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State of Misconsin 2013 - 2014 LEGISLATURE



2013 ASSEMBLY BILL 671

January 24, 2014 – Introduced by Representatives SCHRAA, THIESFELDT, BIES, A. OTT, KRUG, BERNIER and SPIROS, cosponsored by Senators GUDEX and GROTHMAN. Referred to Committee on Urban and Local Affairs.

1 AN ACT to amend 114.136 (2) (a) of the statutes; relating to: local airports and

the process for enacting aerial approach ordinances.

Analysis by the Legislative Reference Bureau

Under current law, any county or city, village, or town (municipality) in this state may own and operate airports or airport facilities, such as landing fields or take-off strips, or spaceports or spaceport facilities (collectively "airports"), either within or outside the limits of the county or municipality. A county or municipality that owns an airport may protect the aerial approaches to the airport by adopting an ordinance regulating, restricting, and determining the use, location, height, number of stories, and size of buildings and structures and objects of natural growth in the vicinity of the airport (within three miles of an airport or five miles of a spaceport). To initiate the adoption of an aerial approach ordinance, one of the following must hold at least one public hearing after giving the public notice and formulate a tentative ordinance: 1) if a county owns the airport, the county park commission or, if the county has a county executive or county administrator, the county park manager, except that if there is no such commission or manager, a committee of the governing body of the county; 2) if a city or village owns the airport, the city or village plan commission or, if there is no such commission, a committee of the governing body of the city or village; or 3) if a town owns the airport, a committee of the governing body of the town.

Under this bill, an aerial approach ordinance is always initiated by a committee of the governing body of the county or municipality that owns the airport, which, as under current law, must hold at least one public hearing after giving notice and formulate a tentative ordinance.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 114.136 (2) (a) of the statutes is amended to read:

 $\mathbf{2}$ 114.136 (2) (a) Except as provided by sub. (1) (b) or (c), the county park 3 commission in the case of any county except any county with a county executive or 4 county administrator in which case the county park manager, the city or village plan $\mathbf{5}$ commission in the case of a city or village, or if there is no such commission or manager, a committee of the governing body or bodies of the county, city, village, or 6 7 town which that owns the airport or spaceport site shall formulate a tentative 8 ordinance under sub. (1) and hold a public hearing or hearings thereon in some public 9 place within the county, city, village, or town. Notice of the hearings shall be given 10 by publication of a class 3 notice, under ch. 985, in the area affected by the proposed 11 ordinance.

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SECTION 2. Initial applicability.

(1) This act first applies to ordinances initiated, and ordinance amendmentsinitiated, on the effective date of this subsection.

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(END)