

CHAPTER 31

AIRPORT REGULATIONS

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AIRPORT REGULATIONS

31.01 RESTRICTED AREAS

- (1) No person may enter upon any Airport runway, taxiway, ramp, tie down area, or any area posted by signs prohibiting entrance thereon.
- (2) Exceptions
- Subsection (1) shall not apply to:
- (a) Aircraft operators authorized to land or depart from the Airport or any passengers carried by such operator while the aircraft is in operation.
 - (b) Persons embarking to or disembarking from an aircraft in the most direct manner available between the aircraft and areas not prohibited under subsection
 - 1. This exception shall not authorize any vehicular travel of any kind in such areas except by wheelchair or similar conveyance where necessary to accommodate a disability.
 - (c) Aircraft owners for purposes of accessing their aircraft. This exception shall not authorize any vehicular travel of any kind in restricted areas except by wheelchair or similar conveyance where necessary to accommodate a disability. Aircraft owners may obtain written authorization to operate a vehicle to reach their aircraft in a tie down area. Such authorization shall be given for specific purposes and for a specific date and time only.
 - (d) Employees or agents of the Airport, City, State or other governmental unit when in furtherance of their duties or contractors or their employees or agents when engaged in airport construction or maintenance work.
 - (e) Persons who have obtained written authorization from the Airport Manager subject to the specific purpose, date, time and manner of access which shall be included in such authorization.

31.02 AIRPORT BUILDING STANDARDS

(1) Applicability

All buildings erected on Airport property pursuant to an approved lease agreement for the purpose of storage or maintenance of aircraft shall comply with this section. Compliance with this section is required in addition to any City, State, or Federal requirements. Should any provision of this section conflict with an applicable City, State, or Federal requirement, the most restrictive provision shall apply.

(2) Permit Required

No building shall be erected on Airport Property without first applying for a building permit with the City of Middleton Building Inspector. Such application shall include all plans and specifications including color chips for color selection as well as a copy of approval from the Department of Commerce (if required under state law). Applicants shall also file an approved FAA Form 7460, Declaration of No Hazard to Aviation unless the proposed building is already covered by an existing and current Form 7460 already on file with the City.

Upon submittal of all required materials and verification by the Building Inspector that all plans and specifications conform to the requirements of this section and other applicable codes, a permit shall be issued.

Upon issuance of a permit, the Building Inspector shall notify the Airport Manager of said issuance.

(3) Setback Requirements

(a) Front Setback (face of building to edge of taxilane)

Single and multi-unit hangar buildings facing Taxilanes A, B, C, or D shall have a 27' front setback unless a greater distance is specified on the current Hangar Layout Plan. Buildings on lots facing Taxilane E shall have a 40' front setback. In cases where a taxilane and/or roadway is present on both the east and west sides of a lot, the lessee may obtain approval from the City to create a secondary frontage by extending the lot to the taxilane and constructing a second hangar door or garage door, in which case the "rear" of the building must be at least 27' from the taxilane.

(b) Rear Setback

Buildings shall have at least a 10' rear setback. In cases where a taxilane and/or roadway is present on both the east and west sides of a lot, the lessee may obtain approval from the City to have a secondary frontage as described in paragraph 1 above.

(c) Side Setback

Buildings on lots sized to accommodate structures of approximately 40' in depth as shown on the current Hangar Layout Plan shall have at least a 5' side setback. Buildings on lots sized to accommodate structures of 50' in depth or larger as shown on the current Hangar Layout Plan shall have at least a 10' side setback.

(4) Building Systems

(a) Acceptable Building Systems

1. Heavy timber frame with steel sheathing.
 - a. Pole buildings will be allowed only on a case-by-case basis.
2. Steel frame with steel sheathing.

(b) Finishes

1. Exterior
 - a. Base color shall be approved by the Airport Owner.
 - b. Trim color shall be approved by the Airport Owner.
2. All color tones shall be approved by the Airport Owner prior to painting.

(5) Site Requirement

(a) Approach Paving

1. Hangar aprons shall be paved with materials meeting the standards for hangar floor construction.

(b) Site Restoration

1. Unpaved portions of the site shall be level graded and covered with a minimum of 4 inches of salvaged topsoil according to the requirements of WisDOT Specification 625.
2. Topsoil areas shall be seeded with Seed Mixture No. 10 in accordance with the requirements of WisDOT Specification 630.

31.03 AIRPORT OPERATIONS

(1) Definitions

(a) Airport

Middleton Municipal Airport-Morey Field.

- (b) Corporate Hangar
A building housing one or more aircraft for the personal or business use of the hangar owner or lessee.
- (c) Fixed-Base Operator
Any person or firm conducting any aeronautical business on the airport, under contract with Owner.
- (d) Manager
The person or firm employed by the Owner, on the recommendation of the Commission, to be the on-site administrator of daily Airport activities.
- (e) Multiple T-Hangar
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.
- (f) Owner
The City of Middleton, acting through its Common Council.
- (g) Commission
The Middleton Airport Commission; appointed by the Owner under Wis. Stats. §114.14 and Section 2.18 of the Middleton General Ordinances, which has jurisdiction for the construction, improvement, equipment, maintenance and operation of the Airport as specified further in this ordinance.

(2) Rules Governing Airport Operations

The Commission, in carrying out its duties and responsibilities, shall adhere to the following policies:

- (a) The Owner shall refrain from engaging in any activity or providing any service, excluding Airport maintenance, using public employees or funds that can be conducted or provided satisfactorily by private parties through proper lease arrangements.
- (b) The Owner shall encourage the development of the Airport, especially in those areas where lessees incur substantial building costs, by approving long-term leases that provide for the reexamination and readjustment of rates and charges at specified periods of time during the term of the lease.
- (c) 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 the leased property.
- (d) No person shall engage in any business or commercial activity whatsoever on the Airport, except under the terms and conditions prescribed in written agreements between the lessee and the Commission. Lessees shall be selected on the basis of their qualifications, financial capabilities, and services offered; and not solely by bid basis. In determining the use of public building space, first consideration shall be given to public necessity and convenience. The City will provide the Wisconsin Bureau of Aeronautics with on complete copy of each current lease and agreement upon request.
- (e) Buildings to be constructed by lessees shall conform to all state and local building codes, and building regulations established by the Owner. The building plans shall be subject to review by the Commission and the approval of the City Plan Commission, Wisconsin Department of Commerce, Wisconsin Bureau of Aeronautics and the Federal Aviation Administration.
- (f) No person shall engage in the activity of storing, transporting, or dispensing of aviation fuels to the general public except those persons duly authorized by contract with Owner and meeting all applicable ordinances and standards.
- (g) No person shall engage in the activity of storing, transporting, or dispensing of non-commercial aviation fuels except those persons holding a written agreement with the City

to do so, operating in conformity with the standards set forth in this ordinance.

- (h) The storage of all aviation fuel shall be in approved tanks with monitoring systems.
- (i) A hangar owner or lessee may store up to five gallons of gasoline or other fuel in a hangar for the purpose of operation of ancillary equipment necessary for operation of an aircraft or appropriate to supply power to ancillary power equipment.

(3) Airport Layout Plan

In order to carry out the purposed and provisions of this Ordinance, all activities at the Airport shall be as depicted on the current Airport Layout Plan:

- (a) Municipal Terminal Area
This area shall be reserved for the public terminal building and other public use facilities.
- (b) Utility Service Area
This area shall be reserved for utility, service, and maintenance facilities operated by the Owner.
- (c) Commercial Aviation Areas
 - 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. Parcel sizes and setbacks shall conform with the current Airport Layout Plan, and building heights shall conform to Part 77 of the Federal Aviation Regulations and FAA airport design standards.
 - 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 City.
- (d) Corporate Hangar Area
 - 1. This area shall be reserved for non-commercial 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 without the prior written consent of the Common Council. 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. Hangar parcel sizes and setbacks shall conform with the current Airport Layout Plan, and building heights shall conform to Part 77 of the Federal Aviation Regulations and FAA airport design standards and FAA airport design standards.
- (e) Multiple T-Hangar Areas
 - 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 for 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 that does not interfere with the movement of aircraft. Aircraft maintenance or repair that creates a fire hazard or endangers other aircraft or property of another is prohibited.
 - 2. Hangar parcel sizes and setbacks shall be in conformity with the current Airport Layout Plan, and building heights shall conform to Part 77 of the Federal Aviation Regulations and FAA airport design standards.

(f) Tie-Down Areas

These areas are reserved for long term parking of aircraft based on the Airport, or those transient aircraft remaining overnight. The City or Manager may designate temporary tie-down areas.

(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. The City or Manager may also designate temporary vehicle parking areas.

(i) Agricultural Area

These areas are reserved for agricultural purposes under approved leases until such time as the City designates them for aviation purposes.

(j) Fuel Farm Area

This area is reserved for the storage of fuel used in aircraft. A written agreement between a fuel farm tenant, other than a fixed base operator, and the City 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 then 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 City.
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 City or Manager shall be the only vehicles permitted within the Fuel Farm.
5. All fuel storage shall be in approved tanks with approved monitoring systems.
6. Each prospective Fuel Farm tenant shall submit to the City 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.

(4) Penalties

Any person who shall violate any of the provisions of this ordinance shall upon conviction pay forfeitures assessed under Section 30.04 of the Middleton Municipal Code, together with court costs and all applicable assessments.

31.04 AIRPORT VEHICULAR AND PEDESTRIAL TRAFFIC

(1) Definitions

(a) Pedestrian

Any person afoot.

(b) Vehicle

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

(c) Emergency Equipment

Crash, fire and rescue, or police motor vehicles and such other equipment as the airport manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

(d) Service, Maintenance, and Construction Equipment

Approved equipment normally operated by the airport owner, its agents or under contract, fixed base operator(s), or other governmental agencies performing official duties on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with City of Middleton.

(2) Operation of Vehicles on Runways, Taxiways, and Ramps

- (a) 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.
- (b) The provisions of this section shall not apply to emergency equipment or service, maintenance, and construction equipment when engaged in performing normal duties.
- (c) Aircraft owners may be granted authorization by the airport manager or the designated representative of the airport manager to operate a vehicle to reach their own aircraft in a tie down area. Aircraft owners desiring to operate a vehicle for this purpose shall request such authorization in advance. Any authorization granted shall apply only to a specific need request. Unless specifically authorized, aircraft owners shall not pass over any runway, taxiway, or ramp and shall proceed through the 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.

(3) Speed of Vehicles

No vehicle shall be driven upon any route of vehicular travel within the perimeter of the airport or upon other airport areas, in excess of the speed limit posted, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicle traffic on or about the airport.

(4) Pedestrian Traffic to 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 manager. Pedestrian traffic is prohibited on taxiway, runways, and outlying areas of the airport except for those employees of the city, county, state or federal government, or contractors engaged in airport construction or maintenance work.

(5) Enforcement

This section is enacted pursuant to Wis. Stats. §§ 62.04 and 62.11(5). This section is intended to apply to those areas designed for motor vehicle operation which are not highways within the meaning of Wis. Stats. § 340.01(22). All motor vehicle offenses occurring on highways within the meaning of Wis. Stats. § 340.01(22), as well as all parking offenses regardless of location, shall be enforced pursuant to Chapter 15 of this Code. This section shall be enforced by municipal court citation pursuant to Wis. Stats. § 800.02(2), not the Uniform Traffic Citation pursuant to Wis. Stats. § 345.11 and Section 15.01(1) of this Code.

(6) Penalties

Any person who shall violate any of the provisions of this ordinance shall upon conviction pay forfeitures assessed under Section 30.04 of the Middleton Municipal Code, together with court costs and all applicable assessments.

31.05 APPEALS AND VARIANCES

(1) Procedure

The Airport Commission shall hear and decided appeals where it is alleged that there is an error in any order, decision, or determination made by the Airport Manager in administering this ordinance. Upon appeal, the Airport Commission may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. The Airport Commission shall promulgate rules, procedures, duties and powers which shall be used in authorizing variances.

(2) Who May Appeal

Any applicant, permittee, land owner or land user may appeal any order, decision, or determination made by the Airport Manager in administering this ordinance.

31.06 ESTABLISHMENT OF AIRPORT NON-LAPSING FUND

The Finance Director shall set aside and establish on the books of the City a non-lapsing fund into which airport revenues will be deposited, including donations and/or grants designated for the benefit of airport programs in the City of Middleton. In addition, the Finance Director shall provide information to any prospective donor to such fund as to the appropriate form that any such donation should take. Once funded, the airport program fund shall be perpetual, and such fund shall be credited with interest upon any funds deposited in such fund by the Finance Director. The Finance Director shall account to the Airport Commission and the Common Council upon request by their respective bodies concerning the then-current balance of deposits in the airport program fund. Withdrawals from the fund shall be directed by the Common Council preferably, but not necessarily, upon a favorable recommendation of the Airport Commission.