

CHAPTER XVIII
KENOSHA REGIONAL AIRPORT
OPERATION AND REGULATIONS

18.01 DEFINITIONS OF WORDS AND PHRASES
AS USED IN THIS ORDINANCE, UNLESS THE
CONTEXT OTHERWISE REQUIRES

A. "Airport" means the Kenosha Regional Airport located in Sections 29 and 32, Town 2 North, Range 22 East of the Fourth Principal Meridian, and lying and being in the Township of Somers, County of Kenosha, and State of Wisconsin. The change in the name of the City's Airport from "Kenosha Municipal Airport" to "Kenosha Regional Airport" shall not affect or nullify any leases or agreements entered into with respect to the Kenosha Municipal Airport.

B. "Owner" means the City of Kenosha.

C. "Fixed-Base Operator" means 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.

D. "T-hangar" means a T-shaped building capable of housing one airplane.

E. "Shop" means a building capable of housing one or more aircraft while such aircraft is being repaired.

F. "Taxiway" means an area designated or used solely for the taxiing of aircraft except apron areas.

G. "Concession" means any nonaeronautical or facility service required for the convenience of the public using the airport.

H. "Runway" means any hard-surfaced area used and designed for the taking-off and landing of aircraft.

I. "Landing Strip" means any area designed and used for the landing and taking off of aircraft.

J. "Apron" means an area adjacent to the administrative and business hangar sections of the airport designed and used solely for the parking and servicing of aircraft.

K. "Tie-Down" means an area designed and used for the parking and tying down and storage of aircraft.

L. "Hangar" means any building designed and used for aeronautical purposes providing space for

aircraft storage and service activities.

M

"Public Thoroughfare" means all areas located in the administration section of the airport designed and used for the passage of people in vehicle or on foot.

N. "Public Areas" means the area consisting of the commercial, municipal, and vehicle parking areas in accordance with the Zoning Maps "A" and "B" or zoning plan.

O. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway.

P. "Lessor" means owner as defined in paragraph **B.** of this Section.

Q. "Emergency Equipment" is defined as Ambulances, Crash Rescue and Firefighting Apparatus and such other equipment as the Airport Commission of this Council may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

R. "Service, Maintenance and Construction Equipment" is equipment normally operated by the City of Kenosha and/or the Civil Aeronautics Administration on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the City of Kenosha and/or its Airport Commission.

S. "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.

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

U. "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.

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

W. "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.

18.02 AIRPORT COMMISSION-POWERS AND DUTIES

A. Jurisdiction of the equipment, maintenance and operation of the Kenosha Regional Airport, including the power to enter into contracts and leases, is hereby vested in Kenosha Airport Commission, subject to approval of the Common Council.

B. The Kenosha Airport Commission shall consist of five (5) members, who shall serve six (6) year terms, which terms shall expire as follows and at the conclusion of every six (6) years thereafter: April 30, 1980, 1981, 1982, 1983 and 1984. The initial terms of the expanded two (2) memberships shall commence upon appointment following passage and publication of this Ordinance and shall expire on April 30, 1981 and 1983. One (1) member of the Commission shall be an Alderman, who shall hold his/her position only in the capacity of and for so long as being an Alderman, but no longer than the appointed term as a Commissioner. The Commissioners shall serve without compensation and their allowance for expenses shall be as fixed by the Common Council. The Commissioners shall be persons especially interested in aeronautics. The Commission shall elect one (1) member Chairman at its first meeting in May of each year. The Airport Director shall act as Secretary to the Airport Commission and shall have the duty to keep an accurate record of all its proceedings and transactions. The Commission shall have the duties and responsibilities conferred upon it by State and local laws, rules and regulations.

C. The Commission is empowered to adopt regulations and establish fees or charges for the use of the airport not inconsistent with Chapter XVIII. Such regulations, fees, and charges shall not become effective until approved by the Common Council.

D. It shall be the duty of Kenosha Airport Commission to submit an annual budget to the Common Council setting forth anticipated revenues, expenditures, and the amount recommended to be raised by taxation for airport purposes.

E. All the provisions of Chapter 114 of the Wisconsin Statutes, particularly §114.14, are hereby adopted as far as practicable as if set forth in full here.

18.03 AIRPORT DEVELOPMENT CODE

A. Airport Development Map. The airport development areas of the airport are hereby regulated in accordance with the "Airport Development Map - Kenosha Municipal Airport, Kenosha, Wisconsin", dated November 15, 1985, which is made a part of this Ordinance and incorporated herein by reference. All activities, operations, functions and land uses within the airport development areas established by the "Airport Development Map" shall conform to the regulations set forth in the following subsections.

Boundaries of the airport development areas shall be construed to follow: corporate limits; airport property lines; right-of-way lines of streets, highways or easements or such lines extended; airport building restriction lines; and lot or property lines, unless otherwise noted on the "Airport Development Map".

B. Airport Development Areas.

1. Municipal Area.

a. Permitted uses-this area shall be the public use area and shall be developed by the airport owner. Facilities needed for the public shall be located there.

b. Minimum lot-none.

c. Minimum building setbacks-none.

2. Commercial Aviation Area.

a. Permitted uses, provided such uses have approved leases and contracts under the provisions of this Chapter:

(1) Fixed-base operator, including all normal commercial aviation activities such as: sale, maintenance, and repair of aircraft, engines, parts, and accessories; sale of fuel and oil; flight training; aircraft rentals and charter services.

(2) Aircraft sales, maintenance and repair.

(3) Aircraft accessory parts and services, including avionics installation and repair.

(4) Automobile rental agencies.

(5) Commercial uses directly related to the airport operations, limited to restaurants, cocktail lounges and snack shops.

(6) Vocational and technical aviation training centers and educational facilities.

b. Minimum lot area-Commercial aviation operators shall meet the minimum standards of Chapter 25 of the Code of General Ordinances. Other listed commercial uses shall meet the minimum standards of the City Zoning Ordinance.

c. Minimum building setbacks-ten (10') feet from the front, side and rear lot lines.

3. Commercial and Industrial Aviation Area.

a. Permitted uses, provided such uses have approved leases and contracts under the provisions of this Chapter:

- (1) Aircraft sales, maintenance and repair.
- (2) Aircraft accessory parts and service, including avionics installation and repair.
- (3) Air freight facilities.
- (4) Airport service industries requiring direct access to aircraft, taxiways and the airport.
- (5) Automobile rental agencies.
- (6) Corporate aircraft hangars.
- (7) Corporate offices and research, engineering and light production facilities requiring direct access to aircraft, taxiways and the airport, and, which are of the non-nuisance type.
- (8) Warehouse and distribution facilities requiring direct access to aircraft, taxiways and the airport, and, which are of the non-nuisance type.

b. Minimum lot area-lots shall be a minimum of eight thousand (8,000) square feet in area and shall not be less than eighty (80') feet in width, or shall meet the minimum standards of **Chapter 25** of the Code of General Ordinances, whichever is more restrictive.

c. Minimum building setbacks-ten (10') feet from the front, side and rear lot lines.

4. T-Hangar Area.

a. Permitted uses - this area shall be restricted to the location of multiple or single-unit T-hangars for the storage of privately owned aircraft on lots with approved leases under the provisions of this Chapter. 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 packed in hangars at all times unless the owner or pilot is in close proximity to the aircraft.

b. Minimum lot area - lots shall not be less than seventy-six (76') feet in width and the depth will be determined by the type of hangar and number of units, or, shall meet the minimum standards of **Chapter 25** of the Code of General Ordinances, whichever is more restrictive.

c. Minimum building setbacks - ten (10') feet from the front and rear lot lines, and a minimum of seven and one-half (7-1/2') feet from side lot lines.

5. Prohibited Uses. To protect the Kenosha Regional Airport by avoiding incompatible uses of land and activities, the following uses and activities are not permitted within any airport development area:

a. Any residential, institutional or any other use of land which may be susceptible to being adversely affected by aircraft generated noise, as defined by Federal Aviation Administration (FAA) policies and

regulations.

b. Any use of land which creates electrical interferences with radio or microwave communications between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and other lights, 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, including the activities of any of the above permitted uses which may interfere with access to taxiways, aprons or runways.

c. Any use of land or construction activity that would encourage the concentration of bird (avian) populations.

18.04 BUILDINGS

A. City Buildings. The City, through its Airport Commission, may construct such buildings at the Kenosha Regional Airport as the Airport Commission deems necessary and convenient to airport users, lessees, frequenters and the general public which are budgeted for by the Common Council.

B. Building Construction. All buildings constructed by the City, or by any person, party, firm or corporation, shall comply with all applicable Federal, State and City laws, rules and regulations, with Kenosha Regional Airport Minimum Standards and with the Airport Master Plan. The Airport Commission shall have the authority to regulate the types, height, design and construction of any building to be constructed at the Kenosha Regional Airport, to approve the plans and specifications therefor, and to require obstruction lights, and regulatory and warning signs, to be installed.

C. Ownership Of Improvements. The Airport Commission may, through lease, determine ownership of improvements, upon completion or upon lease termination, constructed at the Kenosha Regional Airport.

18.05 LEASES, CONCESSIONS AND CONTRACTS FOR USE OF LAND

A. Rentals, Fees, and Charges. The amount to be charged as rent or fees for the use of the airport, or any part thereof, shall be fixed by Common Council with the advice of the Airport Commission.

B. Terms. The duration of any lease or contract involving the Airport shall be determined by the Common Council with the advice of the Airport Commission.

C. Non-Aviation Concessions. The right to operate non-aviation concessions in commercial

areas and public areas is prohibited unless expressly authorized in the lease approved by the Common Council.

D. Execution of Leases and Contracts. All leases and contracts when approved by the Common Council shall be executed by the Mayor and City Clerk for and on behalf of the City.

E. Selection of Lessees. Airport lessees shall be selected on the basis of desirability, and the owner shall not be limited to accept the highest bidder.

F. Utilities.

1. Electricity-Lessees desiring electrical power for purposes other than those assumed by the lessor shall pay for all costs involved in acquiring electricity from the available source, and shall have separate meters from those of the lessor. Location of lines and poles shall be approved by the Commission.

2. Water-The Commission shall have the option of allowing lessees to obtain a water supply from the administration building well or to have lessee install his own well on his leased premises. Lessee in either case shall pay for all costs involved.

3. Sewer Facilities-The location for all cesspools and dry wells constructed on the airport shall be approved by the Commission.

18.06 REGULATIONS OF VEHICULAR TRAFFIC

A. Operation of Vehicles on Runways, Taxiways, and Ramps. No privately owned 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 Section shall not apply to Emergency Equipment and/or service, maintenance and construction equipment when engaged in performing official duties.

Aircraft owners will be excluded from the provisions of this Section, relating to tie-down areas, when necessary to reach their own aircraft, but in doing so they shall not pass over any 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.

B. Speed of Vehicles. No vehicle shall be driven upon any road within the perimeter of the Kenosha Regional Airport, or upon other Airport area

in excess of the speed limit posted at the entrance of said Airport or within the boundaries thereof if more than one speed limit be applicable. Nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about Kenosha Regional Airport for the public safety.

C. Pedestrian Traffic On Airport. No pedestrian shall be allowed beyond the administration area onto 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 Director. Pedestrian traffic is prohibited in the runway and outlying area of the Airport except for those employees of the City, County, State, Federal Government, or contractors engaged in airport construction or maintenance work.

D. Any person who shall violate any of the provisions of **18.06** shall upon conviction thereof forfeit not less than One (\$1.00) Dollar, nor more than Five Hundred (\$500.00) Dollars, together with the cost of prosecution, or in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding six months.

18.065 PERSONAL PROPERTY STORAGE

A. Definition.

1. "Personal Property" shall mean any trailer, watercraft, camper, snowmobile, all terrain vehicle, motorcycle, any other motor vehicle, irrespective of operating condition or license status, and any other property not attached to a building or the ground, excluding motor vehicles used to service aircraft.

2. "Storage" shall mean Personal Property kept on premises outside of a building for two (2) or more full consecutive days.

B. Outdoor Storage. No person, party, firm or corporation, whether a Lessee or otherwise, shall store or cause to be stored any Personal Property outside of any building located at Kenosha Regional Airport.

18.07 REGULATION OF AIRCRAFT OPERATIONS

A. Definitions.

1. Within the meaning of this Section, "**aircraft**" is defined to be any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air, except a parachute or other contrivance designed for such navigation and used primarily as safety equipment.

2. Within the meaning of this Section, "**acrobatic flying**" shall mean any intentional maneuvers not necessary to air navigation.

B. Operators of Aircraft to be Licensed.

Operators of aircraft and aircraft operating within or over the limits of the City of Kenosha shall be duly licensed according to applicable regulations of the United States and the Federal Aviation Administration.

C. Height at Which Aircraft to be Operated.

No person shall operate any aircraft within the jurisdiction of the City of Kenosha except at a height to be in compliance with Federal Aviation Administration regulations. Helicopters may be flown at less than the minimum altitude prescribed herein if such operations are conducted without hazard to persons or property on the surface, and at an altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface. Permission to fly at less than minimum altitude or to land helicopters within the City of Kenosha must be secured from the Chief of Police before such operations are conducted. Permission may only be granted if both the operator and the aircraft are licensed as specified in Subsection **B.** hereof, and insured as required under the terms of said licenses. In the interest of safety, the Chief of Police of the City of Kenosha, in conjunction with the Airport Director, may prescribe specific routes, altitudes, and landing areas for such operations; in which event helicopters shall conform thereto. Permission to use a City park may not be granted by the Chief of Police if such activity is thereby prohibited by Ordinance or if the permission of the Park Commission has not been obtained in advance.

D. Acrobatic Flying Prohibited.

No person shall operate an aircraft in acrobatic flying over any portion of the City of Kenosha.

E. Operation of Aircraft Subject to Regulations of the Department of Transportation, Federal Aviation Administration.

No person shall operate any aircraft over or within the City of Kenosha in violation of any rule or regulation which has been or may hereafter be established by the Department of Transportation of the United States (Aviation Act of 1958, as amended, 49 U.S.C.A., Section 1301-1542) Federal Aviation Administration, or the State of Wisconsin, Chapter 114 of the Wisconsin Statutes.

F. Waivers.

Should the Federal Aviation Administration provide a specific waiver of Federal Aviation Regulations which have the same intent as contained in this Ordinance the City of Kenosha may,

upon request, similarly waive the pertinent paragraph(s) or section(s) of this Ordinance.

G. Hot-Air Balloons.

Nothing in this Section shall be construed to prohibit the launching of hot-air balloons within the jurisdiction of the City of Kenosha by persons operating under a permit issued by the Chief of Police of the City of Kenosha. The Chief of Police shall consult with the Airport Director prior to the issuance of a permit. Application for such permit shall be made by letter to the Chief of Police not less than twenty (20) days before the proposed operation of the balloon. Such letter shall specify the place of takeoff, the names of the operators, and the numbers and expiration dates of the Federal Aviation Administration licenses of the operators and of the balloons, accompanied by a permit fee of Ten (\$10.00) Dollars for each balloon. An organized balloon rally, upon written request, may receive a waiver of the permit fee. A permit for a balloon rally shall not become effective unless and until a certificate of liability insurance is filed with the Chief of Police indicating that the applicant is insured by an insurance company licensed to do business in the State of Wisconsin in the amounts of \$1,000,000 per injury and per occurrence for death or personal injury, and \$250,000 for property damage, with the City of Kenosha being named insured. Permission to use a City park may not be granted by the Chief of Police if such activity is otherwise prohibited by Ordinance or if the permission of the Park Commission has not been obtained in advance.

H. Dropping of Objects from Aircraft Prohibited.

No person in an aircraft shall cause or permit to be thrown out, discharged or dropped within the City, any object or thing, except loose water or loose sand ballast when absolutely essential to the safety of the occupants of the aircraft; and all equipment, baggage, and articles of personal property carried in an aircraft, shall be adequately fastened in place before leaving the ground.

18.08 HEIGHT LIMITATION-AIRPORT APPROACH PROTECTION. SEE SECTION 2.05 OF THE ZONING ORDINANCE.

18.09 ORDINANCE ENFORCEMENT

A. Airport Director. The Airport Director shall administer and enforce all provisions of Chapters **4, 7, 11, 18, 20, 23** and **25** of the Code of General Ordinances at the Kenosha Regional Airport and may issue citations for violations thereof pursuant to Section 66.119(2), Wisconsin Statutes. Said administration and enforcement shall be exclusive with respect to Chapters **18** and **25** and nonexclusive with respect to Chapters **4, 7, 11, 20** and **23**.

B. Obstruction. No person may willfully hinder, obstruct, or otherwise interfere with the Airport Director in the administration and enforcement of Chapters **4, 7, 11, 18, 20, 23** and **25** of the Code of General Ordinances at the Kenosha Regional Airport.

C. Responsibility of Lessees. No Lessee shall directly or indirectly violate, authorize the violation of, or permit the violation of Chapters **4, 7, 11, 18, 20, 23** and **25** of the Code of General Ordinances at or over the Kenosha Regional Airport. For purposes of this Section, Lessee shall mean any person who has leased any land, building or structure from an owner/lessor at the Kenosha Regional Airport. The term shall also include aircraft tiedown tenants.

18.10 PENALTIES

Any person, firm, party, corporation or organization found guilty of a violation of any provision of this Chapter shall, upon conviction thereof, be required to forfeit the sum of not less than Twenty-five (\$25.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution and applicable assessments and surcharges, and in default of payment thereof, shall be either imprisoned until such forfeiture and costs are paid, but for a period not to exceed thirty (30) days, or have their driver's license suspended, where applicable, for a period of up to five (5) years.

Each and every calendar day each violation shall continue, except as otherwise provided in this Chapter, shall constitute a separate offense.