

Sec. 118-89. - Airport heights limitation zone.

(a) *Definitions.* The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Airport* means the Chetek Municipal (Southworth) Airport located in Sections 29 and 32, Town 33N, Range 10W, Barron County, Wisconsin.

*Airport hazard* means any structure or object of natural growth, 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.

*Drone* means a device as set forth in Wis. Stat. §175.55(1)(a), as amended.

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

*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.

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

*Structure* in this section means any manmade object, including movable or mobile objects, either permanently or temporarily attached to, installed, placed upon or set into the ground.

*Trees* do not include shrubs, bushes or plants which do not grow to a height of more than 20 feet.

(b) *Zones.* All zones established by this section are as shown on the Official Zoning Map dated January 4, 1985, entitled, "Height Limitation Zoning Map, Chetek Municipal Airport, Chetek, Wisconsin," which is shown in Appendix A and is adopted as part of this Code of Ordinances by reference as if set forth in full herein.

(c) *Height limitation zones.*

(1) Except as otherwise provided in this section, no structure shall be constructed, installed, altered, located or permitted to remain after such construction, installation, alteration or location to a height in excess of the height limit indicated on the map referred to in Subsection (b) of this section.

(2) Except as otherwise provided in this section, 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) of this section.

(3) Except as otherwise provided in this section, no drones shall be operated at or above a height in excess of the height limit indicated on the map referred to in Subsection (b) of this section.

(d) *Exceptions.* The restrictions contained in Subsection (b) of this section shall not apply to objects which are less than 35 feet in height above ground level at the object site within one-half-mile of the airport boundary or to structures less than 50 feet in height above ground within the area beginning one-half

mile from the airport boundary and extending to one mile from the airport boundary or to structures less than 100 feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary.

(e) *Nonconforming uses.*

- (1) *Not retroactive.* The regulations prescribed in this subsection 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 (f) of this section.
- (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 April 8, 1986, 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 the Airport Committee to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City upon a form furnished by the City. Applications which are by this section to be decided by the Airport Committee shall be granted or denied within 30 days of the date of filing of the application, unless Federal Aviation Administration approval is requested. Applications for action by the Board of Appeals shall be forthwith transmitted by the Airport Committee to the Board for hearing and decision. There shall be no charge for applications or permits.

(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 (g)(2) of this section, until the owner or his agent shall have applied in writing for a permit therefor and obtained such permit from the City, except structures less than 35 feet in height above the ground and within one-half-mile of the airport boundary and structures less than, 50 feet in height above the ground within the area beginning one-half-mile from the airport boundary and extending to one mile from the airport boundary, and structures less than 100 feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use for which the permit is desired, and shall describe and locate the use with sufficient particularity to permit the Airport Committee to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the City of Chetek shall issue the permit applied for.
- (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 Subsection (g)(1) of this section 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 April 8, 1986, or than it was when the application for permit was made.

(h) *Board of Appeals.* The City of Chetek Board of Appeals is hereby authorized to act as the Board of Appeals for the purposes of this section. The Board of Appeals shall exercise the powers conferred by statute.

(i) *Appeals and review.*

- (1) *Variances.* Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant such variance from the terms of this ordinance 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 article, and does not create a hazard to the safe, normal operation of aircraft and the Chetek Airport.
- (2) *Aggrieved person.* Any person aggrieved or affected by any decision or action of the City made in the administration of this article may appeal such decision or action to the Board of Appeals.
- (3) *Procedure.* Any appeal taken pursuant to this section shall be in conformity with the procedure established in Wis. Stats. § 62.23(7)(e).
- (j) *Penalties.* Any person violating any of the provisions of this section shall, upon conviction, forfeit not less than the amount established from time to time by the Common Council and maintained in the penalty schedule available in the office of the City Clerk-Treasurer, together with the costs of prosecution, and in default of payment of 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.

(Code 2005, § 13-1-38; Ord. No. 746A, §§ I, II, 8-11-2015)