

CHAPTER 21
AIRPORT
REGULATING HEIGHT OF STRUCTURES
TREES AND PROPERTY

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21.01 DEFINITIONS. As used in this chapter, unless the context otherwise require:

AIRPORT. The Black River Falls Airport located in Sections 27, 28, 33, and 34, Town 21 North, Range 4 West, and Section 4, Town 20 North, Range 4 West, Jackson County, Wisconsin.

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

NONCONFORMING USE. Any structure, trees 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.

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.

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

STRUCTURES. Any object constructed or installed by man

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

21.02 AREA OF JURISDICTION. All zones established by this section are as shown on the map entitled, "Height Limitation Zoning Map, Black River Falls Area Airport, Black River Falls, Wisconsin", which is adopted as part of this chapter.

21.03 ACTIVITIES REGULATED.

(1) **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 21.02 above.

(2) **USE RESTRICTIONS.**

(a) **Activities.** Notwithstanding the provisions of 21.03, 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, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

(b) **Exceptions.** The restrictions contained in 21.03 (1) shall not apply to legal fences or to farm crops which are cut at least once a year.

21.04 NONCONFORMING USES.

- (1) NOT RETROACTIVE. The regulations prescribed in 21.02 and 21.03 shall not be construed to require the removal, lowering or other change or alteration of any nonconforming use or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by 21.07.
- (2) CHANGES. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure if the construction or alterations of such was begun prior to the effective date of this chapter and if such is diligently prosecuted.
- (3) REMOVAL. This chapter shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

21.05 ADMINISTRATION. The Zoning Administrator shall administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon forms furnished by him. Applications which are to be decided by the Board of Adjustment shall be granted or denied within 30 days of the date of filing of the application, unless FAA approval is requested. Applications for action by the Board of Adjustment shall be immediately transmitted by the Zoning Administrator to the Board for hearing and decision. There shall be no charge for applications or permits.

21.06 PERMITS.

- (1) REQUIRED. No structure shall hereafter be constructed, erected or installed or be permitted to remain in any zone created by 21.02 until the owner or his agent shall have applied in writing for a permit therefore and obtained such permit from the Board of Adjustment, except structures more than 1/2 mile from the nearest boundary and less than 50' maximum height above ground level at the building site. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. 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 Board of Adjustment to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Board of Adjustment shall issue the permit applied for.
- (2) TREES. The Zoning Administrator shall have the right to trim, prune or remove at applicant's expense any tree which was planted after adoption of this chapter and found to be in violation of the height restriction for the zone in which it is located.

21.07 EXISTING USES. Before any conforming structure may be replaced, altered or rebuilt, a permit shall be applied for and secured in the manner prescribed by 21.06 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 when the application for permit was made.

21.08 HAZARD MARKING AND LIGHTING Any permit or variance granted under 21.06 or 21.09 may, if such action is deemed advisable by the Board of Adjustment 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 the trees in questions 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 indicated to the flyers the presence of an airport hazard.

21.09 BOARD OF ADJUSTMENT. The Board of Adjustment as created by the Zoning Code shall be the Board of Appeals, pursuant to the provisions of the Wisconsin Statutes.

21.10 APPEALS AND VARIANCES.

- (1) **VARIANCES.** Upon appeal in special cases, the Board of Adjustment 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, 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 made or action taken by the Zoning Administrator in his administration of this chapter may appeal such decision or action of the Board of Adjustment.
- (3) **PROCEDURE.** Any appeal taken pursuant to this section shall be in conformity with the procedure established by the Zoning Code, Ch. 17 of this General Code.

21.15 PENALTY. Except as otherwise provided, any person found to be in violation of this chapter shall be subject to a penalty as provided in 25.04 of this General Code.

21.16 AIRPORT VEHICULAR ORDINANCE.

SECTION I. AUTHORITY. Authority is given for passage of by the Jackson County Board of Supervisors pursuant to Sections 59.07(1m) and 59.07(64) of the Wisconsin Statutes.

SECTION II. DEFINITION 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 fixed base operators 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 Black River Municipal Airport.

SECTION III. 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 provisions 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 10 miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft.

SECTION IV. SPEED OF 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 imposed, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicle traffic on or about the Black River Municipal Airport.

SECTION V. PEDESTRIAN TRAFFIC ON AIRPORT. No pedestrian shall be allowed beyond the administration area or upon the apron of 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 taxiways, runways and outlining areas of the airport except for those employees of the City, County, State or Federal government or contractors engaged in airport construction or maintenance work.

SECTION VI. VEHICLE PARKING. All vehicles parked at 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 that interferes with the safe operation of the airport. Fines or forfeitures may be levied in accordance with Section 8.

SECTION VII. ENFORCEMENT. It shall be the duty of the Jackson County Sheriff's Department of Jackson County, Wisconsin to enforce the provisions of this Ordinance.

SECTION VIII. VIOLATION. Any person who shall violate any of the provisions of this Ordinance excepting Section VI shall upon conviction thereof forfeit not less than \$50.00 and not more than \$200.00 plus costs of prosecution. In default of payment of the forfeiture and costs of prosecution, person(s) shall be imprisoned in the Jackson County Jail until said forfeiture is paid but not to exceed 30 days. Any person who shall violate Section VI of this Ordinance shall be fined not more than \$50.00 per offense.