

No. 330, S.]

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CHAPTER 489

AN ACT to amend 114.135 (intro. par.); and to create 114.135 (6), (7), (8), (9) and (10) of the statutes, relating to authorizing the state aeronautics commission to control the erection of high structures within the state, granting rule-making power and providing penalties.

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

SECTION 1. 114.135 (intro. par.) of the statutes is amended to read:

114.135 (intro. par.) It is declared to be in the public interest that *the navigable airspace over the state and the aerial approaches* to any airport be maintained in a condition best suited * * * *for* the safe operation of aircraft and to that end the bulk, height, location and use of any building or structure, or any other object, and the use of land, may be regulated, or any building, structure or other object may be removed. It is the legislative intent that this section shall not supersede s. 59.97 (1), but that it shall be supplemental to such section.

SECTION 2. 114.135 (6), (7), (8), (9) and (10) of the statutes are created to read:

114.135 (6) PERMIT FOR ERECTION OF HIGH STRUCTURES REQUIRED. No person shall erect anywhere in this state any building, structure, tower or any other object the height of which exceeds the limitations set forth in sub. (7) without first filing an application and procuring a permit from the state aeronautics commission.

(7) POWER TO CONTROL ERECTION OF HIGH STRUCTURES. For the purposes of sub. (6) the power and authority to control the erection of buildings, structures, towers and other objects by the state aeronautics commission shall be limited to those objects that would either extend to a height of more than 500 feet above the ground or surface of the water within one mile of the location of the object, or above a height determined by the ratio of one foot vertical to 40 feet horizontal measured from the nearest boundary of the nearest public airport within the state; however, this power and authority shall not extend to objects of less than 150 feet in height above the ground or water level at the location of the object or to objects located within areas zoned under s. 114.136 or to objects located within areas zoned under s. 62.23 (7) where the zoning ordinance enacted under said subsection controls the height of structures.

(8) RULES, REGULATIONS, STANDARDS AND CRITERIA. In carrying out sub. (6) the commission may perform such acts, issue and amend such or-

ders and make, promulgate and amend and enforce such reasonable rules, regulations and procedures and establish such minimum standards and criteria governing erection of buildings, structures, towers and hazards in the interest of the safe operation of aircraft as it deems necessary in the public interest and safety.

(9) CONFLICTING AUTHORITY. Wherein conflicting jurisdiction arises over the control of the erection of a building, structure, tower or hazard between the state aeronautics commission and any political subdivision of the state, the commission may overrule rules and regulations adopted by any political subdivision under the laws of this state after a public hearing wherein all parties thereto have been given an opportunity to be heard.

(10) VIOLATIONS AND PENALTIES. Each day that any person violates any of the provisions of subs. (6), (7), (8) and (9) may be considered as a separate violation in determining penalties under s. 114.27.

Approved July 22, 1955.
