

ORDINANCE NO. 1999 - 2

AN ORDINANCE TO CREATE CHAPTER 801 OF THE MUNICIPAL CODE  
OF THE CITY OF RICHLAND CENTER RELATING TO  
OPERATION AND DEVELOPMENT OF THE RICHLAND AIRPORT

THE COMMON COUNCIL OF THE CITY OF RICHLAND CENTER DOES ORDAIN AS  
FOLLOWS:

SECTION I. Chapter 801 of the Municipal Code of the City of Richland Center, Wisconsin, Operation and Development of the Richland Airport, is hereby created pursuant to Section 114.14 Wis. Stats., to provide as follows:

CHAPTER 801

Operation and Development of the Richland Airport

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**Section 801.01 Preamble: Purpose and Intent.** (1) The Common Council finds that the development, operation and maintenance of a quality general aviation airport owned by the City is in the public interest and promotes the general welfare of the citizens of the City by enhancing opportunities for economic development, expanding services and products available to the citizens, and giving the citizens greater access to the national and international intermodal transportation system.

(2) Establishment of uniform minimum requirements standards for the conduct of aeronautical activities based at the Richland Airport, and their application to all operators who are currently based or who propose to base at the airport in the future, will help to eliminate charges of discrimination and encourage the orderly development of the airport's commercial aeronautical services. Such standards will also assist the City in managing the airport by establishing a consistent policy for aeronautical services on the Richland Airport, helping to avoid conflicts and political pressures in the development of the airport.

(3) In adopting these minimum requirements standards, the Common Council intends to insure adequate services and facilities required by current and future airport users, and encourage the development of the airport and its activities, but at the same time intends to be reasonable in the specific requirements set forth herein, having in mind the substantial total investment and expenditures required by potential operators and the challenging economic environment in which general aviation activities are currently conducted.

(4) The City of Richland Center, being the Owner and in a position of responsibility for the administration of the Richland Airport, in order to promote the purposes and objectives set forth above, provides the following:

(a) the minimum requirements standards for operators based upon and engaging in one or more aeronautical services at the airport;

(b) minimum requirements standards for all non-commercial aviation fuel users at the airport; and

(c) enforcement authority and penalties for violation of the minimum requirements standards herein provided.

**Section 801.02 Definitions.** The following words and phrases used in this chapter shall be defined as follows:

(1) Aeronautical Services: 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.

(2) Agricultural Lands: Airport owned property that is not presently needed for aeronautical use and is available for agrarian purposes

(3) Airport: The Richland Airport, identified in the national airspace system as 93C, located in section 6 of the town of Buena vista, Richland County, Wisconsin, adjacent to the unincorporated village of Sextonville.

(4) FAA: The Federal Aviation Administration, an agency of the government of the United States of American, charged by Congress with promoting and regulating civil aviation in the United States, its territories and possessions.

(5) Lease: A contract between the City and an airport tenant granting the right to conduct commercial, aeronautical or agricultural activities on the airport subject to the provisions of this chapter of the municipal code.

(6) Minimum Standards: The qualifications which are established herein by the City as the minimum requirements to be met as a condition for the right to conduct one or more aeronautical activities on the airport.

(7) Owner: The City of Richland Center.

(8) Operator: Any individual person, firm, partnership, corporation, association, limited liability company or other legal entity or group providing any one or a combination of aeronautical services to or for aviation users at the Airport.

(9) Aircraft shall mean and include any and all contrivances now or hereafter used for the navigation of, or flight in, air or space, including but not limited to airplanes, lighter than air crafts, hot air balloons, helicopters, gliders, amphibian airplanes, ultralight aircraft and seaplanes.

a. Small Aircraft shall have a maximum gross weight of less than 12,500 pounds.

b. Large Aircraft shall have a maximum gross weight of 12,500 pounds or more.

(10) Airport shall mean the land and improvements owned by the City and designated by the City for use as an avigational facility known as Richland Airport, the facilities and boundaries of which may be modified from time to time.

(11) Based Aircraft shall include aircraft hangared or tied down on the Airport for 2 or more nights in any week and two or more such weeks in any month.

(12) Commercial Activity shall mean any and all activity including Commercial Aviation Activity and activity conducted at or from the Airport by any Person in which any product is sold or

exchanged or any service is provided for users of the Airport and its facilities for monetary gain or exchange of goods

(13) Commercial Aviation Activity shall mean any and all activity, including that not engaged in with a view to profit, conducted at or from the Airport by any Person in furtherance of commercial aviation, including the operation of a Fixed Based Operation, maintenance, repair or servicing of Aircraft or the component parts of Aircraft, aircraft sales, aircraft parts or equipment sales, the provision of scheduled or nonscheduled air carrier passenger, charter flights, freight, express package, courier or mail service, student flight instruction, communications, aerial photography and mapping, or any other commercial flight operation.

(14) Fixed Base Operation shall mean an operation conducted at the Airport by a Person having the right or obligation under an existing Commercial Operating Permit, including an Airport lease or management contract, to furnish some or all of the following services:

- a. Storage and/or tiedown of Aircraft;
- b. repair and/or maintenance of Aircraft;
- c. the sale of new and/or used Aircraft, Aircraft parts or equipment;
- d. the repair, sale and/or maintenance of Aircraft radios, instruments and/or electronic equipment;
- e. Aircraft charter, rental and/or lease;
- f. flight instruction; and
- g. the sale of aviation fuels and other Petroleum Products.

(15) Flying Club shall mean a not-for-profit membership corporation, lawfully incorporated, organized and/or operating for purposes of providing flight instruction for its members only and/or providing Aircraft for use by its members only.

(16) Manager or Airport Manager shall mean the Person or entity designated by the City as the Richland Airport Manager in charge of the Airport. In the event an entity other than an individual is designated as the Airport Manager, such entity shall designate an individual to exercise the authority of Airport Manager, and a second individual to serve as an alternate Airport Manager in the absence of the individual primarily designated.

(17) Petroleum Products shall mean any Aircraft or vehicle fuel or lubricant delivered to or dispensed at the Airport.

(18) Public Apron Areas shall mean and include those portions of the Airport designated and made available by the City or its designated representative to the public for the loading or unloading of passengers and/or cargo on and from Aircraft.

(19) Public Vehicular Parking Area shall mean and include those portions of the Airport designated and made available by the City or its designated representative to the public for the parking of Vehicles.

(20) Vehicle shall mean and include automobiles, trucks, buses, motorcycles, tractors, Refuelers, bicycles, pushcarts and any other device in or upon which any Person or property is or may be transported, carried or drawn upon land, other than Aircraft.

**Section 801.03 Management of the Airport** (1) The ultimate responsibility of the management and operation of the Richland Airport remains vested in the Common Council.

(2) In furtherance of its management responsibility, the Common Council delegates to the Airport Committee of the Common Council the duty and responsibility of overseeing airport management and operations, considering questions and issues on such matters, and making recommendations to the Common Council on matters concerning the Richland Airport.

(3) The Common Council may from time to time enter into agreements or employ staff to provide for the day-to-day management and operation of the airport, obtain expert consultation or other assistance, and designate an Airport Manager whose duties, responsibility and authority shall be set out in the contract or other document evidencing such appointment.

(4) The City Clerk-Treasurer shall be city official designated to receive all communications concerning the airport unless another person is specifically designated such as the Airport Manager or the Chair of the Airport Committee.

**Section 801.04 Severability.** If any of the provisions of this chapter are held to be unenforceable for any reason, such holding shall not affect the enforceability of the remaining provisions of this chapter which are not so held.

**Section 801.05 Minimum Standards for All Operators.** 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.

(a) Leases shall be for a term to be mutually agreed upon between the parties commensurate with the each operator's financial investment in his facility. If the duration of a lease is to exceed three (3) years in length, provisions shall be made to review the terms, lengths and rents of such lease relative to other changes in the airport environment that have occurred during that period and the end of the first such three-year period, and at the end of each successive three-year period thereafter during the full lease term. Provided, however, no lease shall exceed twenty (20) years in length, including all option and renewal periods granted in the original lease.

(b) All prospective operators shall have the experience necessary to conduct any aeronautical service he, she or it wishes to provide to the public, and shall submit a statement of qualifications to the City upon request. The placement by the operator of an individual with such experience in a reasonable supervisory position may be deemed satisfactory fulfillment of this requirement. Should a prospective operator not have such experience, but can demonstrate to the City's satisfaction that such operator possesses equivalent related experience or training, such may be deemed acceptable. A prospective operator shall submit a letter of intent to the City detailing the general scope of the proposed operation and the services which such operator wishes to provide, demonstrative compliance with the relevant minimum standards set forth in this chapter, and detailing all ratings, certifications, approvals and licenses the organization will have at the commencement of its operations.

(c) All prospective operators seeking to provide aeronautical services at the airport must provide the City with a letter of financial integrity, to the City's satisfaction, from a bank or trust company doing business in the area, or other such source that may be readily verified through normal banking channels. Prospective operators must also demonstrate that he, she or it has the financial ability or backing for the construction of any facilities that may be required for the proposed operation. Such letter of financial integrity shall include a current financial statements showing the net worth of the prospective operator, and demonstrating that such prospective operator holds unencumbered current assets in a total amount at least equaling six (6) months estimated debt service and operating expenses.

(d) All prospective operators shall demonstrate to the City's satisfaction evidence of its ability to acquire insurance coverage as required for each particular type of proposed operation. The following shall be established as minimum required coverages:

1. Aircraft Liability

Bodily Injury and Property Damage Combined Single Limit	\$500,000
or	
Bodily Injury (Each Passenger)	\$100,000
  
2. Comprehensive Public Liability and Comprehensive Property Damage, Including Vehicular

Bodily Injury and Property Damage Combined Single Limit	\$500,000
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3. Hangar Keepers Liability (each occurrence) \$100,000
  
4. Products Liability and Completed Operations (each occurrence) \$500,000
  
5. Student and Renter Liability (each included in occurrence) no.1. above
  
6. Documentation of Financial Responsibility Compliance as required  
by EPA or  
DNR

All operators shall be required to include the City as an additional insured on all policies: and all operators shall be required to execute an agreement to indemnify the City and hold it harmless from any and all liability or damage arising out of the operators' activities at the airport.

(e) Each lease or other contract for conducting business at the airport entered into by the City shall contain all terms and provisions required by the state or federal governments, including each of the following:

1. non-discrimination provisions;
2. affirmative action assurances;

3. civil rights assurances;
4. non-exclusive rights provisions; and
5. other mandated provisions and grant assurances concerning airport development and operations.

(f) Operators shall have be granted the right in common with others so authorized to use common areas of the airport, including runways, taxiways, aprons, roadways, floodlights, landing lights, signals and other conveniences for the take-off, flying and landing of aircraft; provided, however, no use of such facilities shall be made or permitted which unreasonably interferes with such common use by other authorized operators on the airport, or by members of the flying public utilizing such facilities.

(g) Any construction required of permitted to any Operator shall be in accordance with design and construction requirements of the City, and all local, State and Federal regulations and applicable codes. All plans and specifications shall be submitted to the City for approval, and such approval shall be obtained prior to the commencement of construction activity.

(h) The Operator shall provide adequate, asphalt-paved auto parking space within the leased area sufficient to accommodate all activities and operations.

(i) The Operator shall provide an asphalt-paved aircraft apron and/or taxiway within the leased area to accommodate aircraft movement from the Operator's premises to a public taxiway or apron.

(j) These minimum standards may be reviewed periodically and adjusted as necessary or desirable to promote the purposes for which these standards are adopted and to assure compliance with any present or future state or federal requirements pertaining to airport funding, operation or development. No person shall have or obtain any vested rights or entitlement to the continuation of these standards in any particular form or content; and the modification or repeal of these standards shall not give rise to any claims in law or equity. These standards shall not be deemed to be part of any agreement with any operator at the airport such that the modification or repeal of these standards constitutes a breach of any such agreement.

(k) Any present authorized operators providing aeronautical services on the airport prior to the enactment of these minimum standards may be allowed to continue such operations without fully complying with them during the remaining term of any agreement in effect on the effective date of the adoption of this chapter. Provided, however, at the termination of the such operators' present leases, and upon renewal, extension or extension of such leases, all existing operators or tenants will be required to comply with the minimum standards which are then in effect.

**Section 801.06 Minimum Standards for Aircraft Sales** (1) Statement of Concept. An aircraft sales operator engages in the sale of new or used aircraft; and provides such repair, services, and parts as necessary to meet any guarantee or warranty on aircraft sold.

(2) Minimum Requirements. (a) The operator shall lease from the City an area of not less than 3,600 square feet of ground space to provide for outside display and storage of aircraft and on which shall be situated a building providing at least 2,500 square feet of floor space.

(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.

(c) The following types of insurance are required:

1. Aircraft Liability;
2. Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular;
3. Hangar Keepers Liability; and
4. Products Liability and Completed Operations.

(d) The operator shall, depending upon its location on the airport, be required to have its business open and services available not less than ten (10) nor more than forty (40) hours per week, with operators occupying more prominent or desirable locations on the airport being expected to be open greater minimum hours.

(e) The operator shall have in its employ, and on duty during business hours, trained personnel in such numbers as are required to meet these minimum standards in an efficient manner; the operator shall also have on duty during all business hours a duly authorized responsible person to supervise the operations of, and to represent and act for and on behalf of, the operator.

**Section 801.07 Minimum Standards for Aircraft Airframe, Engine and Accessory Maintenance and Repair.** (1) Statement of Concept. An aircraft airframe, engine and accessory maintenance and repair operator provides one or a combination of airframe, engine and accessory overhauls and repair services on aircraft up to and including business jet aircraft and helicopters. This category shall also include the sale of aircraft parts and accessories.

(2) Minimum Requirements. (a) The operator shall lease from the City an area of not less than 3,600 square feet of ground space on which shall be situated a building providing at least 2,500 square feet of floor space.

(b) The operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, engines and accessories, including parts availability and technical data, as required by the FAA relevant to the type of maintenance engaged in.

(c) The following types of insurance are required:

1. Aircraft Liability, if flight testing of aircraft is conducted;
2. Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular;
3. Hangar Keepers Liability; and
4. Products Liability and Completed Operations.

(d) The operator shall, depending upon its location on the airport, be required to have its business open and services available not less than ten (10) nor more than forty (40) hours per week, with operators occupying more prominent or desirable locations on the airport being expected to be open greater minimum hours.

(e) The operator shall have in its employ, and on duty during business hours, trained personnel in such numbers as are required to meet these minimum standards in an efficient manner, but never less than one (1) person currently certified by the FAA with ratings appropriate to the work being performed, including the A&P and IA ratings. The operator shall also have on duty during all business hours a duly authorized responsible person to supervise the operations of, and to represent and act for and on behalf of, the operator.

**Section 801.08 Minimum Standards for Aircraft Lease and Rental.** (1) Statement of Concept. An aircraft lease or rental operator engages in the rental or lease of aircraft to the public.

(2) Minimum Requirements. (a) The operator shall lease from the City an area of not less than 3,600 square feet of ground space to provide for outside display and storage of aircraft and on which shall be situated a building providing at least 2,500 square feet of floor space.

(b) The operator shall have available for rental, either owned or under written lease to operator, not less than one (1) certified and currently airworthy aircraft, excluding ultralight aircraft as defined in Part 103 of the Federal Aviation Regulations.

(c) The following types of insurance are required:

1. Aircraft Liability, including coverage for student and renter pilots; and
2. Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular;

(d) The operator shall, depending upon its location on the airport, be required to have its business open and services available not less than ten (10) nor more than forty (40) hours per week, with operators occupying more prominent or desirable locations on the airport being expected to be open greater minimum hours.

(e) The operator shall have in its employ, and on duty during business hours, trained personnel in such numbers as are required to meet these minimum standards in an efficient manner; the operator shall also have on duty during all business hours a duly authorized responsible person to supervise the operations of, and to represent and act for and on behalf of, the operator.

**Section 801.09 Minimum Standards for Flight Training.** (1) Statement of Concept. 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 preparatory to taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

(2) **Minimum Requirements.** (a) The operator shall lease from the City an area of not less than 3,600 square feet of ground space to provide for outside display and storage of aircraft and on which shall be situated a building providing at least 2,500 square feet of floor space. Provided, however, the Common Council may grant a special exception to this requirement for not more than one (1) year, after which the operator must come into compliance within the following six (6) months.

(b) The operator shall have available for use in flight training, either owned or under written lease to operator, not less than one (1) properly certificated and currently airworthy aircraft.

(c) The following types of insurance are required:

1. Aircraft Liability, including coverage for student and renter pilots; and
2. Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular.

(d) The operator shall, depending upon its location on the airport, be required to have its business open and services available not less than ten (10) nor more than forty (40) hours per week, with operators occupying more prominent or desirable locations on the airport being expected to be open greater minimum hours. Provided, however, that the operator shall not be required to be open for any minimum hours during any period in which the operator is permitted to operate without a building pursuant to a special exception granted under sub-section (a) above.

(e) The operator shall have in its employ, and on duty during business hours, trained personnel in such numbers as are required to meet these minimum standards in an efficient manner, including at least one Certified Flight Instructor; the operator shall also have on duty during all business hours a duly authorized responsible person to supervise the operations of, and to represent and act for and on behalf of, the operator.

**Section 801.10 Minimum Standards for Aircraft Fuels and Oils Service.** (1) **Statement of Concept.** Fuel and oil services include 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.

(2) **Minimum Requirements.** (a) The operator shall have available for its use under written lease the bulk fuel storage facility required herein. The bulk storage facility shall be capable of maintaining at a minimum a 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.

(b) The following types of insurance are required:

1. Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular;
2. Hangar Keepers Liability;

3. Products Liability and Completed Operations; and
4. Fuel Tank Financial Responsibility.

(c) The operator shall, depending upon its location on the airport, be required to have its business open and services available not less than ten (10) nor more than forty (40) hours per week, with operators occupying more prominent or desirable locations on the airport being expected to be open greater minimum hours. In addition, the operator shall provide on-call fueling service twenty-four (24) hours a day, year around.

(d) The operator shall have in its employ, and on duty during business hours, trained personnel in such numbers as are required to meet these minimum standards in an efficient manner; the operator shall also have on duty during all business hours a duly authorized responsible person to supervise the operations of, and to represent and act for and on behalf of, the operator.

(e) The operator shall maintain an accurate record of all aviation fuel and oil delivered to and dispensed from the airport, and such records shall be subject to examination and audit by the City or its representatives.

(f) The operator shall pay to the City a fuel flowage fee as determined by the City for every gallon of fuel sold or consumed by the operator. The gallonage will be determined from the operator's records maintained pursuant to the foregoing sub-section.

(g) Self-fueling operations shall be governed by section 801.00 of this chapter, and not by this section.

**Section 801. 11 Minimum Standards for Avionics, Instrument or Propeller Repair Station.**

(1) Statement of Concept. An avionics, instrument or propeller repair station operator engages in the business of providing a shop for the repair of aircraft avionics, propellers and instruments for general aviation aircraft. This category shall include the sale of new or used aircraft radios and other avionics, propellers and instruments, pursuant to the appropriate repair shop certificates issued by FAA.

(2) Minimum Requirements. (a) The operator shall lease from the City an area of not less than 3,600 square feet of ground space to provide for outside display and storage of aircraft and on which shall be situated a building providing at least 2,500 square feet of floor space.

(b) The following types of insurance are required:

1. Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular;
2. Hangar Keepers Liability; and
3. Products Liability and Completed Operations.

(c) The operator shall, depending upon its location on the airport, be required to have its business open and services available not less than ten (10) nor more than forty (40) hours per week, with

operators occupying more prominent or desirable locations on the airport being expected to be open greater minimum hours.

(d) The operator shall have in its employ, and on duty during business hours, trained personnel in such numbers as are required to meet these minimum standards in an efficient manner; the operator shall also have on duty during all business hours a duly authorized responsible person to supervise the operations of, and to represent and act for and on behalf of, the operator.

**Section 801.12 Minimum Standards for Aircraft Charter and Air Taxi.** (1) Statement of Concept. An aircraft charter and an air taxi operator engages in the business of providing air transportation of 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 Requirements. (a) The operator shall lease from the City an area of not less than 3,600 square feet of ground space to provide for outside display and storage of aircraft and on which shall be situated a building providing at least 2,500 square feet of floor space.

(b) The operator shall provide, either owned or under written leases to the operator, the appropriate aircraft which meet the requirements of the air carrier certificate held by the operator.

(c) The following types of insurance are required:

1. Aircraft Liability;
2. Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular;

(d) The operator shall, depending upon its location on the airport, be required to have its business open and services available not less than ten (10) nor more than forty (40) hours per week, with operators occupying more prominent or desirable locations on the airport being expected to be open greater minimum hours.

(e) The operator shall have in its employ, and on duty during business hours, appropriately trained, licensed and rated personnel in such numbers as are required to meet these minimum standards in an efficient manner; the operator shall also have on duty during all business hours a duly authorized responsible person to supervise the operations of, and to represent and act for and on behalf of, the operator.

**Section 801.13 Minimum Standards for Aircraft Storage.** (1) Statement of Concept. An aircraft storage operator engages in the rental/leasing of conventional hangars or T-hangars for the storage (hanger) of based and transient aircraft.

(2) Minimum Requirements. (a) The operator shall lease from the City an area of not less than 3,600 square feet of ground space to provide for outside display and storage of aircraft and on which shall be situated a building providing at least 2,500 square feet of floor space.

(b) The following types of insurance are required:

1. Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular; and

2. Hangar Keepers Liability.

(c) The aircraft storage operator shall have its facilities available for the tenants' aircraft removal and storage twenty-four (24) hours per day, seven (7) days a week, fifty-two (52) weeks per year; provided, however, such operator shall not be obligated to provide snow removal for tenants.

(d) The operator shall demonstrate that it can provide sufficient personnel trained to meet all requirements for the storage of aircraft under these minimum requirements.

(e) The operator shall submit to the City for advance approval any lease form which the operator proposes to use in its operations, which approval by the City shall not be unreasonably withheld

**Section 801.14 Minimum Standards for Specialized Commercial Flying Services.** (1) Statement of Concept. A specialized commercial flying services operator engages in air transportation for hire, other than as an air charter or air taxi operator, by providing the following flying services and activities:

1. non-stop sightseeing flights that begin and end at the same airport;
2. crop dusting, seeding, spraying and bird chasing;
3. banner towing and aerial advertising;
4. aerial photography or survey;
5. power line or pipe line patrol; and
6. any other such operations offered to the general public conducted under Part 91 of the Federal Aviation Regulations rather than Part 135.

(2) Minimum Requirements. (a) The operator shall lease sufficient land from the City which shall have situated thereon a building sufficient to accommodate all activities and operations proposed by the operator. The minimum areas in each instance shall be subject to the approval of the City. In the case of crop dusting or aerial application, the operator shall make suitable arrangements and have such space available in its leased area for safe loading, unloading, storage, containment and disposal of chemical materials in conformance with all applicable statutes, regulations and ordinances pertaining thereto, and with all required permits, licenses and approvals. Such operator shall also provide a self-contained, centrally-drained, paved area large enough to contain washing and loading spillage and to facilitate its removal from the airport property.

(b) The operator shall demonstrate that it owns or has arranged for the availability under written lease of aircraft suitably equipped for the particular type of operation intended to be performed.

(c) The City 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 as set forth for all operators.

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

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

**Section 801.15 Minimum Standards for Multiple Services** (1) Statement of Concept. A multiple services Operator engages in any two (2) or more of the aeronautical services for which minimum standards are herein provided.

(2) Minimum Requirements. (a) The operator shall lease from the City an area of not less than 3,600 square feet of ground space to provide for outside display and storage of aircraft and on which shall be situated a building providing at least 2,500 square feet of floor space.

(b) The Operator shall comply with the aircraft, facilities and equipment requirements for each aeronautical service to be performed; provided, however, that multiple uses can be made of all aircraft with the exception of aircraft used for crop dusting, aerial application or other commercial use of chemicals.

(c) The Operator shall obtain that insurance coverage which is equal to the minimum individual insurance requirements of each the aeronautical services to be performed by Operator.

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

(e) The Operator shall have in its 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 herein provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Operator.

**Section 801.16 Flying Clubs.** (1) Any flying club that bases at the airport must be a Wisconsin corporation, limited liability company or partnership. Each member must be a bona fide owner of the aircraft used in the flying club's activities, or a member of the corporation, member of the limited liability company or a partner.

(2) A flying club based at the airport may not derive greater revenue from the use of its aircraft than the amount necessary for the actual cost of operation, maintenance, reasonable upgrade and replacement of its aircraft.

(3) All clubs shall keep current a complete list of the club's membership and a record of club finances, and will make such available to the City upon request.

(4) A flying club's aircraft shall not be used by other than bona fide members, and by no one for compensation or hire, including, but not limited to, banner towing, scenic flights, aerial photography, charter or air taxi.

(5) The provisions of section 801.08 of this chapter to the contrary notwithstanding, flight instruction may be given in flying club aircraft by one appropriately rated club member to another club

member, subject to FAA regulations. Otherwise, flight instruction must be given by an Operator with a current agreement with the City permitting flight instruction from the airport.

(6) In the event a flying club fails to comply with these conditions, the City will notify the club in writing of any such violations. A flying club shall then have fourteen (14) days to correct such violations. If a flying club fails to correct the violations within such time, the City may demand such flying club's termination of activities based at the airport until such time as such violations are corrected. A flying club which violates these requirements three (3) or more times within any two-year period may be permanently prohibited from basing its activities at the airport.

(7) All flying clubs must provide minimum insurance in the following categories to the same level as required for all Operators:

- (a) Aircraft Liability; including coverage for student member pilots; and
- (b) Comprehensive Public Liability and Comprehensive Property Damage.

(8) Aircraft maintenance on flying club aircraft performed by members of a flying club based at the airport shall be limited to only that maintenance that does not require a certificated mechanic. All other maintenance must be provided by an operator based on the airport who provides such service, or by a properly certificated mechanic based elsewhere, so long as such maintenance does not take place on the airport.

**Section 801.17 Non-commercial Aviation Fuel Usage** (1) A non-commercial aviation fuel user maintains fuel storage and transfer facilities at the airport only for his, her or its own aircraft for his, her or its exclusive use.

(2) No person shall engage in the activity of storing, transporting or dispensing of non-commercial aviation fuels at the airport except subject to a written agreement with the City.

(3) No tenant or aircraft operator based at the airport shall share, sublease or in any other manner provide fuel or fueling facilities or services to any other tenant or aircraft operator unless specifically designated and permitted in the written agreement with the City.

(4) All non-commercial aviation fuel users shall install and maintain all fuel facilities in accordance with plans and specifications approved in writing in advance by the City. Such plans shall meet all applicable codes and guidelines.

(5) All non-commercial aviation fuel users shall comply with all local, state and federal laws and regulations and guidelines governing the installation, operation and maintenance of all fueling facilities and equipment, and the use thereof.

(6) All prospective non - commercial aviation fuel users shall submit to the City a written proposal which sets forth the extent of proposed 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 to be borne by the City.

(7) All non-commercial aviation fuel users shall have and maintain the following insurance in the amounts required by all Operators:

- (a) Comprehensive Public Liability and Comprehensive Property Damage, including Vehicular; and
- (b) Fuel Tank Financial Responsibility.

(8) Non-commercial aviation fuel users shall pay to the City a fuel flowage fee on the amount of fuel received into storage at the current rate established for commercial fuel Operators on the airport. Such fuel users shall submit to the City the amount of gallons received each month on or before the 10th day of the following calendar month. Such fuel users shall also maintain copies or original receipts from the fuel vendors as evidence of amount of gallons received.

**Section 801.18 Operators Subleasing from Other Commercial Operators on the Airport.** (1) Compliance with these minimum requirements standards may in appropriate cases be met through an operator contracting or subleasing from another commercial operator on the airport. Provided, however, that prior to entering into any such contract or sublease, the parties to such contract or sublessee shall obtain the written approval of the City. Provided, further, such contract or sublease shall not dispense with the requirements that all operators have a separate written operating agreement with the city for all activities proposed.

**Section 801.19 Enforcement Authority and Penalties.** (1) The Airport Manager shall report violations of these minimum requirements standards to the City Attorney who shall be authorized to take all actions necessary to enforce compliance herewith and penalize violations. In so doing, the City Attorney may require the assistance of the City Police Department.

(2) Any person who shall violate any of the provisions of this sub-chapter shall, upon conviction thereof, be punished by a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred (\$500.00) Dollars, together with all applicable fees, assessments and the costs of prosecution, and in default of payment of such forfeiture, fees, assessments and costs of prosecution may be imprisoned until such forfeiture and costs are paid, but not exceeding thirty (30) days for each such violation.

(3) Each day's failure to comply with any of the provisions of this sub-chapter shall constitute a separate violation.

Adopted this 16th day of February, 1999

Published this 25th day of February, 1999

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Mayor Thomas D. McCarthy

ATTEST:

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Jude Elliott, City Clerk/Treasurer

