

CHAPTER 13

AIRPORT REGULATIONS

13.01 DEFINITION OF WORDS AND PHRASES. Terms used in this chapter mean as follows:

"Airport" means the Door County Cherryland Airport.

"ALP" means Airport Layout Plan.

"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.

"Fixed-Base Operator" means any person, firm, corporation, or association conducting any aeronautical business on the airport.

"Superintendent" means the Highway / Airport Commissioner or Airport Superintendent of the Door County Cherryland Airport under Section 13. 03.

"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.

"Owner" means Door County.

"Committee" means the Door County Highway and Airport Committee, which has jurisdiction for the construction, improvement, equipment, maintenance and operation of the airport.

13.02 AIRPORT LAND USE. In order to regulate the development and use of the Airport, the Airport Layout Plan (ALP) as revised, depicts those areas dedicated to the specific uses described in Section 13. 05. (9/06)

13.03 HIGHWAY AND AIRPORT COMMITTEE.

- (a) The Highway and Airport Committee ("Committee") shall have jurisdiction for the construction, improvement, equipment, maintenance, and operation of the Airport.
- (b) The Committee shall adopt regulations and establish fees or charges for the use of the Airport not inconsistent with this chapter. Such regulations, fees, and charges will become effective when approved by the Owner.
- (c) The Committee may employ a Superintendent whose duties and responsibilities shall be specified in writing and whose salary shall be approved by the Owner.
- (d) The Superintendent, under the supervision of the Committee shall have the duty of administering and enforcing all airport ordinances, leases and agreements, and rules and regulations.
- (e) The Committee shall meet as necessary to inspect the Airport facilities, review Airport operations and financial matters, and discuss proposed Airport development and other business.
- (f) The Committee shall, in cooperation with the Finance Department, establish an airport accounting system of sufficient detail to enable the Committee to accurately establish rates and charges, eliminate inefficient operation and maintenance practices, and accomplish sound financial planning.
- (g) The Committee and Superintendent shall prepare and submit an annual report to the Owner. Such report shall include current information on aircraft operations, based aircraft, airport expenditures and revenues, along with comparative figures for the past year and projections for the coming year, and include other information deemed pertinent.
- (h) The Committee shall prepare and submit to the Owner an annual budget setting forth anticipated revenues and expenditures, including capital improvements.
- (i) The Committee 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 Committee 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 chapter.
- (k) The Committee 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 Committee shall cooperate with, and receive the cooperation of, all county departments providing services or assistance to the Airport.

13.04 AIRPORT OPERATION POLICIES. The Committee, in carrying out its duties and responsibilities, shall adhere to the following policies:

- (a) 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 re-examination and readjustment of rates and charges at specified periods of time during the term of the lease.
- (b) 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.
- (c) No person shall engage in any business or commercial activity whatsoever at the Airport except under the terms and conditions prescribed in a written agreement executed between such person and the Owner. Such persons, including lessees, shall be selected on the basis of their qualifications, financial capabilities, and services offered and not solely on a bid basis. In determining the use of public building space, first consideration shall be given to public necessity and convenience. The Owner will provide the Wisconsin Bureau of Aeronautics with one complete copy of each current agreement, contract or lease.
- (d) Buildings to be constructed by lessees shall conform to all state and local building codes, and the building plans shall be subject to approval of the Committee; Wisconsin Department of Industry, Labor and Human Relations; Wisconsin Bureau of Aeronautics; and the Federal Aviation Administration. (par. (c) and (d) am. 24-81, 8/20/81)
- (e) 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'. (See Ch. 14)
- (f) 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 13.05 (j) Fuel Farm Area, and holding a written agreement with the Owner to do so.
- (g) The storage of all aviation fuel shall be in underground tanks only, and the Committee shall encourage the installation of all aviation fuel storage in the Fuel Farm Area. (9/06) as depicted on the ALP
- (h) Aircraft ground access to the Airport property shall not be allowed, except from an approved Airport Industrial Park as depicted on the ALP.

13.05 ESTABLISHMENT OF LAND USE AREAS. In order to carry out the purposes and provisions of this chapter, the following land use areas are hereby established as depicted on the current Airport Layout Plan:

- (a) Municipal Terminal Area. (BLDG 10) This area shall be reserved for the public terminal building and other public use facilities.
- (b) Utility and Service Area. (BLDG 3, 6 & 11) This area shall be reserved for utility, service, crash, fire and rescue and maintenance facilities operated by the Owner.
- (c) Commercial Aviation Areas. (Hangar 8 & 72)
 - 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. Minimum lot sizes shall be in conformity with the Airport Layout Plan and building heights shall conform with Part 77 of the Federal Aviation Regulations, and buildings set back at least 10 feet from the lot line.
 - 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 Committee.
- (d) Corporate Hangar Area. Hangars (13 – 28, 31 – 71)
 - 1. This area shall be reserved for noncommercial 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 shall be in conformity with the Airport Layout Plan and building heights shall conform with Federal Aviation Regulations, and buildings set back at least 10 feet from the lot line.
 3. Hangar number 73, 74 & 75 are allowed to be used for both corporate hangar area use and commercial hangar area use. (9/06)
- (e) Multiple T-Hangar Areas. Currently no T – Hangars exist, though may consider constructing in new hangar area east of runway 2.
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 to another is prohibited.
 2. Lot sizes and setbacks shall be in conformity with the Airport Layout Plan 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 Committee or Superintendent.
- (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 Committee or Superintendent.
- (i) Agricultural Area. These areas are reserved for agricultural purposes under approved leases until such time as they are designated for other purposes by the Committee.
- (j) 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 Owner shall contain, but shall not be limited to, the following provisions:

1. 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.
 2. Tenant shall install and maintain all fuel facilities within the fuel farm in accordance with plans and specifications approved in writing by the Committee.
 3. 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.
 4. Dispensing trucks, bulk fuel trucks, emergency vehicles, and other vehicles approved by the Committee or Superintendent shall be the only vehicles permitted within the fuel farm.
 5. All fuel storage shall be in underground tanks with only necessary equipment such as valves, meters and vents protruding above ground.
 6. Each prospective fuel farm tenant shall submit to the Committee 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.
- (k) Wooded and Open Lands: These areas are to remain as is. No Non-Aeronautical activities are to be allowed except for Snowmobiling as discussed in section 13.10 (a) and hunting as discussed in section 13.11 (h&i).

13.06 SEVERABILITY. The several provisions of Airport Operation Regulations, Sections 13.01 through 13.05, shall be deemed severable, and it is expressly declared that the Owner would have passed the other provisions of Sections 13.01 through 13.05, irrespective of whether or not one or more provisions may

be declared invalid. And, if any provision of Sections 13. 01 through 13. 05 or the application thereof to any person or circumstances is held invalid, the remainder of Sections 13. 01 through 13. 05 and the application of such provisions to other persons or circumstances shall not be affected thereby.

13.07 HEIGHT REGULATIONS NEAR AIRPORT.

(a) Definitions. Terms used in this section mean as follows unless the context otherwise requires:

"Airport" means The Door County Cherryland Airport located in Sections 1 and 2, Town 27 N. Range 25 E, Door County, Wisconsin.

"Airport hazard" means 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.

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

"Person" means any individual, firm, partnership, corporation, company, association, assignee, or other similar representative thereof.

"Structure" means any object constructed or installed by man.

"Tree" means 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 five feet.

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

(b) Zones. All zones established by this section are as shown on the map dated March, 1974, entitled "Official Door County Height Limitation Zoning Map, Cherryland Airport, Door County, Wisconsin," which is adopted as part of this section. This official map shall be kept in the office of the Door County Planning Department, Government Center, 421 Nebraska St., Sturgeon Bay, Wisconsin, and shall be available for public inspection during regular office hours.

(c) Height Limitation Zones. Except as otherwise provided in this section, 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 subsection (b).

1. Exceptions. The restrictions contained in this subsection shall not apply to objects which are less than 35 feet in height above ground level at the object site.

(d) Use Restrictions.

1. Activities. Notwithstanding the provisions of subsection (c), 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.

(e) Nonconforming Uses.

1. Not Retroactive. The regulations prescribed in subsections (b) and (c) 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 subsection (g) 2.

2. 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 section (10/20/77) and if such is diligently prosecuted.

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

(f) Administration. It shall be the duty of Door County to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him. Applications which are by this section to be decided by the Zoning Administrator shall be granted or denied within 14 days of the date of filing of the application, unless Federal Aviation Administration approval is requested. Applications requesting action by the Door County Board of Adjustment shall be forthwith transmitted by the Zoning Administrator to the Board for hearing and decision. Permit and appeal fees shall be required in the same amount and manner

as provided in the Door County Zoning Ordinance.

(g) Permits.

1. **Future Uses.** No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by subsection (b) until the owner or his agent shall have applied in writing for a permit therefor and obtained such permit from the Zoning Administrator, except structures less than 35 feet in height above the ground. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use with sufficient particularity to permit the Zoning Administrator to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Zoning Administrator shall issue the permit applied for. In no event will this permit have the effect of negating any other applicable zoning, building or other like permit.
2. **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 1. above 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 section (10/20/77) or than it was when the application for permit was made.

(h) Hazard Marking and Lighting. Any permit or variance granted under subsections (g) and (i) may, if such action is deemed advisable by the approving authority to effectuate the purpose of this section and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the County of Door at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

(i) Board of Adjustment. The Door County Board of Adjustment, as provided in Section VIII. A. of the Door County Zoning Ordinance, shall have the responsibility of considering any appeals or request for grants of variance as provided in this section.

(j) Appeals and Review.

1. **Variations.** Upon appeal the Board of Adjustment may, after investigation and public hearing, grant such variations from the terms of this section as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this section would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this section, and does not create a hazard to the safe, normal operation of aircraft.
2. **Aggrieved Person.** Any person aggrieved or affected by any decision or action of the Zoning Administrator made in his administration of this section may appeal such decision or action to the Board of Adjustment. Notice of such appeal shall be filed in the office of the Zoning Administrator on forms provided by him within 30 days of the date of mailing of said decision. Included therein shall be stated the grounds of the appeal.
3. **Procedure.** Any appeal taken pursuant to this section shall be in conformity with the procedure established by Section 59. 99, Wisconsin Statutes.

(k) Penalties. Any person violating any of the provisions of this section shall, upon conviction, forfeit not less than \$10 nor more than \$100 for such offense, 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 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

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

13.08 VEHICULAR AND PEDESTRIAN TRAFFIC.

(a) Definition of Words and Phrases. Terms used in this section mean as follows:

Pedestrian: Any person afoot.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.

Emergency Equipment: Crash, fire, and rescue, or police motor vehicles, and such other equipment as the Highway and Airport Committee may designate as necessary to safeguard airport runways, taxiways, ramps, buildings, and other property.

Service, Maintenance and Construction Equipment: Approved equipment normally operated by the Airport Superintendent or his designee, the Federal Aviation Administration and landing areas, runways, taxiways and 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 County of Door.

- (b) Operation of Vehicles on Runways, Taxiways, and Ramps. 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.

The provisions of this subsection shall not apply to emergency equipment and/or service, maintenance, and construction equipment when engaged in performing normal duties.

Aircraft owners may be granted authorization by the Airport Superintendent 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 will 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 a runway, taxiway, or ramp and shall proceed through said tie-down area at a speed not to exceed 10 miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft.

- (c) 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 the speed limit posted at the entrance to said Airport, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about Door County Cherryland Airport.
- (d) Pedestrian Traffic on Airport. 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 Superintendent. Pedestrian traffic is prohibited in taxiways, runways, and outlying areas of the Airport except for those employees of the county, state, federal government, or contractors engaged in airport construction or maintenance work.
- (e) Enforcement. It shall be the duty of the law enforcement agencies of Door County to enforce the provisions of this section.
- (f) Penalties. Any person who shall violate any of the provisions of this section shall upon conviction thereof forfeit not less than \$20 nor more than \$200, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail not exceeding 90 days.

13.09 VEHICLE PARKING.

- (a) Terms. Vehicles as used herein are defined as all self-propelled motor vehicles.
- (b) Areas. It shall be unlawful to park any vehicle in any area on Door County Cherryland Airport property except those areas which have been designated as parking areas.
- (c) Permits. It shall be unlawful to park a vehicle overnight in a designated parking area without first having obtained a permit. Monthly and annual permits will be of the card type and shall be affixed to the window of the vehicle. Such permit is not transferable from car to car. All parking fees shall be paid in advance.
- (d) Enforcement. It shall be the duty of the Airport Superintendent and Door County law enforcement agencies to enforce the provision of this section.
- (e) Penalties. Any person violating any of the provisions of this section shall have their vehicle towed away at the owner's expense. In addition such person shall be subject to forfeiture of not less than \$10 nor more than \$200 per day, each day being a separate offense.

13.10 SNOWMOBILES AND MOTOR VEHICLES.

- (a) It shall be unlawful for any person to operate a snowmobile or any other motor vehicle, at any time, on the Door County Cherryland Airport property which is bordered by County Trunk "C" to the south, County Trunk "PD" to the west, and Potawatomi State Park to the north, and which is located in the Township of Nasewaupée, unless permission is granted by Airport Superintendent.
- (b) Any person who violates any provision of this section shall, upon conviction thereof, forfeit not less than \$50 nor more than \$2400, together with the costs of prosecution and court costs, and in default of payment thereof, shall be imprisoned in the County Jail not more than 30 days.

13.11 PUBLIC CONDUCT ON AIRPORT PROPERTY AND IN AIRPORT FACILITIES AND PROTECTION OF AIRPORT PROPERTY

- (a) Applicability. This section shall apply to all property and buildings in and on that property described as the Airport. The word airport in this section shall include any such real property, building or access or any other provided area owned or supervised by the County and intended for utilization as an aviation facility.
- (b) Animals Prohibited. It shall be unlawful for any person to allow dogs to run at large at any time on Airport Property. All dogs on Airport property must be kept on a leash by the owner at all times. Any dog feces deposited anywhere on Airport property must be picked up and properly disposed of by the owner in a timely manner.
- (c) Rubbish or litter to be disposed of. No person shall place or leave any rubbish or litter of any nature on or within any property or facility of the Airport, except in designated receptacles.
- (d) Fire Prohibited. No fires shall be permitted in any Airport facilities or on any Airport property, except controlled grass burning authorized by the Highway / Airport Commissioner or Airport Superintendent.
- (e) Use of amplification systems restricted. Except for the terminal area, no amplification system shall be operated in or on the County Airport Property without authorization from the Superintendent. Authorized operation shall not be at such a level and volume as to unreasonably disturb others, either in Airport buildings or on Airport property or the surrounding area.
- (f) Secure Areas Restricted. No unauthorized person shall be allowed on Airport land designated as a secure area for the orderly and safe approach, movement and take-off of aviation traffic.
- (g) Camping Prohibited. No camping shall be allowed upon Airport property except in those areas designated by the Highway / Airport Commissioner or Airport Superintendent or a designee.
- (h) Fire Arms. It shall be unlawful, unless authorized by law, for any person to have in his possession or under his/her control any firearm or air gun unless the same is unloaded and enclosed in a carrying case, or any bow unless the same is unstrung or enclosed in a carrying case while on airport property, except during the open hunting season, in the designated hunting area, and provided the person possesses a valid hunting permit issued by the Door County Cherryland Airport Superintendent or designated staff person.
- (i) The following are the only permitted hunting activities allowed on airport property:
 - Coyote
 - Deer – Bow or gun (Shot gun)
 - Goose
 - Turkey

If demand exceeds the quota, permits will be issued at the discretion of the Highway / Airport Commissioner or Airport Superintendent. All state hunting regulations and license requirements apply.
- (j) Damaging Property. It shall be unlawful for any person to destroy, molest or deface any natural growth or natural features of any county buildings or property. Permanent stands or blinds are prohibited. Screw-in steps are not allowed. Portable stands must be labeled with owners name and address. The cutting of shooting lanes is prohibited
- (k) Enforcement. It shall be the duty of the Airport Superintendent and Door County law enforcement agencies to enforce the provision of this section.
- (l) Penalties. Any person violating any of the provisions of this section shall have their vehicle towed away at the owner's expense. In addition such person shall be subject to forfeiture of not less than \$10 nor more than \$200 per day, each day being a separate offense.

(Ord. 1-73; 1/16/73) (Ord. 5-77; 6/21/77) (Ord. 6-77; 10/20/77) (Ord. 10-78; 10/10/78)
(Ord. 8-81; 2/19/81) (Ord. 2008-14; 9/23/08) (Ord. 2020-03; 3/31/20)