

CHAPTER 63
REGULATING THE HEIGHT OF STRUCTURES AND TREES
AND THE USE OF PROPERTY IN THE VICINITY OF
THE SHEBOYGAN COUNTY MEMORIAL AIRPORT

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63.01 DEFINITIONS. As used in this Ordinance unless the context otherwise required:

(a) "Airport." The Sheboygan County Memorial Airport located in Sections 10, 15, and 16, Township 15 North, Range 22 East, Sheboygan County, Wisconsin.

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

(c) "Non-conforming Use." Any structure, tree, or use of land which does not conform to a regulation prescribed in this Ordinance or an amendment thereto as of the effective date of such regulation.

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

(e) "Runway." A level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

(f) "Structure." Any object constructed or installed by man.

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

63.02 ZONES. All zones established by this Section are shown on Map A entitled "Sheboygan County Airport Height Limitation Zoning Map," Sheboygan County, Wisconsin, which is made a part of this Ordinance by reference and is on file in the Airport Manager's Office.

63.03 HEIGHT ZONES. Except as otherwise provided in this Ordinance, 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 63.02 hereof.

63.04 USE RESTRICTIONS.

(a) Activities. Notwithstanding the provisions of Section 62.03 of this Code, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the Airport and aircraft; or electrical interference with the Instrument Landing System (ILS); 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 landing, taking off, or maneuvering of aircraft.

(b) Exceptions. The restrictions contained in Section 63.03 shall not apply to legal fences or to farm crops which are cut at least once a year and are located outside of the glide slope antenna ground-plane area and runway clear zone areas.

63.05 NON-CONFORMING USE.

(a) Not Retroactive. The regulations prescribe in Sections 63.03 and 63.04 of this Code shall not be construed to require the removal, lowering, or other change or alteration of any non-conforming use or otherwise interfere with the continuance of any non-conforming use except as otherwise provided by Section 63.07(b), below.

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

(c) Removal. This Section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

63.06 ADMINISTRATION. It shall be the duty of the Sheboygan County Airport Manager to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Sheboygan County Airport Manager upon a form furnished by said Airport Manager. Applications which are, by this Ordinance, to be decided by the Sheboygan County Transportation Committee shall be promptly considered and granted or denied by them. Applications for actions by the Board of Adjustments shall be forthwith transmitted by the Sheboygan County Airport Manager to the Board for hearing and decision.

63.07 PERMITS.

(a) Future Uses. No structure shall hereafter be constructed, erected, or installed, or be permitted to remain in any zone created by Section 63.02 of this Code until the owner or the owner's agent shall have applied in writing for a permit therefor and obtained such permit from the Sheboygan County Airport Manager, except structures more than 1/2 mile from the nearest Airport boundary and less than 50' maximum height above ground level at the building site. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation, or establishment. Any trees may be ordered removed when there is a finding that the tree violates the height restriction for the zone for 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 Sheboygan County Airport Manager to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Sheboygan County Airport Manager shall issue the permit applied for.

(b) Existing Uses. Before any non-conforming structure or tree may be replaced, altered, repaired, rebuilt, or replanted, a permit shall be applied for and secured in the manner prescribed by Paragraph 1 Section 63.07(1) authorizing such change, replacement, or repair. No such permit shall be granted that would allow the structure or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or than it is when the application for permit is made.

63.08 HAZARD MARKING AND LIGHTING. Any permit or variance granted under Sections 63.07 or 63.10 herein may, if such action is deemed advisable by the Sheboygan County Transportation Committee to effectuate the purpose of this Ordinance, and if such is reasonable under 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 flyers the presence of an Airport hazard.

63.09 BOARD OF ADJUSTMENTS. The Sheboygan County Building, Zoning, and Sanitation Board of Adjustments, as established in the SHEBOYGAN COUNTY SANITARY ORDINANCE pursuant to Wis. Stat. § 59.99, is hereby authorized to administer the appropriate judicial functions set forth in this Ordinance. The said Board shall be referred to as the Board of Adjustments in this Ordinance.

63.10 APPEALS AND REVIEW.

(a) Variances. Upon appeal in special cases, the Board of Adjustments may, after investigation and public hearing, grant such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this

Ordinance would result in unnecessary hardship and such relief will do substantial justice and be in accord with the spirit of this Ordinance 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 Sheboygan County Airport Manager or the Sheboygan County Transportation Committee, made in their administration of this Ordinance may appeal such decision or action to the Board of Adjustments.

(c) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Wis. Stat. § 59.99.

63.11 PENALTIES. Any person who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, remove the structure or part thereof which violates the terms of this Ordinance, as determined by the Airport Manger, within ninety (90) days of such conviction.

(a) Upon failure to do so, the Airport Manager may order such removal. Such removal and/or restoration may be performed by the County, an agent, or by outside contract, and the cost thereof shall be billed to the owner and be paid within thirty (30) days and if not so paid shall become a delinquent special charge under provision of Wis. Stat. § 66.60(16)(a) and shall become a lien on the property, collectible as are other taxes.

(b) Such person also shall, upon conviction, forfeit to Sheboygan County not less than Twenty Dollars (\$20.00) nor more than Two Thousand Dollars (\$2,000.00), plus the costs of prosecution, for each offense. Each day during which such violation exists shall constitute a separate offense.

(c) Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at the suit of Sheboygan County or any aggrieved citizen.