

CHAPTER 61
SHEBOYGAN COUNTY MEMORIAL AIRPORT

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61.01 OPERATION OF AIRPORT. The Transportation Committee shall have supervision over equipment, maintenance, and operation of the Sheboygan County Memorial Airport as follows:

- (1) The Committee shall adopt regulations and establish fees or charges for the use of said Airport not inconsistent with this Ordinance.
- (2) The Committee shall employ an Airport Superintendent whose salary shall be approved by the County Board, and the Committee shall specify those duties.
- (3) The Committee shall prepare and submit an annual report to the County Board. Such report shall include information on Aircraft traffic, Airport expenditures and revenues, and comparative figures on past, present, and future traffic and activity in addition to other information that the Committee may deem pertinent to the report.
- (4) The Committee shall submit to the County Board an annual budget setting forth anticipated revenues and expenditures including capital improvements and the amount recommended to be raised by taxation for Airport purposes.
- (5) The Committee shall make studies and conduct surveys from time to time to assist it in improving the operation of the Airport and for planning purposes.
- (6) The Committee shall, in cooperation with the appropriate County Department, establish an Airport accounting system of sufficient detail to enable the Committee to accurately establish rates and charges for lease purposes and to eliminate possible inefficient operation and maintenance practices.
- (7) The Committee shall prepare and adopt uniform leases and agreements for the various types of Airport activities and land uses authorized in this Ordinance.
- (8) The Committee shall adopt rules and regulations governing taxiing, landing, and taking off of all aircraft using the Sheboygan County Memorial Airport.
- (9) The Committee shall cooperate with and receive the cooperation of County Departments providing services or assistance to the Airport.

61.02 DEFINITION OF WORDS AND PHRASES. As used in this Ordinance, unless the context otherwise requires:

- (1) **"Airport"** means the Sheboygan County Memorial Airport.
- (2) **"Owner"** means Sheboygan County.
- (3) **"Fixed-Base Operator"** means any person, firm, corporation, or association carrying persons or property for hire or furnishing aeronautical services, supplies, or instruction and conducting such business from a particular municipal airport.

- (4) **"Multiple T-Hangar"** means a rectangular-shaped building capable of housing two (2) or more aircraft and which provides individual door openings for each aircraft.
- (5) **"Shop"** means a building capable of housing one (1) or more aircraft while such aircraft are being repaired.
- (6) **"Taxiway"** means a paved area designated solely for the taxiing of aircraft except apron areas.
- (7) **"Concession"** means any non-aeronautical facility or service required for the convenience of the public using the Airport.
- (8) **"Apron"** means that paved area designed and used solely for the temporary parking and servicing of aircraft.
- (9) **"Tie-down"** means an area designed and used for the parking and tying down and storage of aircraft.
- (10) **"Hangar"** means any building designed and used for the aeronautical purposes providing space for aircraft and service activities.
- (11) **"Public thoroughfare"** means all areas in the administration area of the Airport designed and used for the passage of people in vehicles or on foot.
- (12) **"Public areas"** means those areas consisting of the terminal, aviation, commercial, and vehicle parking in accordance with Zoning Map "A."
- (13) **"Vehicle"** means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway.
- (14) **"Lessor"** means owner as defined in Subsection (2) of this Section.

61.03 AIRPORT OPERATION POLICIES. The Committee, in carrying out its duties and responsibilities, shall adhere to the following owner policies:

- (1) The owner shall refrain from engaging in any activity or providing any service excluding Airport maintenance using public employees or funds that can be conducted or provided satisfactorily by private parties through proper lease arrangements.
- (2) The owner shall refrain from erecting buildings with public funds which are to be used and occupied by private parties. Excluded are the terminal building and such other buildings needed solely for the maintenance and operation of the Airport.
- (3) The owner shall encourage the development of the Airport in those areas where substantial building costs are incurred by lessees, by approving long-term leases which provide for the re-examination and readjustment of rates and charges at specified periods of time during the term of the lease.
- (4) Lessees shall be selected on the basis of tenant's desirability and not by bid basis. In determining the use of space in the terminal building, first consideration should be given to public convenience and necessity.
- (5) Buildings to be constructed by lessees shall be of metal or masonry or a combination thereof, except those referred to in Subsection 61.04(4), below, and the building plans and location shall be approved by the Committee prior to construction.

61.04 ZONING OF LAND USES. The designated land areas of the Map are hereby zoned in accordance with the current version of the Airport Layout Plan (ALP) approved as revised by the Federal Aviation Administration (FAA). Said ALP is referred to as "Map A" throughout this Chapter. Copies are on file in the Airport Superintendent's Office and County Clerk's Office and made a part of this Ordinance by reference. All activities, operations, functions, and land uses shall conform to the limitations set forth in the following Subsections:

- (1) Terminal Area. This area shall be the public use area and shall be developed by the owner. The terminal building and such other buildings needed for the public shall be located in this area.
- (2) Utility and Service Area. This area shall be the location for Airport utility and service buildings for housing maintenance equipment and fire and crash equipment.
- (3) Commercial Aviation Areas.
 - (a) Allowable Activities. All commercial aviation business normally conducted by fixed-base operators shall be located in this area. Sale and maintenance of aircraft, engines, parts, and accessories, including the sale of gasoline and oil, aircraft storage, flight training, aircraft rentals, and charter services are allowable activities and such concessions as granted by lease or agreement.
 - (b) Lot Sizes. All lots shall have a minimum of thirty-three thousand (33,000) square feet.
 - (c) Set-backs. All set-back lines shall be as designated on Map A of this Ordinance.
 - (d) Building Heights. All buildings shall not exceed a maximum height of forty (40) feet above the grade level.
 - (e) Building Sizes. The initial buildings constructed by the lessee shall have a minimum floor area of at least seven thousand five hundred (7,500) square feet.
- (4) Industrial Hangar Area.
 - (a) Allowable Activities. All non-commercial hangars, excluding multiple T-hangars, shall be located in this area, and the exclusive use of this area shall be aircraft housing. Aircraft maintenance and repair may be performed by the owner or regular full-time employees of the owner. In the case of a multiple-owner hangar, rules apply to each as if they were a single owner, except that a cooperative agreement between owners for hangar administration, aircraft movement, and aircraft repairs and maintenance is permitted. No flammable liquids except fuel required for heating the building and those required for aircraft maintenance shall be stored above or below the ground, nor shall aviation fuels be dispensed in this area other than by dispensing equipment operating from the commercial aviation areas; provided, however, that aviation fuel may be dispensed only into aircraft owned, leased, or controlled by the owner or lessee of the Industrial Hangar if such owner or lessee has installed aviation fuel storage tanks in the Airport fuel farm. The Committee shall also have the authority to establish a policy waiving the above limitations on a temporary basis, but such waiver and temporary basis shall not exceed three (3) full calendar days for transient aircraft or emergency use situations and shall not exceed ninety (90) days for locally-based aircraft requiring storage facilities not presently available at the fixed base operator's facility.
 - (b) Lot Sizes. Lot sizes shall be as designated on the current version of the Airport Layout Plan approved as revised by the FAA. Said ALP is referred to as Map A throughout this Chapter. Copies are on file in the Airport Superintendent's Office and the County Clerk's Office and made a part of this Ordinance by reference.
 - (c) Set-Backs. All set-back lines shall be as designated in Map A of this Ordinance.
 - (d) Building Heights. All buildings shall not exceed a maximum height of 40' above the grade level.
 - (e) Building Sizes. Any building constructed in this area shall have a minimum floor space of 2,500 square feet and a minimum clear door opening of 45' wide and 14' feet high.

- (5) Multiple T-Hangar Area.
- (a) Allowable Activities. This area shall be restricted to the location of multiple unit T-Hangars for the storage of aircraft. Only aircraft owners or their regular full-time employees may perform maintenance or repairs on their aircraft in this area. No flammable liquids shall be stored above or below the ground. Aircraft shall not be parked in the manner which interferes with movement of aircraft in this area.
 - (b) Lot Sizes. All lots shall be a minimum width of 52' feet and length shall be determined by the number of units constructed.
 - (c) Set-backs. All set-back lines shall be as designated on Map A of this Ordinance.
 - (d) Building Sizes. All buildings shall have sufficient floor space to house eight (8) aircraft and all old buildings reconstructed in this area shall have door openings of at least 39'6" and a minimum clear height of 10'6", and all new buildings constructed shall have a minimum door opening of 39'6" wide and a minimum clear height of 11'6".
- (6) Tie-Down Area. Those areas shall be used for the permanent tie-down of aircraft based on the Airport or those transient aircraft remaining longer than four (4) hours. Temporary tie-down areas may be designated by the Committee.
- (7) Apron Areas. These public areas shall be used for unloading or loading passengers, refueling aircraft, and the parking of aircraft for periods less than four (4) hours. All single-engine aircraft parked on the apron temporarily shall be secured by "tie-downs."
- (8) Individual Hangar Area.
- (a) Allowable Activities.
 - 1. The exclusive use of this area shall be for storage of the type of aircraft whose use does not conflict with commercial services as defined under Sheboygan County Ordinance Chapter 64.
 - 2. A hangar owner may lease or rent part of the hangar space to another but only for aircraft storage. A hangar owner wishing to lease or rent the entire hangar may do so with advance approval of and subject to conditions established by the Transportation Committee.
 - 3. Aircraft maintenance and repair may be performed by the aircraft owner. No flammable liquids shall be stored above or below the ground nor shall aviation gasoline be dispensed in this area.
 - 4. Aircraft shall not be parked in a manner which interferes with movement of aircraft within this area.
 - (b) Lot Sizes. All lot sizes shall be as designated on Detail Map A dated November 1, 2004, to Map A of this Ordinance as follows:
 - 1. Lots 1a through 6a: 60' wide by 60' deep.
 - 2. Lots 1 through 30: 60' wide by 70' deep.
 - 3. Lot 31: 80' wide by 70' deep.
 - 4. Lots 232 through G240: 80' wide by 80' deep.
 - 5. Requests for modifications to lot sizes from the specifications defined above shall be reviewed by the Transportation Committee.

- (c) Setbacks. All setback lines shall be as designated on Detail Map A dated November 1, 2004, to Map A of this Ordinance.
 - (d) Building Heights. All buildings shall not exceed a maximum height of 40' above the grade level. No external protrusions, braces, or supports shall exceed the height of the roof.
 - (e) Building Sizes. Any hangar building constructed in this area shall comply with the sizes defined below:
 - 1. Lots 1a through 6a: 42' wide by 40' deep minimum hangar size; 50' by 40' deep maximum hangar size.
 - 2. Lots 1 through 6: 42' wide by 42' deep minimum hangar size; 42' wide by 45' deep maximum hangar size.
 - 3. Lots 7 through 31; Lots F124 through F231; and Lots G131 through G140: 42' feet wide by 42' deep minimum hangar size; 50' wide by 50' deep maximum hangar size.
 - 4. Lots G232 through G240: 60' wide by 60' deep minimum hangar size; 70' wide by 70' deep maximum hangar size.
 - 5. Requests for hangar sizes which do not conform to specifications defined above shall be reviewed by the Transportation Committee.
 - (f) The Committee shall develop the necessary incidental lease/contract requirements which among other things shall specifically prohibit County improvement or maintenance of the above area.
- (9) Fuel Farm Area.
- (a) Allowable Activities. This area is reserved for the storage of fuel used in aircraft owned by Airport tenants [as permitted by Section 61.04(4)(a)] or fuel dispensed by the fixed-base operator.
 - (b) Written Agreement. A written agreement between a fuel farm tenant, other than a fixed-base operator, and the Transportation Committee shall contain but shall not be limited to the following provisions:
 - 1. At no time shall the fuel farm tenant share, sublease, 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(s) designated in this agreement.
 - 2. Tenant shall install and maintain all fuel facilities within the fuel farm in accordance with plans and specifications approved in writing by the Transportation Committee.
 - 3. Tenant shall comply with all federal, state, and local laws and regulations governing the installation, operation, and maintenance of all fueling facilities, equipment, and dispensing trucks.
 - 4. Dispensing trucks, bulk fuel trucks, emergency vehicles, and other vehicles approved by the Transportation Committee or Airport Superintendent shall be the only vehicles permitted within the fuel farm.
 - 5. The tenant shall pay fuel flowage charges which are similar to those at the highest rate being paid by the fixed-base operator for similar fuel dispensed at the Airport.
 - 6. The fuel farm tenant shall submit to the Transportation Committee a written plan 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; and provisions for the security and safety of the facility.

- A. The plan which shall be complied with once approved and shall be updated as required by the Transportation Committee.
 - B. Acceptable minimum requirements for the items defined in Subsection (9)(b)6. are to be obtained from FAA AC 150/5230-4, "Aircraft Fuel Storage, Handling, and Dispensing on Airports," a copy of which is on file in the Office of the County Clerk and the Airport Superintendent's Office.
7. The following minimum standards shall be in addition to the above:
- A. Fuel tanks allowed in fuel farm area shall have a minimum capacity of ten thousand (10,000) gallons.
 - B. Fuel tanker trucks having a one thousand- (1,000-) gallon minimum but not exceeding two thousand five hundred- (2,500-) gallon maximum size shall be allowed to service the fuel farm tenant's own aircraft at the Airport.
 - C. Off-use parking of tenant's fuel tanker trucks shall be permitted on Airport grounds only in area(s) designated by the Transportation Committee.
 - D. Bulk fuel tanker trucks shall have access to fuel farm area only.
 - E. Fuel farm tenant aircraft fueling locations:
 - (i) Industrial tenants who own a fuel tank located in the fuel farm shall fuel his or her own aircraft on his or her own industrial lot site in an area that meets the fueling requirements set forth in FAA AC 150/5230-4.
 - (ii) Commercial tenants who own a fuel tank located in the fuel farm shall fuel his or her own aircraft in a "fueling area" designated by the Transportation Committee on the Airport grounds.
 - (iii) Private tenants who own a fuel tank located in the fuel farm shall fuel his or her own aircraft in a "fueling area" designated by the Transportation Committee on the Airport grounds.
- (c) State Requirements. Placement of fuel tanks at the Airport shall comply with all Wisconsin Administrative Code requirements presently in effect (to-wit: Ind. 8.12, 8.20, 8.21, 8.22, 8.23, and 8.40) and any acts amendatory or supplementary thereto which may hereafter be adopted by the state, all of which are made a part hereof by reference.
- (d) Insurance. Fuel farm tenants shall provide and keep in effect general liability insurance coverage for the fuel farm operations having limits of not less than One Million Dollars (\$1,000,000.00) in which the County is included as an "Additional Insured/Lessor" and shall annually supply to the County a Certificate of Insurance showing compliance with this requirement.
- (10) Architectural and Aesthetic Control. All buildings, landscaping, parking areas, and exterior signage shall be substantially consistent with and compatible with existing improvements at the Airport. Designs, specifications, colors, materials, and dimensions shall be submitted to the Airport Superintendent for review for compliance with this

Ordinance. The determination of the Airport Superintendent may be reviewed by the Transportation Committee upon request.

- 61.05 UTILITIES. All users of water from the Airport well and sewage facilities shall provide their own pipes to their lot lines and shall pay a connection fee and a yearly service fee to the owner. The owner shall provide the necessary pipe lines from the utility location to the lessee's lot line. All electrical and telephone utilities shall be arranged for and paid by the lessee, and the location of all lines and poles shall first require approval by the Committee.
- 61.06 ENTRANCES The only entrance to the Airport shall be the road laid out by the proper authorities with the Transportation Committee as shown on Map A.
- 61.07 SPECIAL VARIANCE. The Committee shall be authorized to issue special building permits for special purpose hangars on the following conditions:
- (1) The hangar shall be for the sole purpose of storing non-commercial aircraft of a special category such as antique aircraft, home-built aircraft, or experimental aircraft.
 - (2) The aircraft shall be of such nature so that its size makes storage in the sizes of buildings presently covered hereinabove impractical.
 - (3) The hangar be of the same construction as specified hereinabove.
 - (4) The building separations required in the individual hangar area and the Wisconsin Industrial Commission Building Code or any local building codes be complied with.
 - (5) The use of the building be restricted to the storage of the special aircraft involved unless said special aircraft is no longer housed at the Sheboygan County Memorial Airport at which time use of said building shall be for such purposes as permitted in the sole discretion of the Transportation Committee.
- 61.08 ENFORCEMENT. It shall be the duty of the Airport Superintendent and the Sheboygan County Sheriff's Department to enforce the provisions of this Ordinance.
- 61.09 PENALTY. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Two Hundred (\$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 County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.
- 61.10 MULTIPLE OWNERSHIP. Any structures at the Airport may be owned by more than one individual so long as the lease provisions for such structure shall contain a default provision that provides that a default of one unit of ownership shall be a default of all of the units of ownership and, unless such default is remedied within thirty (30) days of written notice thereof to all of the unit owners, all of such owners shall be in default. The lease shall include a limitation on the number of units of ownership as in the determination of the Committee may be necessary to maintain the orderly development of the Airport.