

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIMBOA30

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIMBOA30, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DTIMBOA30>

2. Mailing written comments to:

Division of Transportation Investment Management
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7913
Madison, WI 53707-7913

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.dot.gov to allow for ongoing comment.

AGENCY CONTACT

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AIRPORT OPERATION ORDINANCE

(Name of airport)

(Location of airport), Wisconsin

AN ORDINANCE Establishing Airport Operation Policies and Land Use within the Boundaries of the (Name of airport) Airport.

The (name of the municipal governing body) of (name of the municipal owner[s]) does ordain as follows:

SECTION I - DEFINITION OF WORDS AND PHRASES.

- A. "Airport" means the (Name of airport).
- B. "Corporate Hangar" means a building housing one or more aircraft for the personal or business use of the hangar owner or lessee, and wherein no commercial activities are allowed.
- C. "Fixed-Base Operator" means any person, firm, corporation, or association conducting any aeronautical business on the airport.
- D. "Manager" means the person employed by the Commission under SECTION III.
- E. "Multiple T-Hangar" means a building composed of partitioned, nested units designed to house no more than one aircraft in each unit and having single door openings for each unit.
- F. "Owner" means the (name of the municipal owner[s] of the airport).
- G. "Commission" means a group of three persons appointed by the Owner, under Wis. Stat. 114.14, which has jurisdiction for the construction, improvement, equipment, maintenance and operation of the airport. (*"Committee" or "Board" may be substituted for "Commission" throughout this Sample Ordinance.*)

SECTION II - AIRPORT LAND USE. In order to regulate the development and use of the Airport, the Airport Layout Plan as revised, depicts those areas dedicated to the specific uses described in SECTION V.

SECTION III - AIRPORT COMMISSION

- A. The Commission shall have jurisdiction for the construction, improvement, equipment, maintenance, and operation of the Airport.
- B. The Commission shall adopt regulations and establish fees or charges for the use of the Airport not inconsistent with this Ordinance. Such regulations, fees, and charges will become effective when approved by the Owner.
- C. The Commission may employ a Manager whose duties and responsibilities shall be specified in writing and whose salary shall be approved by the Owner.
- D. The Manager, under the supervision of the Commission, shall have the duty of

administering and enforcing all airport ordinances, leases and agreements, and rules and regulations.

E. The Commission and the Manager shall meet at the Airport at least once each calendar quarter to inspect the Airport facilities, review Airport operations and financial matters, and discuss proposed Airport development and other business.

F. The Commission shall, in cooperation with the appropriate municipal department, establish an airport accounting system of sufficient detail to enable the Commission to accurately establish rates and charges, eliminate inefficient operation and maintenance practices, and accomplish sound financial planning.

G. The Commission shall prepare and submit an annual report to the Owner. The report shall include current information on aircraft operations, based aircraft, airport expenditures and revenues, along with comparative figures for the past year, and projects for the coming year, and include other information deemed pertinent.

H. The Commission shall prepare and submit to the Owner an annual budget setting forth anticipated revenues and expenditures, including capital improvements.

I. The Commission shall prepare and submit for adoption by the Owner an ordinance establishing minimum requirements for the conduct of aeronautical services on the Airport and an ordinance regulating vehicle and pedestrian traffic on the Airport.

J. The Commission shall prepare and submit for adoption by the owner standard leases and agreements for the various types of airport activities and land uses authorized in this Ordinance.

K. The Commission shall make studies and conduct surveys as appropriate to assist in improving the operation of the Airport. It shall cooperate with the Wisconsin Bureau of Aeronautics and the Federal Aviation Administration in airport and system planning functions and other activities.

L. The Commission shall cooperate with, and receive the cooperation of, all municipal departments providing services or assistance to the airport.

SECTION IV - AIRPORT OPERATION POLICIES

The Commission, in carrying out its duties and responsibilities, shall adhere to the following policies:

A. 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.

B. The Owner shall encourage the development of the Airport, especially in those areas where substantial building costs are incurred by lessees, by approving long-term leases which provide for the reexamination and readjustment of rates and charges at specified periods of time during the term of the lease.

C. The Owner may provide or participate in the installation of utility service up to a lessee's property line. The lessee shall bear such costs on his leased property.

D. No person shall engage in any business or commercial activity whatsoever on the Airport, except under the terms and conditions prescribed in a written

agreements between the lessee and the Commission. Lessees shall be selected on the basis of their qualifications, financial capabilities, and services offered; and not solely by bid basis. In determining the use of public building space, first consideration shall be given to public necessity and convenience. The Commission will provide the Wisconsin Bureau of Aeronautics with one complete copy of each current lease and agreement.

E. Buildings to be constructed by lessees shall conform to all state and local building codes, and the building plans shall be subject to the approval of the Commission; Wisconsin Department of Industry, Labor, and Human Relations; Wisconsin Bureau of Aeronautics; and the Federal Aviation Administration.

F. No person shall engage in the activity of storing, transporting, or dispensing of aviation fuels to the general public except those persons satisfying the requirements as set forth in the Minimum Standards Ordinance.

G. No person shall engage in the activity of storing, transporting, or dispensing of non-commercial aviation fuels except those persons satisfying the requirements as set forth under SECTION V., L. Fuel Farm Area, and holding a written agreement with the Commission to do so.

H. The storage of all aviation fuel shall be in underground tanks only, and the Commission shall encourage the installation of all aviation fuel storage in the Fuel Farm area.

I. Aircraft ground access to the Airport property shall not be allowed, except from an approved Airport Industrial Park as depicted on the Airport Layout Plan.

SECTION V - ESTABLISHMENT OF LAND USE AREAS

In order to carry out the purposes and provisions of this Ordinance, the following land use areas are hereby established as depicted on the current Airport Layout Plan:

A. Municipal Terminal Area.

This area shall be reserved for the public terminal building and other public use facilities.

B. Utility and Service Area.

This area shall be reserved for utility, service, crash, fire and rescue, and maintenance facilities operated by the Owner.

C. Commercial Aviation Areas.

1. This area shall be reserved for commercial aviation business normally conducted by fixed base 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.

2. Lot sizes and setbacks shall be in conformity with the airport ALP, and building heights shall conform with Part 77 of the Federal Aviation Regulations.

3. 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. Corporate Hangar Area.

1. This area shall be reserved for non-commercial hangars, excluding multiple T-Hangars, and the exclusive use of this area shall be aircraft housing. No commercial activities shall be conducted from a corporate hangar. No flammable liquids shall be stored above or below the ground, nor shall aviation fuel be dispensed in this area, other than by dispensing equipment operating from the commercial aviation areas or fuel farm areas.

2. Lot sizes and setbacks shall be in conformity with the airport ALP, and building heights shall conform with Part 77 of the Federal Aviation Regulations.

E. Multiple T-Hangar Areas.

1. This area shall be reserved for the location of multiple unit T-Hangars for the storage of aircraft. No commercial activities shall be conducted from a multiple T-Hangar. No flammable liquids shall be stored or used in this area, nor shall aviation fuel be dispensed into any aircraft while in a hangar. 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 endangers other aircraft or property of another is prohibited.

2. Lot sizes and setbacks shall be in conformity with the airport ALP, and building heights shall conform with Part 77 of the Federal Aviation Regulations.

F. 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 may be designated by the Commission or Manager.

G. Public Apron Areas.

These areas are reserved for unloading or loading passengers and cargo, refueling aircraft, and temporary parking of aircraft.

H. Auto Parking Areas.

These areas are reserved for automobile parking. Temporary vehicle parking areas may also be designated by the Commission or Manager.

I. Agricultural Area.

These areas are reserved for agricultural purposes under approved leases until such time as they are designated for aviation purposes by the Commission.

J. Industrial Park Area.

This area shall be reserved for the location of businesses compatible with airport operations.

1. Proposals for leasing land in this area will be reviewed on an individual basis by the Commission.
2. Lot sizes, setbacks, and building heights and design shall be specified in the written agreement between the Lessee and the Commission.

K. Air Cargo Area.

This area shall be reserved for the location of businesses engaged solely 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 sizes, setbacks, and building heights shall be specified in the written agreement between the Lessee and the Commission.

L. Fuel Farm Area.

This area is reserved for the underground storage of fuel used in aircraft.

A written agreement between a fuel farm tenant, other than a fixed base operator, and the Commission shall contain, but shall not be limited to, the following provisions:

- a. At no time shall tenant 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 this agreement.
- b. Tenant shall install and maintain all fuel facilities within the Fuel Farm in accordance with plans and specifications approved in writing by the Commission.
- c. 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.
- d. Dispensing trucks, bulk fuel trucks, emergency vehicles, and other vehicles approved by the Commission or Manager shall be the only vehicles permitted within the Fuel Farm.

e. All fuel storage shall be in underground tanks with only necessary equipment, such as valves, meters and vents, protruding above ground.

f. Each prospective Fuel Farm tenant shall submit to the Commission 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; and provisions for the security and safety of the facility.

SECTION VI - SEVERABILITY

The several provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Owner would have passed the other provisions of this Ordinance, irrespective of whether or not one or more provisions may be declared invalid. And, if any provision of this Ordinance or the application or circumstances is held invalid, the remainder of the Ordinance and the application shall not be affected.
