

**ORDINANCE NO: 16****AN ORDINANCE REGULATING THE HEIGHT OF STRUCTURES AND TREES AND THE USE OF PROPERTY IN THE VICINITY OF THE SOUTH WOOD COUNTY AIRPORT, WISCONSIN RAPIDS, WOOD COUNTY, WISCONSIN**

The Cities of Wisconsin Rapids and Nekoosa, the Villages of Biron and Port Edwards and the Town of Grand Rapids, Wood County, Wisconsin, do ordain as follows:

**16.1 Definitions**

Unless otherwise indicated, the following terms used in this ordinance shall be deemed for the purpose of this ordinance to have the meaning hereinafter set forth:

- A. "Airport" means the Alexander Field-South Wood County Airport located in Section 30, Town 22 N, Range 6E, Wood County, Wisconsin.
- B. "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.
- C. "Non-conforming 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.
- D. "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.
- E. "Runway" means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.
- F. "Structure" means any object constructed or installed by man.
- G. "Tree" means any object of natural growth, except farm crops which are cut at least one a year, and except shrubs, bushes or plants which do not grow to a height of more than five feet.
- H. "Zones" means an area of land with a single height limitation, the boundaries of which are section lines and sub-divisional lines of Sections except for those parts of the City of Wisconsin Rapids where street center lines are used for zone boundaries.
- I. "Zoning Commission" means The South Wood County Airport Height Limitation Zoning Commission.

**16.2 Zones**

All zones established by this section are as shown on the Map dated November 10, 1975 entitled, "Height Limitation Zoning Map, South Wood County Airport, Wisconsin Rapids, Wisconsin, which is attached hereto and adopted as part of this ordinance. (Original on file with Airport Administrator)

### 16.3 Height Limitations

Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to a height in excess of the height limit indicated on the map referred to in Section 16.11 hereof.

### 16.4 Use Restrictions

Notwithstanding the provisions of Section 16.3 of this ordinance, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility, in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

- A. The restrictions contained above shall not apply to objects which are less than thirty-five (35) feet in height above ground level at the object site.

### 16.5 Non-conforming Uses

The regulations prescribed in Sections 16.2 and 16.3 of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any non-conforming use, except as otherwise provided by Section 16.7(B).

- A. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this ordinance, and if such is diligently prosecuted.
- B. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

### 16.6 Administration

It shall be the duty of the Airport Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Administrator or his designee upon a form furnished by him. Applications which are by this ordinance to be decided by the Airport Administrator shall be granted or denied within thirty 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 Administrator to the Board for hearing and decision. There shall be no charge for applications or permits.

### 16.7 Permits

- A. Future Uses. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section 2 of this ordinance until the owner or his agent shall have applied in writing for a permit therefore and obtained such permit from the Airport Administrator, except structures less than thirty-five (35) feet in height above the ground in area 1, less than seventy (70) feet in height above the ground in area 2, and less than one hundred fifty (150) feet in all other areas affected by this ordinance. 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 Administrator to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Airport Administrator shall issue the permit applied for.

- B. Existing Uses. Before any non-conforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by paragraph (a) authorizing such change, replacement or repair. No such permit shall be denied if the structure will not become greater hazard to air navigation than it was on the effective date of this ordinance, or than was when the application for permit was made. It will not be necessary to apply for a permit under this section for the construction of any new structure or the modification or reconstruction of any existing structure located within 660 feet of existing structures of industrial plants located within the area affected by this ordinance providing they are of a height equal to or less than the maximum height of the present structures.
- C. Trees. In the event the Airport Administrator determines that a tree, planted after the adoption of this ordinance is in violation of the height restriction for the zone in which it is located, he shall give written notice by certified mail to the land owner to take such steps as are necessary to bring said tree in compliance with this ordinance within 10 days of said notice. Should the land owner fail to comply with said notice, the Airport Administrator or his designated agent or employee, shall have the right to trim, prune, or remove said tree at the land owner's expense.

#### **16.8 Hazard Marking and Lighting**

Any permit or variance granted under Sections 7 or 9, may, if such action is deemed advisable by the Airport Administrator to effectuate the purpose of this ordinance and if such is reasonable in the circumstances, be so conditioned as to require owner of the structure or trees in question to permit the owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

#### **16.9 Board of Appeals**

There is hereby created a Board of appeals, consisting of five members. The chief executive officers of each of the five municipalities adopting this ordinance shall each appoint one member subject to confirmation by the Common Council, Village Board or Town Board of that municipality. Not more than two members of such Board shall be owners or occupants of the area affected by the ordinance. These appointments shall be for terms of three years, excepting that of those first appointed, the appointment first made by the Villages of Biron and Port Edwards shall be for two years; the appointments first made by the Cities of Wisconsin Rapids and Nekoosa shall be for three years. Whenever a vacancy occurs, the municipality that first appoints the member to the position then vacant, shall make the appointment to fill said vacancy.

#### **16.10 Appeals and Reviews**

- A. Variations. 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 ordinance would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this ordinance, and does not create a hazard to the safe, normal operation of aircraft.
- B. Aggrieved Person. Any person aggrieved or affected by any decision or action of the Airport Administrator made in his administration of this ordinance may appeal such decision or action to the Board of Appeals.

C. Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by § 62.23 (7)(e) Wisconsin Statutes.

**16.11 Penalties**

Any person violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

VILLAGE OF BIRON		TOWN OF GRAND RAPIDS	
By:	Bert Johnson, President	By:	Jess L Eichhorn, Chairman
By:	Carla Brizee, Village Clerk	By:	Gerhardt W Oberbeck, Town Clerk
CITY OF NEKOOSA		VILLAGE OF PORT EDWARDS	
By:	John F Voss, Mayor	By:	Carl W Guelcher, President
By:	Kenneth J Lang, City Clerk	By:	Rita K Schneider, Village Clerk
CITY OF WISCONSIN RAPIDS			
By:	Donald F Penza, Mayor		
By:	Robert O Boyarski, City Clerk		
		Dated this 16 <sup>th</sup> day of November 1977.	

**This ordinance shall take effect from and after the date of its passage and publication as provided by law.**

**HISTORY**

**Declaration/Ordinance/Resolution No**

**Dated**

**RESOLUTION NO:**

2005-08  
2006-07

16-November-1977  
13-September-2005 (as part of code)  
23-May-2006 (as part of code)

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Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.