

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIMBOA38

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIMBOA38, 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=DTIMBOA38>

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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CHAPTER 10
HEIGHT OF STRUCTURES AND TREES IN THE
VICINITY OF THE HARTFORD MUNICIPAL AIRPORT

10.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

(a) "Airport" means the Hartford Municipal Airport located in Section 8, Town 10 N, Range 18 E, Washington County, Wisconsin.

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

(c) "Nonconforming use" means any structure or tree which does not conform to a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulation.

(d) "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.

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

(f) "Trees" do not include shrubs, bushes or plants which do not grow to a height of more than twenty feet.

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

10.02 ZONES. All zones established by this section are as shown on the revised map dated August 8, 2007 entitled, "Height Limitation Zoning Map, Hartford Municipal Airport, Hartford, Wisconsin", which is attached hereto and adopted as part of this chapter. This updated version replaced the Height Limitation Zoning Map adopted on August 18, 1981 by the City of Hartford for the Hartford Municipal Airport. (AMENDED 4/22/08—ORDINANCE NO. 1176)

10.03 HEIGHT LIMITATION 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 map referred to in Section 10.02 hereof.

10.04 EXCEPTIONS. The restrictions contained in Section 10.03 shall not apply to objects which are less than thirty-five (35) feet in height above ground level at the object site within one-half mile of the airport boundary or to structures less than fifty (50) feet in height above ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary or to structures less than one hundred (100) feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary.

10.05 NONCONFORMING USES. (a) Not Retroactive. The regulations prescribed in Sections 10.02 and 10.03 of this chapter 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 Section 10.07 (b).

(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 chapter and if such is diligently prosecuted.

(c) Removal. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

10.06 ADMINISTRATION. It shall be the duty of the Airport Manager to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Manager upon a form furnished by him. Applications which are by this chapter to be decided by the Airport Manager shall be granted or denied within thirty days of the date of filing of the applications, unless Federal Aviation Administration (FAA) approval is requested. Applications for action by the Airport Committee shall be forthwith transmitted by the Airport Manager to the Airport Committee for hearing and decision. There shall be no charge for such applications or permits.

10.07 PERMITS. (a) Future Uses. No structures shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section 10.02 of this chapter until the owner or his agent shall have applied in writing for a permit therefor and obtained such permit from the Airport Manager, except structures less than thirty-five (35) feet in height above the ground and within one-half mile of the airport boundary and structures less than fifty (50) feet in height above the ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary, and structures less than one hundred (100) feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Applications 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 Airport Manager to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Airport Manager shall issue the permit applied for.

(b) 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 paragraph (a) 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 than it was when the application for permit was made.

10.08 APPEALS AND REVIEW. (a) Aggrieved Person. Any person aggrieved or affected by any decision or action of the Airport Manager made in his administration of this chapter may appeal such decision or action to the Public Works Committee.

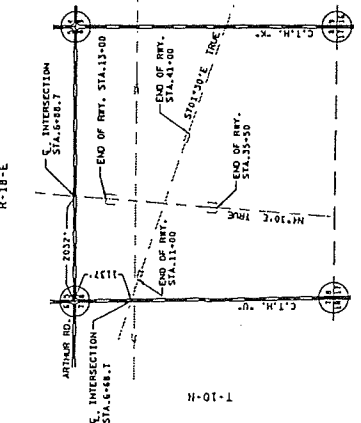
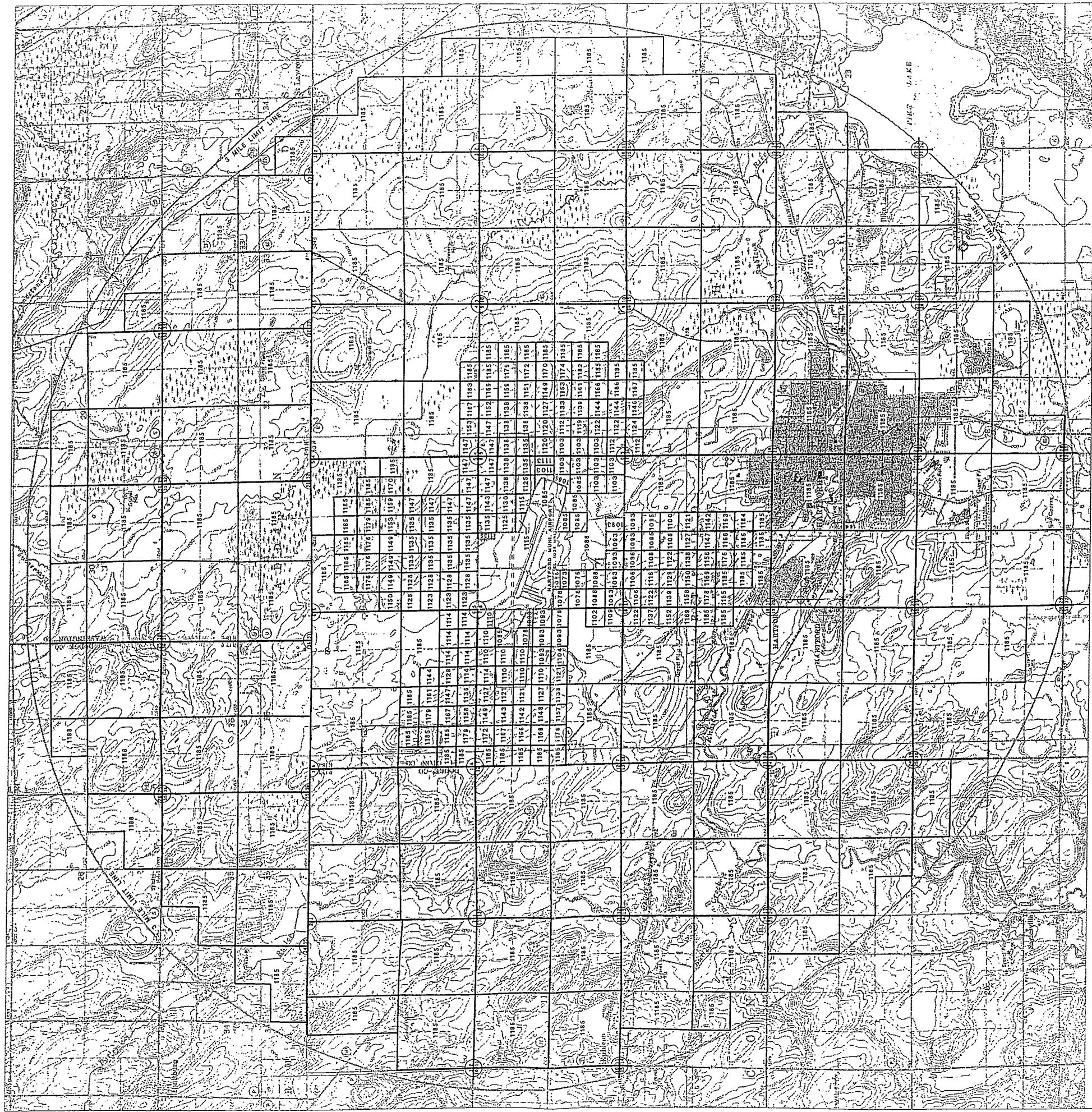
(b) Variances. Upon appeal in special cases the Public Works Committee may, after investigation and public hearing, grant such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this chapter would result 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.

(c) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Section 62.23 (7) (3) of the Statutes.

10.09 PENALTIES. Any person violating any of the provisions of this chapter shall, upon conviction, forfeit an amount within a range as shown in Chapter 42 of the Municipal Code, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty days for each violation. Each day that a violation continues to exist shall constitute a separate offense. (AMENDED 6/11/96-- ORDINANCE NO. E-335)

10.10 SEVERABILITY. If any of the provisions of this chapter or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

10.11 EFFECT. This chapter shall take effect and be in force upon passage and publication.



- LEGEND:
- AIRPORT PROPERTY LINE
 - 0123 ZONED ELEVATIONS
 - PAVED RUNWAY/TURF RUNWAY
 - SECTION CORNERS
 - CASEMENT AREAS

-NOTES-

1. ZONE BOUNDARIES ARE SECTION AND SUBDIVISIONAL LINES EXCEPT THOSE WHERE STREET CENTER LINES ARE USED FOR BOUNDARIES.
2. HEIGHT LIMITATIONS SHOWN REPRESENT ELEVATIONS PERMISSIBLE ABOVE MEAN SEA LEVEL IN FEET.
3. ZONING MAP DEVELOPED IN ACCORDANCE WITH WISCONSIN STATE STATUTES CHAPTER 114.136.

COPY

0 1000' 2000' 3000' 4000' 5000'
SCALE IN FEET

CLASS I ZONED AT 30:1

HEIGHT LIMITATION ZONING MAP
HARTFORD MUNICIPAL AIRPORT
HARTFORD, WISCONSIN
WISCONSIN BUREAU OF AERONAUTICS

SCALE 1"=1500' DATE: 8-8-07 CHK.: BY: BOA DWN.: BY: KSJ SHEET 1 OF 1
 AE: HARTFORD107ZONING.DGN