

JOINT ORDINANCE
REGULATING THE HEIGHT OF STRUCTURES AND
TREES IN THE VICINITY OF THE
MAUSTON - NEW LISBON UNION AIRPORT

The Common Councils of the Cities of Mauston and New Lisbon, along with the Town of Lisbon and the Town of Lindina, Juneau County, Wisconsin, do jointly ordain as follows:

SECTION I Definitions. As used in this ordinance, unless the context otherwise requires:

- (a) "Airport" means the Mauston - New Lisbon Union Airport located in Section Twenty-eight (28), Township Sixteen (16) North, Range Three (3) East, Juneau County, Wisconsin.
- (b) "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.
- (c) "Non-conforming use" means any structure or tree 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) "Structure" means any object constructed or installed by man.
- (f) "Trees" do not include shrubs, bushes or plants which do not grow to a height of more than twenty feet at maturity.
- (g) "Runway" means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

SECTION II - Zones. All zones established by this section are as shown on the Map dated 6/13/13 (and any amendments thereafter) entitled, "Height Limitation Zoning Map, Mauston - New Lisbon Union Airport, New Lisbon, Wisconsin". The original, full-scale maps are intended to be the official map, as filed with clerks of both cities and both towns.

SECTION III - Height Limitation Zone. 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 II hereof. (As shown in the map, references are to elevations above sea level).

SECTION IV - Exceptions. The restrictions contained in Section III shall not apply to objects which are less than thirty-five (35) feet in height above ground level at the object site within one-half mile of the airport boundary, or to structures less than fifty (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 one hundred (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.

SECTION V - Non-Conforming Uses.

- (a) Not Retroactive. The regulations prescribed in Sections II and III of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided by Section VII (b).
- (b) 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 the effective date of this ordinance, and if such is diligently prosecuted to completion.
- (c) Removal. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

SECTION VI - Administration. It shall be the duty of Airport Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Commission upon a form furnished by its secretary. Applications which are by this ordinance to be decided by the Airport Commission shall be granted or denied within thirty (30) days of the date of filing of the applications, unless Federal Aviation Administration approval is requested. Applications for action by the Board of Appeals shall be forthwith transmitted by the secretary of the Commission to the Board for hearing and decision. There shall be no charge for applications or permits.

SECTION VII - Permits.

- (a) Future Uses. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section II or this ordinance until the owner or his agent shall have applied in writing for a permit therefore and obtained such permit from the Airport Commission, except structures less than thirty—five (35) feet in height above the ground and within one-half mile of the airport boundary and structures less than fifty (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 one hundred (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 posed 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 Commission to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Airport

Commission 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. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit was made.

SECTION VIII - Board of Appeals. There is hereby created a Board of Appeals, consisting of three (3) members, one being appointed by the City of Mauston Mayor, a second being appointed by the City of New Lisbon Mayor and the third appointed by the Town of Lisbon Board, subject to confirmation by both city councils for terms of three years, excepting that of those first appointed. For the first appointed Board, the first member shall serve one year; the second member for two years and the third member for three years. The members of said Board of Appeals shall receive the sum of Thirty Dollars (\$30.00) for each meeting attended by them.

SECTION IX - Appeals and Review.

- (a) 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 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 Commission made in its 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 Section 62.23 (7) (e) of the Statutes.

SECTION X - Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than Ten Dollars (\$10.00) per day nor more than Fifty Dollars (\$50.00) per day 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.

SECTION XI - Severability. If any of the provisions of this ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION XII - Other regulations. This ordinance shall not be construed to abridge or alter the Air Space Protection Plans and Specifications, as filed in the office of the Register of Deeds for Juneau County on November 13, 1980, or as the same may be amended from time to time, or any other lawful ordinance or regulation of either of the cities adopting this ordinance, unless specifically repealed herein. Neither shall this ordinance be deemed to alter or abridge any regulation of any other municipality or governing body of competent jurisdiction which imposes a greater restriction than that imposed by this ordinance.

This ordinance shall take effect and be in force upon passage and publication.

CITY OF MAUSTON

Ayes _____

Nays _____

Date Adopted: _____

By: _____

Brian T. McGuire, Mayor

Attest: _____

Nathan Thiel, Clerk

CITY OF NEW LISBON

Ayes _____

Nays _____

Date Adopted: _____

By: _____

Lloyd Chase, Mayor

Attest: _____

Lisa Vinz, Clerk

TOWN OF LISBON

Ayes _____

Nays _____

Date Adopted: _____

By: _____

Bill E. Pfaff, Chairman

Attest: _____

Andrea L. Hawkins, Clerk

TOWN OF LINDINA

Ayes _____

Nays _____

Date Adopted: _____

By: _____

William Robinson, Chairman

Attest: _____

Sharie Miles, Clerk