CHAPTER 19

MUNICIPAL AIRPORT

(Renumbered by City Clerk as of 12/92)


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19.01 AIRPORT ZONING. (1) ZONES ESTABLISHED.(Am. Ord. #2627 – 6/16/08). Pursuant to §114.136, Wis. Stats., all zones established by this chapter for airport approach protection are as shown on the map entitled Height Limitation Zoning Map, West Bend Municipal Airport, West Bend, Wisconsin, dated January 31, 2008, which is hereby adopted by reference. The Height Limitation Zoning Map shall be maintained in the City's Department of Community Development.

(2) HEIGHT ZONES. (a) Restrictions. 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 in each zone on the Map referred to in sub. (1) above.

(b) Exceptions. The restrictions contained in par. (a) above shall not apply to objects which are less than 35 feet in height above ground level at the object site within 1/2 mile of the Airport boundary, or to structure less than 50 feet in height above ground within the area beginning 1/2 mile from the Airport boundary and extending to one mile from the Airport boundary, or to structures less than 100 feet in height above the ground within the area beginning one mile from the Airport boundary and extending to 3 miles from the Airport boundary.

(3) INTERFERING USES PROHIBITED. In addition to the restrictions set forth in sub. (2) above, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the Airport and aircraft, or make it difficult for pilots to distinguish between Airport lights and others, or result in glare in the eyes of pilots using the Airport, or impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

(4) NONCONFORMING USES. (a) Not Retroactive. The regulations prescribed in subs. (1) and (2) above 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 sub. (6) (b) below.

(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 commenced prior to the effective date of this chapter and was diligently prosecuted.

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

(5) ENFORCEMENT. It shall be the duty of the Building Inspector to administer and enforce the regulations prescribed in this chapter. Applications for permits and variances shall be made to the Building Inspector upon a form furnished by him. Applications which are, by this section, to be decided by the Building Inspector shall be promptly considered and granted or denied by him. Applications for action by the Board of Zoning Appeals shall be forthwith transmitted by the Building Inspector to the Board for hearing and decision.

(6) PERMITS. (a) Future Uses. No structure shall here-after be constructed, erected or installed or be permitted to remain in any zone created by sub. (1) above until the owner or his agent have applied in writing for a permit therefor and obtained such permit from the Building Inspector, except structures less than 35 feet in height above the ground and within ½ mile of the Airport boundary; structures less than 50 feet in height above the ground within the area beginning 1/2 mile from the Airport boundary and extending to one mile from the Airport boundary; and structures less than 100 feet in height above the ground within the area beginning one mile from the Airport boundary and extending to 3 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. No tree may be planted without a permit and any tree planted without a permit or permitted to grow without planting may be ordered removed at any time by the Building Inspector upon his finding that such tree violates or is about to violate the height restriction for the zone. 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 Building Inspector to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Building Inspector shall issue the permit applied for.

(b) Existing Uses. Before any nonconforming structure or tree may be replaced, altered or repaired, rebuilt or replanted, a permit shall be applied for and secured in the manner prescribed by par. (a) above authorizing such change, replacement or repair. No such permit shall be granted that would allow the structure or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or than it is when the application for permit is made.

(7) HAZARD MARKING AND LIGHTING. Any permit or variance granted under sub. (6) and (8) of this section may, if such action is deemed advisable by the Building Inspector to effectuate the purpose of this chapter and if it is reasonable in the circumstances, be so conditioned as to required the owner of the structure or trees in question to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(8) BOARD OF ZONING APPEALS. The City Board of Zoning Appeals shall hear and decide appeals brought under the provisions of this chapter.

(9) APPEALS AND REVIEW. (a) Variances. Upon appeal in special cases, the Board of Zoning Appeals 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 due 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 and normal operation of aircraft.

(b) Aggrieved Person. Any person aggrieved or affected by any decision or action of the Building Inspector made in his administration of this chapter may appeal such decision or action to the Board.

(c) Procedure. Any appeal taken pursuant to this chapter shall be in conformity with the procedure established by §62.23(7)(e), Wis. Stats.

19.02 AIRPORT COMMISSION. (1) MEMBERSHIP. See sec. 1.48 of this Code.

(2) POWERS AND DUTIES. (a) Management. As provided in §114.14, Wis. Stats., the Airport Commission shall have charge of the operations, maintenance, improvements, construction, equipment and management of the Airport and other aviation facilities of the City.

(b) Regulations, Fees and Charges. The Commission is empowered to adopt regulations and establish fees or charges for the use of said Airport not inconsistent with the provisions of this chapter.

(c) Airport Budget. It shall be the duty of the Commission to submit an annual budget to the Council, as provided in sec. 3.04 of this Code.

(d) (Cr. Ord. #2612 - 5/7/07) Payment of Airport Funds. Despite the provisions of §114.14(2)(f), Wis. Stats., airport funds may be paid out upon order of the Commission, drawn and signed by the Commission's secretary and the airport manager.

19.03 ZONING OF AIRPORT LAND USES. The land areas of the Airport are hereby zoned in accordance with the Maps on file in the office of the City Clerk and said Maps are hereby adopted by reference. All activities, operation, functions and land uses shall conform to the limitations set forth as follows: (1) MUNICIPAL AREA. This area shall be the public use area and shall be developed by the Airport owner. The administration building and such other buildings needed for the public shall be located in this area.

(2) COMMERCIAL AREA. All commercial aviation business normally conducted by a fixed-base operator shall be located in this area. Sale and maintenance of aircraft, engines, parts, accessories, including the sale of gas and oil, are permitted activities in this area. The fixed-base operator may conduct flight training, aircraft rentals and charter services from the leased premises.

(3) T-HANGAR AREA. This area shall be restricted to the location of multiple or single unit T-hangars for the storage of privately owned aircraft. Only individual owners may personally perform maintenance or repairs on their own aircraft in this area. No inflammable liquids shall be stored above or below the ground. Aircraft shall be stored or parked in hangars at all times unless the owner or pilot is in close proximity of the aircraft.

(4) INDUSTRIAL HANGAR AREA. All aircraft hangars other than T-hangars shall be located in this area and the exclusive use of this area shall be aircraft storage, noncommercial aircraft maintenance and repair to be performed by the owner of the hangar or his regular employees. No inflammable liquids shall be stored above or below the ground. At no time will aircraft be parked in this area so as to interfere with the traffic on adjoining taxiways.

(5) TIE-DOWN AREA. This area shall be used for the permanent tie-down of aircraft based permanently on the field or to be left on the field for periods longer than 24 hours.

(6) APRON AREA. This area will be used for unloading or loading passengers, refueling of aircraft and the parking of aircraft for a length of time not to exceed 12 hours, except when other tie-down areas are not usable.

(7) VEHICLE PARKING AREA. Private vehicles shall be parked in this area unless other space has been provided and approved by the owner for such use.

19.04 AIRPORT BUILDINGS. (1) BUILDINGS CONSTRUCTED BY CITY. The City shall construct and maintain only those buildings required for public convenience and are necessary for the operation and maintenance of the Airport such as the administration building or Airport equipment storage building.

(2) PRIVATELY CONSTRUCTED BUILDINGS. (a) Requirements. All buildings to be constructed on the Airport shall conform to the Building Code requirements of the City and the State, the Airport Master Plan, this chapter and regulations relating thereto. The building plans shall be approved by the owner prior to any construction. All buildings constructed in the commercial area shall be restricted to a maximum height of 40 feet above the level of the ground. Obstruction lights, when deemed necessary, shall be installed and maintained by the owner of the buildings on the Airport and the cost of such installation shall be charged to the title holder of any such building involved. All buildings shall be completed within the time specified by the Airport Commission.

(b) Building Titles. Titles of lessee-erected buildings on the Airport shall remain with the title holder during the term of the lease and such titles shall be transferable as personal property independent of the fee interest in and to the land on which the building is located.

(3) RENTAL RATES. The Airport Commission shall, from time to time, establish rental rates for City-owned buildings. No change in such rental rates shall become effective until approved by the Council.

(4) LEASES. The Airport Commission, with the assistance of the City Attorney, shall negotiate all leases for Airport property. The terms of such leases shall be consistent with guidelines established by the Commission and approved by the Council. All leases shall be approved by the Council and executed by the Mayor and the City Clerk.

19.05 TRESPASSING PROHIBITED. (1) No person shall enter upon any part of the Airport without the permission of the Airport Commission or its representatives or in violation of any City, State or Federal rule or regulation.

(2) Except for public parking areas, no person shall enter the Airport with any type of vehicle without the permission of the Airport Commission or its representative, or in violation of any City, State or Federal rule or regulation.

19.06 OPERATION OF VEHICLES ON RUNWAYS, TAXIWAYS AND RAMPS REGULATED. 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, except as follows: (1) EQUIPMENT. The provisions of this section shall not apply to emergency equipment or service, maintenance and construction equipment when engaged in performing normal duties.

(2) AIRCRAFT OWNERS. 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 5 miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of Part 139 or Part 107, Federal Aviation Regulations.

19.07 PEDESTRIAN TRAFFIC REGULATED. No pedestrian shall be allowed beyond the administration area or upon the apron or 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 outlying areas of the Airport except for employees of the City, State or Federal government or contractors engaged in Airport construction or maintenance work.

19.08 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 10 miles per hour.

19.09 MINIMUM STANDARDS FOR ALL OPERATORS (Cr. Ord. #1905 - 6/20/88). The following standards shall apply to all operators with the exception of flying clubs whose complete list of standards are presented in the section which pertains solely to that type of operation. (1) The lease shall be for a term to be mutually agreed upon between the parties commensurate with the operator's financial investment in his facility.

(2) The operator shall have had experience in the aeronautical service he wishes to provide for a period of 5 years or have in a supervisory position a person with 5 years' experience. Should an operator not have such experience, but can demonstrate to the owner's satisfaction that he has had equivalent related experience, approval may be granted to the operator. A statement of qualifications shall accompany the operator's letter of intent to the airport owner.

(3) Any operator seeking to conduct aeronautical services at the airport must provide the owner a letter setting forth the operator's financial integrity, to the owner's satisfaction, from a bank or trust company doing business in the area, or such other source as may be readily verified through normal banking channels. The operator must also demonstrate that it has the financial ability or backing, where applicable, for the

construction of facilities that may be required for the proposed operation. The operator must also provide a current financial statement showing unencumbered current assets in an amount at least equaling 3 months estimated maintenance and operating expenses.

(4) (Am. Ord. #2588 - 4/10/06). All operators shall provide proof of insurance coverage as required for each type of operation with the following minimum limits of liability:

| | |
|---|---|
| (a) Aircraft Liability - rental aircraft | |
| Bodily injury and property damage | |
| Combined single limit……. | $ 2,000,000 |
| Bodily injury (each passenger)…… | $ 1,000,000 |
| Aircraft Liability - chartered flights | |
| Piston Engines - Combined single limit …… | $ 3,000,000 |
| Jet Engines - Combined single limit…… | $25,000,000 |
| (b) Comprehensive public liability and comprehensive property damage, including vehicular | |
| Bodily injury and property damage | |
| Combined single limit ……. | $ 1,000,000 |
| (c) Hangar keepers liability …… | $ 1,000,000 each accident, plus $500,000 each aircraft |
| (d) Products liability ……..... | $ 1,000,000 each accident |
| (e) Student and renters liability ……. | $ 1,000,000 each accident<br>$ 100,000 each person |
| (f) Storage tank third party liability and clean up policy | $ 1,000,000 |

Each policy shall include the owner as an additional named insured, shall provide for notice to the owner in advance of cancellation and shall otherwise be in a form satisfactory to the owner. Termination of insurance coverage constitutes immediate termination of all the operators' rights to operate at the airport.

The operator shall hold harmless, indemnify and defend the owner in all actions brought against the owner related to the operator or the services provided by the operator.

(5) Each lease for ground space and contract for business at the airport entered into by the owner shall include all provisions required by the State and Federal governments including, but not limited to, nondiscrimination provisions, affirmative action assurances, civil rights assurances and nonexclusive rights provisions. The most current amendment or form of such mandatory lease provisions shall be obtained from the State or Federal governments and shall be included in each lease at the time of execution.

(6) All operators shall have the right, in common with others, to use common areas

of the airport, including runways, taxiways, aprons, roadways, floodlights, landing lights, signals and other conveniences for the takeoff, flying and landing of aircraft.

(7) Any construction required of any operator shall be in accordance with design and construction requirements of the owner, State and Federal regulations and applicable codes. All plans and specifications shall be submitted to the owner for approval prior to any construction or modification.

(8) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement and from the taxiway or the access to the taxiway that has been or will be provided for the operator.

(9) The minimum square footage requirements of secs. 19.10 to 19.22 of this chapter shall not apply to those parcels leased prior to January 1, 1988.

19.10 AIRCRAFT SALES (Cr. Ord. #1905 - 6/20/88). (1) An aircraft sales operator engages in the sale of new aircraft through a franchise or licensed dealership or distributorship (either on a retail or wholesale basis) or used aircraft; and provides such repair, services and parts as necessary to meet any guarantee or warranty on aircraft sold.

(2) MINIMUM STANDARDS. The following requirements shall apply to the aircraft sales operators: (a) The operator shall lease from the owner an area of not less than 9,500 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 3,200 square feet of floor space for aircraft storage and at least 400 square feet of floor space for office, customer lounge and restroom, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. The operator shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The operator who is engaged in the business of selling new aircraft shall have available or on call at least one demonstrator.

(c) The following types of insurance are required in the amounts stated in sec. 19.09(4) of this chapter.

1. Aircraft liability.

2. Comprehensive public liability and comprehensive property damage, including vehicular.

3. Hangar keepers liability (if non-owned aircraft are left in the operator's care).

4. Products liability.

(d) The operator shall have his premises open and services available 8 hours daily, 5 days a week. The operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

(e) The operator shall have in his employ and on duty during business hours trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner. The operator shall also maintain, during all business hours, a responsible person in charge to supervise the operations in the leased area with the authorization to represent and act for and on behalf of the operator, and provide check ride pilots for aircraft sold.

19.11 AIRCRAFT AIRFRAME, ENGINE AND ACCESSORY MAINTENANCE AND REPAIR (Cr. Ord. #1905 - 6/20/88). (1) An aircraft airframe, engine and accessory maintenance and repair operator provides one or a combination of airframe, engine or accessory overhauls or repair services on aircraft. This category shall also include the sale of aircraft parts and accessories.

(2) MINIMUM STANDARDS. The following requirements apply to aircraft airframe, engine and accessory maintenance and repair operators: (a) The operator shall lease from the owner an area of not less than 9,500 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 3,200 square feet of floor space for aircraft storage and at least 400 square feet of floor space for office, customer lounge and restroom, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall provide sufficient equipment, supplies and availability of parts equivalent to that required for certification by the FAA as an approved repair station.

(c) The following types of insurance are required in the amounts stated in sec. 19.09(4) of this chapter:

1. Comprehensive public liability and comprehensive property damage, including vehicular.

2. Hangar keepers liability.

3. Products liability.

(d) The operator shall have his business open and services available 8 hours daily, 5 days each week, with an employee in attendance in the office at all times during the required operating hours.

(e) The operator shall have in his employ, and on duty during business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner, but never less than one person

currently certificated by the FAA with ratings appropriate to the work being performed and who holds on airframe, power plant or an aircraft inspector rating, and one other person not necessarily rated.

19.12 AIRCRAFT LEASE AND RENTAL (Cr. Ord. #1905 - 6/20/88). (1) An aircraft lease or rental operator engages in the rental or lease of aircraft to the public.

(2) MINIMUM STANDARDS. The following requirements apply to aircraft lease and rental operators: (a) The operator shall lease from the owner an area of not less than 9,500 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at lease 3,200 square feet of floor space for aircraft storage and at least 400 square feet of floor space for office, customer lounge and restroom which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall have available for rental, either owned or under written lease to operator, not less than 2 certified and currently airworthy aircraft, at least one of which must be a 4-place aircraft, and at least one of which must be equipped for and capable of flight under instrument weather conditions.

(c) The following types of insurance are required in the amounts stated in sec. 19.09 of this chapter:

1. Aircraft liability.

2. Comprehensive public liability and comprehensive property damage, including vehicular.

3. Student and renter's liability.

(d) The operator shall have his business open and services available 8 hours daily, 5 days a week. The operator shall make provision for someone to be in attendance in the office at all times during operating hours.

(e) The operator shall have in his employ, and on duty during business hours, a minimum of one person having a current FAA commercial pilot certificate with appropriate ratings, including instructor rating.

19.13 FLIGHT TRAINING (Cr. Ord. #1905 - 6/20/88). (1) A flight training operator engages in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary to prepare to take a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

(2) MINIMUM STANDARDS. The following requirements apply to flight training operators: (a) The operation shall lease from the owner an area of not less than 9,500

square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 3,200 square feet of floor space for aircraft storage and at least 400 square feet of floor space for office, customer lounge and restroom, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall have available for use in flight training, either owned or under written lease to operator, not less than 2 properly certified aircraft, at least one of which must be a 4-place aircraft, and at least one of which must be equipped for and capable of use in instrument flight instruction.

(c) The following types of insurance are required in the amounts stated in sec. 19.09 of this chapter:

1. Aircraft liability.

2. Comprehensive public liability and comprehensive property damage, including vehicular.

3. Student and renter's liability.

(d) The operator shall have his business open and services available 8 hours daily, 5 days a week. The operator shall make provision for someone to be in attendance in the office at all times during operating hours.

(e) The operator shall have, on a full time basis, at least one flight instructor who has been properly certified by the FAA to provide the type of training offered.

19.14 AIRCRAFT FUELS AND OIL SERVICE (Cr. Ord. #1905 - 6/20/88).
(1) Fuel and oil services includes the sale and into-plane delivery of aviation fuels, lubricants and other related aviation petroleum products. The operator shall provide servicing of aircraft, including ramp assistance and the parking, storage and tie-down of aircraft within the leased area.

(2) MINIMUM STANDARDS. The following apply to aircraft fuels and oil service operators: (a) The operator shall lease from the owner an area of not less than 9,500 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at lease 3,200 square feet of floor space for aircraft storage and at least 400 square feet of floor space for office, customer lounge and restroom, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) As part of the leasehold, land shall be set aside in a designated area for the bulk fuel storage facility. The storage facility shall have at least a minimum of 2,000 gallon capacity for each grade of fuel maintained by the operator. The operator shall provide the required pumping equipment, either mobile or fixed, to meet all applicable safety requirements relative to fuel dispensing as required by Federal, State and local

regulations, and shall provide reliable metering devices which conform to Federal, State and local regulations.

(c) The operator shall provide such minor repair service as does not require a certificated mechanic rating and cabin services to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the operator.

(d) The operator shall procure and maintain tools, jacks, towing equipment, tire repairing equipment, energizers and starters, heaters, oxygen supplies, fire extinguishers and passenger loading steps as appropriate and necessary. They shall be maintained and operated in accordance with local, State and Federal requirements.

(e) The following types of insurance are required in the amounts stated in sec. 19.09 of this chapter:

1. Comprehensive public liability and comprehensive property damage, including vehicular.

2. Hangar keeper's liability.

3. Products liability.

(f) The operator shall have his premises open for 8 hours per day, 7 days a week, and provide on-call aircraft servicing during all other hours. The operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.

(g) The operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of service in an efficient manner.

(h) The operator shall maintain an accurate record of all deliveries of aviation fuel and oil and such records shall be subject to examination and audit by the owner or his representatives.

19.15 RADIO, INSTRUMENT OR PROPELLER REPAIR STATION (Cr. Ord. #1905 - 6/20/88). (1) A radio, instrument or propeller repair station operator engages in the business of and providing a shop for the repair of aircraft radios, propellers, instruments and accessories for general aviation aircraft. This category shall include the sale of new or used aircraft radios, propellers, instruments and accessories. The operator shall hold the appropriate repair shop certificates issued by FAA.

(2) MINIMUM STANDARDS. The following requirements apply to radio, instrument or propeller repair station operators: (a) The operator shall lease from the owner an area of not less than 9,500 square feet of ground space on which shall be erected a

building to provide at least 3,200 square feet of floor space to hangar at least one aircraft and to house all equipment and at least 400 square feet of floor space for office, shop, customer lounge and restroom, all properly heated and lighted, and shall provide telephone facilities for customer use.

(b) The following types of insurance are required in the amounts stated in sec. 19.09 of this chapter:

1. Comprehensive public liability and comprehensive property damage, including vehicular.

2. Hangar keepers liability.

3. Products liability.

(c) The operator shall have his premises open and services available 8 hours daily, 5 days each week.

(d) The operator shall have in his employ and on duty during business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than one person who is an FAA rated radio, instrument or propeller repairman.

19.16 AIRCRAFT CHARTER AND AIR TAXI (Cr. Ord. #1905 - 6/20/88). (1) An aircraft charter and an air taxi operator engages in the business of providing air transportation (persons or property) to the general public for hire, either on a charter basis or as an air taxi operator, as defined by the Federal Aviation Regulations.

(2) MINIMUM STANDARDS. The following requirements apply to aircraft charter and air taxi operators: (a) The operator shall lease from the owner an area of not less than 9,500 square feet of ground space on which shall be erected a building to provide at least 3,200 square feet of floor space for aircraft storage and at least 400 square feet of floor space for office, customer lounge and restroom, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.

(b) The operator shall provide, either owned or under written lease to operator, not less than one single-engine 4-place aircraft and one multi-engine aircraft, both of which must meet the requirements of the air taxi commercial operator certificate held by the operator, including instrument operations.

(c) The following types of insurance are required in the amounts stated in sec. 19.09 of this chapter:

1. Aircraft liability.

2. Comprehensive public liability and comprehensive property damage, including vehicular.

(d) The operator shall have his premises open and services available 8 hours daily, 5 days each week. The operator shall provide on-call service during other hours. The operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.

(e) The operator shall have in his employ and on duty during business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner, but never less than one person who is an FAA certified commercial pilot and otherwise appropriately rated to permit the flight activity offered by operator.

19.17 AIRCRAFT STORAGE (Cr. Ord. #1905 - 6/20/88). (1) An aircraft storage operator engages in the rental of conventional hangars or multiple T-hangars.

(2) MINIMUM STANDARDS. The following requirements apply to aircraft storage operators. (a) The operator shall lease from the owner an area of not less than 3,000 square feet of ground space on which shall be erected a building to provide at least 1,200 square feet of floor space for aircraft storage.

(b) The following types of insurance are required in the amounts stated in sec. 19.09 of this chapter:

1. Comprehensive liability and comprehensive property damage, including vehicular.

2. Hangar keepers liability. (Hangar keepers liability is not necessary if the owner(s) is/are in control of their own aircraft).

(c) The conventional hangar operator shall have his facilities available for the tenant's aircraft removal and storage 24 hours per day, 7 days a week, 52 weeks per year.

19.18 SPECIALIZED COMMERCIAL FLYING SERVICES (Cr. Ord. #1905 - 6/20/88). (1) A specialized commercial flying services operator engages in air transportation for hire for the purposes of providing the use of aircraft for the activities listed below: (a) Nonstop sight seeing flights that begin and end at the same airport.

(b) Crop dusting, seeding, spraying and bird chasing.

(c) Banner towing and aerial advertising.

(d) Aerial photography or survey.

(e) Power line or pipe line patrol.

(f) Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

(2) MINIMUM STANDARDS. The following requirements apply to specialized commercial flying services operators: (a) The operator shall lease land from the owner and the lease shall include a building sufficient to accommodate all activities and operations proposed by the operator. In the case of crop dusting or aerial application, the operator shall make suitable arrangements and have such space available in his leased area for safe loading and unloading and storage and containment of chemical materials. All operators shall demonstrate that they have the availability of aircraft suitably equipped for the particular type of operation they intend to perform.

(b) The owner shall set the minimum insurance requirements as they pertain to the particular type of operation to be performed. These minimum requirements shall be applicable to all operations of a similar nature. All operators will, however, be required to maintain the aircraft liability coverage and comprehensive public liability coverage as set forth for all operators.

(c) The operator shall have in his employ, and on duty during business hours, trained personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner.

(d) The operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize operator's services.

19.19 MULTIPLE SERVICES (Cr. Ord. #1905 - 6/20/88). (1) A multiple services operator engages in any 2 or more of the aeronautical services for which minimum standards have been hereinbefore provided.

(2) MINIMUM STANDARDS. The following requirements apply to multiple services operators: (a) The operator shall lease from the owner an area of not less than 9,500 square feet of ground space on which shall be erected a building to provide at least 3,200 square feet of floor space for aircraft storage and at least 400 square feet of floor space for office, customer lounge and restroom, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.

(b) The operator shall comply with the aircraft requirements, including the equipment thereon for each aeronautical service to be performed, except that multiple use can be made of all aircraft except aircraft used for crop dusting, aerial application, or other commercial use of chemicals.

(c) The operator shall provide the facilities, equipment and services required to meet the minimum standards as hereinbefore provided for each aeronautical service the operator is performing.

(d) The operator shall obtain, as a minimum, that insurance coverage which is equal to individual insurance requirements of all the aeronautical services being performed by operator.

(e) The operator shall adhere to the hours of operation required for each aeronautical service being performed.

(f) The operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each aeronautical service the operator is performing as hereinabove provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the operator.

19.20 FLYING CLUBS (Cr. Ord. #1905 - 6/20/88). (1) A flying club must be a nonprofit Wisconsin corporation or partnership. Each member must be a bona fide owner of the aircraft or owner of the corporation.

(2) MINIMUM STANDARDS. The following requirements apply to flying clubs: (a) The club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual cost of operation, maintenance and replacement of its aircraft. The club will keep current a complete list of the club's membership and a record of club finances and will make such available to the owner upon request.

(b) The Club's aircraft will not be used by other than bona fide members and by no one for hire, charter or air taxi. Student instructions may be given in the club aircraft by one club member to another club member, providing no compensation takes place. Otherwise, instructions must be given by an operator with a current agreement with the owner.

(c) In the event the club fails to comply with these conditions, the owner will notify the club in writing of any violation. The club shall have 14 days to correct any violations. If the club fails to correct the violations, the owner may demand the club's removal from the airport.

(d) The flying club must agree and provide as a minimum insurance in the following categories to the same level as required for all operators:

1. Aircraft liability.

2. Comprehensive public liability and comprehensive property damage, including vehicular.

(e) Aircraft maintenance performed by the club shall be limited to only that maintenance that does not require a certificated mechanic. All other maintenance must be provided by a lessee based on the airport who provides such service, or by a properly certificated mechanic who shall not receive remuneration in any manner for such service.

19.21 NONCOMMERCIAL AVIATION FUEL USAGE (Cr. Ord. #1905 - 6/20/88). (1) A noncommercial aviation fuel user maintains fuel storage and transfer only for his own aircraft or aircraft leased for his exclusive use.

(2) MINIMUM STANDARDS. (a) No person shall store, transport or dispense any fuel for use in an aircraft unless the person holds a written agreement with the owner specifically permitting such use.

(b) At no time shall a user share, sublease 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 the agreement.

(c) The user shall install and maintain all fuel facilities within the fuel farm in accordance with plans and specifications approved in writing by the owner.

(d) The user shall comply with all local, State and Federal laws and regulations governing the installation, operation and maintenance of all fueling facilities, equipment and dispensing trucks.

(e) Dispensing trucks, bulk fuel trucks, emergency vehicles and other vehicles approved by the owner shall be the only vehicles permitted within the fuel farm area.

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

(g) Each prospective fuel user shall submit to the owner 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; assurance provisions for the security and safety of the facility; and any cost that may be expected by the owner.

(h) The user shall have comprehensive public liability and comprehensive property damage insurance, including vehicular, in the amounts required of all operators.

(i) The user shall pay to the owner a fuel flowage fee on the amount of fuel received into storage at the current rate established for commercial fuel operators on the airport. The user shall submit to the owner the amount of gallons received each month on or before the 10th day of the following calendar month. The user shall also maintain copies or original receipts from the wholesale fuel vendor as evidence of amount of gallons dispensed per month.

(j) The minimum storage tank allowed shall be 2,000 gallon capacity.

(k) Use of any portable containers in fueling any aircraft on the airport is strictly prohibited except under circumstances constituting an emergency under the statutes or the Administrative Code of the State.

(l) Specific areas shall be designated to accommodate the users of fuels other than aviation fuels.

19.22 OPERATORS SUBLEASING FROM ANOTHER COMMERICAL OPERATOR ON THE AIRPORT (Cr. Ord. #1905 - 6/20/88). (1) No operator may sublease to another operator without the advance written consent of the owner for the business proposed. The sublease shall define the type of business and service to be offered by the sub-lessee operator.

(2) The sub-lessee operator shall meet all of the minimum standards established by the owner for the categories of services to be furnished by the operator. The minimum standards may be met by the lessee and sub-lessee in combination. The sublease agreement shall specifically define those services to be provided by each of the lessee and the sub-lessee to meet the standards.

19.23 DEFINITIONS. As used in this chapter, unless the context otherwise required, the following words and phrases shall have the meaning given herein: (a) Airport. The West Bend Municipal Airport located in Sections 8, 16 and 17, T 11 N, R 20 E, Washington County, Wisconsin.

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

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

(d) Structure. Any object constructed or installed by man.

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

(f) Owner. The City of West Bend.

(g) Fixed Base Operator. Any person, firm, corporation or association carrying persons or property for hire, or furnishing aeronautical services, supplies or instruction, and carrying on such business from a particular municipal airport.

(h) T-Hanger. A multiple or single T-shaped building capable of housing one or more airplanes.

(i) Shop. A building capable of housing one or more aircraft while such aircraft are being repaired.

(j) Taxiway. An area designated or used solely for the taxiing of aircraft, except apron areas.

(k) Concession. Any non-aeronauticalor facility service required for the convenience of the public using the airport.

(l) Runway. Any hard surfaced area used and designed for taking off and landing of aircraft.

(m) Landing Strip. Any area designed and used for the landing and taking off of aircraft.

(n) Apron. An area adjacent to the administrative and business hangar sections of the airport designed and used solely for the parking and servicing of aircraft.

(o) Tie-down. An area designed and used for the parking and tying down and storage of aircraft.

(p) Hangar. Any building designed and used for aeronautical purposes providing space for aircraft storage and service activities.

(q) Public Thoroughfare. All areas located in the administration section of the airport designed and used for the passage of vehicles and pedestrians.

(r) Public Areas. The area consisting of the commercial, municipal and vehicle parking areas in accordance with Zoning Maps A and B (See sub. (2) below).

(s) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn, except aircraft.

(t) Lessor. Owner, as defined in par. (f) above.

(u) 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.

(v) Service, Maintenance and Construction Equipment. Approved equipment normally operated by a fixed base operator, the owner 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 the owner.

(w) Aeronautical Services (Cr. Ord. #1905 - 6/20/88). Any service which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.

(x) FAA (Cr. Ord. #1905 - 6/20/88). The Federal Aviation Administration.

(y) Operator (Cr. Ord. #1905 - 6/20/88). Any person, firm, partnership, corporation, association or group providing any one or a combination of aeronautical services to or for aviation users at the airport.

(z) Minimum Standards (Cr. Ord. #1905 - 6/20/88). The qualifications which are established herein by the airport owner as the minimum requirements to be met as a condition for the right to conduct an aeronautical service at, on or within the airport.

19.25 PENALTY (Renum. Ord. #1905 - 6/20/88). Any person who shall violate any provision of this chapter shall be subject to a forfeiture as provided in sec. 25.04 of this Code.