3100 square feet of floor space to hangar at least one (1) aircraft, to house all equipment and to provide an office, shop, customer lounge and rest rooms, all properly heated and lighted; and shall provide telephone facilities for customer use.
- (2) The Operator shall provide, either owned or under written lease to the Operator, the appropriate aircraft which meet the requirements of the air taxi commercial operator certificate held by the Operator.

(3) The following types of insurance are required:

(a) Aircraft Liability.

(b) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.

(4) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days each week. The Operator shall provide on-call service during hours other than the aforementioned. The Operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.

(5) The Operator shall have in his employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner, but never less than one (1) person who is an FAA certified commercial pilot and otherwise appropriately rated to permit the flight activity offered by the Operator.

### 13.22 AIRCRAFT STORAGE

#### **STATEMENT OF CONCEPT**

An aircraft storage Operator engages in the rental of conventional hangars or multiple T-hangars.

#### **MINIMUM STANDARDS**

(1) The Operator shall lease from the Owner an area of not less than 5000 square feet of ground space on which shall be erected a building to provide at least 3100 square feet of floor space for aircraft storage.

(2) The following types of insurance are required:

(a) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.

(b) Hangar Keeper's Liability.

(3) The conventional hangar Operator shall have his facilities available for the tenant's aircraft removal and storage twenty-four (24) hours per day, seven (7) days a week, fifty-two (52) weeks per year.

(4) The Operator shall demonstrate that it can provide sufficient personnel trained to meet all requirements for the storage of aircraft with appropriate equipment.

### 13.23 SPECIALIZED COMMERCIAL FLYING SERVICES

#### **STATEMENT OF CONCEPT**

A specialized commercial flying services Operator engages in air transportation for hire for the purposes of providing the use of aircraft for the activities listed below:

- a. Nonstop sightseeing flights that begin and end at the same airport;
- b. Crop dusting, seeding, spraying, and bird chasing;
- c. Banner towing and aerial advertising;
- d. Aerial photography or survey;
- e. Power line or pipe line patrol;
- f. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

#### **MINIMUM STANDARDS**

- (1) The operator shall lease land from the Owner and the lease shall include a building sufficient to accommodate all activities and operations proposed by the Operator. The minimum areas in each instance shall be subject to the approval of the Owner. In the case of crop dusting and aerial application, the Operator shall make suitable arrangements and have such space available in his leased area for safe loading, unloading, storage, containment and disposal of chemical materials. He shall also provide a centrally drained, paved area large enough to contain washing and loading spillage and to facilitate its removal from the airport property. All Operators shall demonstrate that they have the availability of aircraft suitably equipped for the particular type of operation they intend to perform.
- (2) The owner shall set the minimum insurance requirements as they pertain to the particular type of operation to be performed. These minimum requirements shall be applicable to all operations of a similar nature. All operators will, however, be required to maintain the Aircraft Liability Coverage as set forth for all Operators.
- (3) The Operator shall have in his employ, and on duty during appropriate business hours, trained personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner.
- (4) The Operator must provide, by means of an office or telephone, a point of contact for the public desiring to utilize Operator's services.

### 13.24 MULTIPLE SERVICES

## **STATEMENT OF CONCEPT**

A multiple services Operator engages in any two (2) or more of the aeronautical services for which minimum standards have been herein before provided.

## **MINIMUM STANDARDS**

- (1) The Operator shall lease from the Owner an area no less than 5000 square feet of ground space on which shall be erected a building to provide at least 3100 square feet for aircraft storage, shop and equipment, and at least 868 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.
- (2) The Operator shall comply with the aircraft requirements, including the equipment thereon for each aeronautical service to be performed, except that multiple uses can be made of all aircraft with the exception of aircraft used for crop dusting, aerial application, or other commercial use of chemicals.
- (3) The Operator shall provide the facilities, equipment and services required to meet the minimum standards as herein before provided for each aeronautical service the Operator is performing.
- (4) The Operator shall obtain, as a minimum, that insurance coverage which is equal to individual insurance requirement of all the aeronautical services being performed by Operator.
- (5) The Operator shall adhere to the hours of operation required for each aeronautical service being performed.
- (6) The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each aeronautical service the Operator is performing as herein before provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Operator.

### **13.25 FLYING CLUBS**

## **STATEMENT OF CONCEPT**

The Club must be a non-profit Wisconsin corporation or partnership. Each member must be a bona fide owner of the aircraft or owner of the corporation.

## **MINIMUM STANDARDS**

(1) The Club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual cost of operation, maintenance and replacement of its aircraft. The Club will keep current a complete list of the Club's member ship and a record of Club finances and will make such avail able to the Owner upon request.

(2) The Club's aircraft will not be used by other than bona fide members, and by no one for hire, charter, or air taxi. Student instructions may be given in the Club aircraft by one Club member to another Club member, providing no compensation takes place. Otherwise, it must be given by an Operator with a current agreement with the Owner.

(3) In the event the Club fails to comply with these conditions, the Owner will notify the Club in writing of such violations. The Club shall have fourteen (14) days to correct such violations. If the Club fails to correct the violations, the Owner may demand the Club's removal from the Airport.

(4) The Flying Club must agree and provide as a minimum insurance in the following categories to the same level as required for all Operators:

(a) Aircraft Liability.

(b) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.

(5) Aircraft maintenance performed by the Club shall be limited to only that maintenance that does not require a certified mechanic. All other maintenance must be provided by a lessee based on the Airport who provides such service, or by a properly certified mechanic who shall not receive remuneration in any manner for such service.

### 13.26 NON-COMMERCIAL AVIATION FUEL USAGE

#### **STATEMENT OF CONCEPT**

A non-commercial aviation fuel user maintains fuel storage and transfer only for his own aircraft or aircraft leased for his exclusive use.

#### **MINIMUM STANDARDS**

(1) No person shall engage in the activity of storing, transporting, or dispensing of non-commercial aviation fuels except those persons holding a written agreement with the Owner.

(2) At no time shall Lessee share, sub-lease, or in any other manner provide fuel or fueling facilities to any other tenant or any other aircraft except those aircraft owned or leased for the exclusive use of the tenant designated in the agreement.

- (3) Lessee shall install and maintain all fuel facilities within the Fuel Farm in accordance with plans and specifications approved in writing by the Owner.
- (4) Lessee shall comply with all local, state and federal laws and regulations governing the installation, operation, and maintenance of all fueling facilities, equipment and dispensing trucks.
- (5) Dispensing trucks, bulk fuel trucks, emergency vehicles, and other vehicles approved by the Owner shall be the only vehicles permitted within the Fuel Farm area.
- (6) Each prospective fuel Lessee shall submit to the Owner a written proposal which sets forth the extent of operations, to include: fuel grades; estimated annual volume; experience and training of fuel handling personnel; type, size and condition of all fueling facilities and equipment to be used; assurance provisions for the security and safety of the facility; and any cost that may be expected by the owner.
- (7) The Lessee shall have the following insurance in the amounts required by all Operators:
  - (a) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.
  - (b) Fuel Tank Financial Responsibility.
- (8) The Lessee shall pay to the Owner a fuel flowage fee on the amount of fuel received into storage at the current rate established for commercial fuel Operators on the Airport. The Lessee shall submit to the Owner the amount of gallons received each month on or before the 10th day of the following calendar month. The Lessee shall also maintain copies or original receipts from the wholesale fuel vendor as evidence of amount of gallons dispensed per month.

### **13.27 OPERATORS SUBLEASING FROM ANOTHER COMMERCIAL OPERATOR ON THE AIRPORT**

- (1) Prior to finalizing an agreement, the lessee and sub lessee shall obtain the written approval of the Owner for the business proposed. Said sublease shall define the type of business and service to be offered by the sub lessee Operator.
- (2) The sub lessee Operator shall meet all of the minimum standards established by the Owner for the categories of services to be furnished by the Operator. The minimum standards may be met in combination between lessee and sub lessee. The sublease agreement shall specifically define those services to be provided by the lessee to the sub lessee that shall be used to meet the standards.

13.28 **HANGAR STANDARDS** (Rep. & Recr. #452)(ORDINANCE NO. 623)

**1. Approvals Required.** No building or any improvement shall be erected, placed, or altered at the City of New Holstein Municipal Airport until the plans for such building or improvement, including site plan, building plans and specifications have been approved by the City of New Holstein Common Council. Approval or disapproval of such plans shall be with respect to conformity with these restrictions and other applicable enactment's of the City of New Holstein, and with respect to harmony of external design and land use as it effects property within and adjacent to this area. Building plans shall be in conformance with all County, State and City of New Holstein laws and ordinances.

**2. Setbacks.** The Common Council will determine setback distances for construction based on FAA regulations after review and recommendation by the Committee of the Whole. Airport layout plan and other airport regulations that may be enacted from time to time.

**3. Height of Buildings.** All buildings and structures shall receive a determination from the Federal Aviation Administration, that the building/structure is not identified as an obstruction under any standard of FAR Part 77, Subpart C, and would not be considered a Hazard to Air Navigation. FAA Form 7460-1 shall be submitted to the FAA by the Lessee.

**4. Drainage.** A drainage plan shall be submitted indicating flow and contours/elevations. Drainage shall not negatively impact adjacent properties and shall flow into the Airports natural or developed drainage. The elevation of the lot shall not be changed so as to materially affect the surface elevation or grade of the surrounding lots. Drainage from roofs shall not create erosion or affect adjacent properties.

**5. Apron and Pad Standards.** Apron Areas shall be surfaced with a minimum of 2-inch bituminous over a finished and compacted 6-inch gravel base. All hangar floor pads shall be of a minimum four-inch poured concrete. All aprons shall provide positive drainage to prevent ponding or standing water. Apron and floor pad thickness shall be indicated on submitted plans.

**6. Refuse.** No storage of waste, refuse, material, or equipment shall be permitted outside the building.

**7. Open Sided Structures and Bi-fold Doors.** All structures shall be totally enclosed. No open sided structures shall be permitted. All hangar buildings shall be required to be constructed with a bi-fold door with a minimum "clear opening" of 40' x 12'. Service doors shall not be installed in the bi-fold door unless a switch is installed to prevent the bi-fold door to be raised if the service door is open.

**8. Alterations.** No alterations to the exterior appearance of any existing building shall be made without first obtaining approval of the Common Council after review and recommendation by the Committee of the Whole.

**9. Antennas and Satellite Dishes.** All antennas, satellite dishes, and similar equipment, shall be indicated on plan submittals. If any such equipment is desired to be installed after initial approval of Lessee's facility the Lessee must first obtain approval of the Common Council after review and recommendation by the Committee of the Whole prior to installation. No equipment shall be allowed that will interfere with existing or future airport operations.

**10. Signs.** All sign plans shall be submitted to the Committee of the Whole for review and approval by the Common Council prior to construction of installation. The Committee of the Whole shall also review sign requests in regards to Airport operational considerations with final approval to be made by the Common Council.

**11. Building Plans.** The drawings furnished to the City of New Holstein Committee of the Whole for review and recommendation are to indicate the intent of the Lessee as to the type of building construction desired, the dimensions shown on floor plan drawings and the height dimension shown on the drawings shall not be changed without the written approval of the City of New Holstein Common Council. Drawing shall include an architectural view of all four sides of the building. The City of New Holstein Committee of the Whole and the Common Council must review a complete set of plans and specifications before approval is granted by the Common Council. The submittal must bear the seal of a Professional Engineer or Architect, Registered in the State of Wisconsin, thereby certifying the structural design of the building meets all the requirements of this document, including 30 pound per square foot live roof load and 20 pounds per square foot wind load.

**12. Exterior Materials.** The front, rear, and side of all buildings shall be faced with materials reviewed by the City of New Holstein Committee of the Whole and approved by the Common Council. The materials may include metal, decorative masonry, glass and concrete block units, or a combination thereof. The front, rear, and sides of all buildings shall be of similar design and aesthetic.

Building colors shall be presented to the Committee of the Whole for review and approved by the City of New Holstein Common Council. All building colors shall be white or gray earth tones. Color sample(s) shall be provided with hangar plan submittals.

Building glazing shall not cause glare or reflectors that will interfere with airport operations or ground circulation.

Exterior lighting, if provided, shall be located on the building. Cut-off type fixtures shall be used to prevent disturbance of airport operations. All lighting shall be high-pressure

sodium and shall not create a vision hazard to aircraft movement or persons on foot. Plan submittal shall include exterior lighting information including location.

**13. Compliance with Building Codes.** The building codes and restrictions for buildings and structures at New Holstein Municipal Airport shall run with the land and be binding to all parties and all persons on Airport property.

Those procedures and processes shall describe the enforcement of the building codes and restrictions contained herein in the lease agreement between Lessee and the City of New Holstein.

All buildings constructed, erected, or placed upon any lot within the borders of New Holstein Municipal Airport shall conform to all government zoning and use requirements.

All building and structures shall comply with all current federal, state and local requirements.

13.29 **PENALTIES** (Created #452)

Any entity, person, firm, association, corporation, or property owner who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 20.04 of the City of New Holstein Municipal Code of Ordinances.