

PORTAGE COUNTY CODE OF ORDINANCES

Chapter 8 CENTRAL WISCONSIN AIRPORT REGULATIONS

ORDINANCES

8.1 [AIRPORT PARKING](#)

8.2 [TRESPASSING AT AIRPORT](#)

8.3 [HEIGHT REGULATION OF TREES AND STRUCTURES
AND USE OF NEARBY PROPERTY](#)

8.4 [TRANSACTING BUSINESS ON AIRPORT PROPERTY](#)

8.5 [TAXIS AT AIRPORT](#)

8.6 [CHARGES AND LANDING FEES FOR CERTIFIED, SCHEDULED OR COMMERCIAL AIR
CARRIES DOING BUSINESS AT CENTRAL WISCONSIN AIRPORT, MOSINEE, WI](#)

8.1 AIRPORT PARKING

8.1.1 AUTHORITY TO ESTABLISH REGULATIONS

The Joint Airport Committee of the Marathon County and Portage County Board, and any successor to that committee, has full authority to establish parking regulations on lands at the Central Wisconsin Airport, Mosinee, Wisconsin, owned by Marathon County and Portage County.

8.1.2 SIGNS POSTED

The Committee shall post signs to reflect any parking regulations approved by the Committee.

8.1.3 PENALTIES

Any person who violates said posted regulations shall forfeit not more than \$50.00 for each violation.

8.1.4 AUTHORITY TO ENFORCE

Personnel of the Central Wisconsin Airport and the Marathon County Sheriff's Department are designated full authority to enforce this ordinance.

8.1.5 PROSECUTION

The Marathon County District Attorney shall prosecute violations of this ordinance.

8.1.6 CREATION OF BOND SCHEDULE

The Marathon County Court which hears ordinance violations shall have full authority to establish a bond schedule for this ordinance. Alleged violators of this ordinance may pay said bond to the Marathon County Clerk of Courts in lieu of a court appearance.

8.1.7 PAYMENT OF FORFEITURES; FUND HANDLING

All forfeitures and bonds under this ordinance shall be paid to the Marathon County Clerk of Courts and then transferred to the Marathon County Treasurer for transfer to the Marathon County General Fund. A separate account of all forfeitures shall be kept by the Airport Committee Secretary and all revenues shall be divided between the Counties according to equalized valuation.

[Index for this Chapter](#)

8.2 TRESPASSING AT AIRPORT

8.2.1 TRESPASSING BANNED

No person shall enter those areas of the Central Wisconsin Airport in Mosinee, Wisconsin, which have been posted "No Trespassing." Posting shall conform with Section 943.13 (2) of the 1969 Wisconsin Statutes.

8.2.2 PENALTIES

Any person violating this ordinance by entering said areas, either on foot or in a vehicle, shall forfeit not more than fifty (\$50.00) dollars or in default of payment, to be incarcerated in the Marathon County Jail not more than thirty (30) days.

8.2.3 AUTHORITY TO ISSUE SUMMONS

Central Wisconsin Airport personnel have full authority to issue summons to alleged violators of this ordinance. The Marathon County Sheriff and all Marathon County Sheriff's Deputies have full authority to issue summons to alleged violators or to arrest alleged violators.

8.2.4 COURT JURISDICTION AND AUTHORITY

The alleged violators shall be summoned or brought before that branch of the Marathon County Court which normally hears County Ordinance Violations. The Judge of that branch has full authority to establish a deposit (bonds) schedule for alleged offenses.

8.2.5 PAYMENT OF FORFEITURES; FUND HANDLING

All forfeitures and deposits (bonds) paid under this ordinance shall be paid to the Marathon County Clerk of Courts and the Clerk of courts shall then, as soon as practicable, transfer said funds to the Marathon County Treasurer for deposit in the Marathon County General Fund. The Marathon County Clerk shall obtain a record of said collections and pay the appropriate percentage on disposed cases only to Portage County based on the disbursement formula in effect at the time of collection.

8.2.6 AUTHORITY TO PROSECUTE

The Marathon County Corporation Counsel shall prosecute all violations of this ordinance. If the Marathon County Corporation Counsel is unavailable, the Portage County District Attorney's Office or the Marathon County District Attorney's Office shall prosecute the violations.

[Index for this Chapter](#)

8.3 HEIGHT REGULATION OF TREES AND STRUCTURES AND USE OF NEARBY PROPERTY

8.3.1 DEFINITIONS

As used in this ordinance, unless the context otherwise requires:

(A) "Airport" means the Central Wisconsin Airport located in Sections 26, 27, 28, 33, 34, & 35, T27N, R7E and Sections 3,4,9, & 10, T26N, R7E, Marathon 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) "Structure" means any object constructed or installed by man.

(F) "Tree" means any object of natural growth, except shrubs, bushes, or plants which do not grow to a height of more than five feet, and except farm crops which are cut at least once a year.

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

8.3.2 ZONES

All zones established by this section are as shown on the Map dated 2/25/69 entitled, "Zoning Map, for Central Wisconsin Airport, Marathon County, Wisconsin" which is attached hereto and adopted as part of this ordinance.

8.3.3 HEIGHT ZONES

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 maps referred to in Section 8.3.2 hereof.

8.3.4 USE RESTRICTIONS

(A) Activities. Notwithstanding the provisions of Section 8.3.3 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.

(B) Exceptions. The restrictions contained in Section 8.3.3 shall not apply to legal fences or to farm crops which are cut at least once each year.

8.3.5 NON-CONFORMING USES

(A) Not Retroactive. The regulations prescribed in Sections 8.3.2 and 8.3.3 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 8.3.7 (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.

(C) Removal. This section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

8.3.6 ADMINISTRATION

It shall be the duty of Marathon County Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Marathon County Zoning Administrator upon a form furnished by him. Applications will be decided within 10 days unless F.A.A. approval is requested by the Zoning Administrator. Applications for action by the Board of Adjustments shall be forthwith transmitted by the Zoning Administrator to the Board for hearing and decision.

8.3.7 PERMITS

(A) Future Uses. No structure shall hereafter be constructed, erected or installed in any zone created by Section 8.3.2 of this ordinance until the owner or his agent shall have applied in writing for a permit therefore and obtained such permit from the Marathon County Zoning Administrator, except structures more than ½ mile from the nearest airport boundary and less than 50' maximum height above ground level at the building site. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment.

The Airport Manager shall have the right to trim, prune or remove at the owner's (Marathon & Portage County) expense any tree which was planted after adoption of this ordinance and found in violation of the height restriction for the zone in which it is located. Applications 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 Marathon County Zoning Administrator to determine whether such use would conform to the regulations herein prescribed. If such determinations is in the affirmative, the Marathon County Zoning Administrator shall issue the permit applied for.

(B) Existing Uses. Before any non-conforming structure may be replaced or altered, 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 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 is made.

8.3.8 HAZARD MARKING AND LIGHTING

Any permit or variance granted under Sections 8.3.7 or 8.3.9, may, if such action is deemed advisable by the Marathon County Zoning Administrator to effectuate the purpose of this ordinance and if such is reasonable in the circumstances, be so conditioned as to requires the 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.

8.3.9 APPEALS AND REVIEW

(A) Variances. Upon appeal in special cases the Marathon County Board of Adjustments 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 accordance 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 Marathon County Zoning Administrator made in his administration of this ordinance may appeal such decision or action to the Marathon County Board of Adjustments.

(C) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Section 59.99 of the Statutes.

8.3.10 PENALTIES

Any person violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars for such violation, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be incarcerated 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 violation.

8.3.11 SEVERABILITY

If any of the provisions of this ordinance or the application thereof to any person 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.

8.3.12 FEE SCHEDULE

(A) Height Zone Permit	\$ 5.00
(B) Board of Adjustment Hearing	\$ 25.00

8.3.13 EFFECTIVE DATE

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

[*Index for this Chapter*](#)

8.4 TRANSACTING BUSINESS ON AIRPORT PROPERTY

8.4.1 ELEGATION

The Marathon-Portage County Joint Airport Board of the Marathon County and Portage County Boards, and any successor to that Board, is hereby granted the full authority to establish reasonable regulations concerning the transaction of business on the property and inside the buildings located at the Central Wisconsin Airport, Mosinee, Wisconsin, owned by the Marathon County and Portage County Boards.

8.4.2 NOTICE

The Board shall post signs in conspicuous places setting forth the regulations concerning the transaction of business approved by the Board.

8.4.3 PENALTY

Any person, corporation, business organization, or entity that violates said posted regulations shall forfeit not more than fifty (\$50.00) dollars for each violation. Each separate violation of a posted regulation shall constitute a separate violation and forfeiture shall be cumulative.

8.4.4 ENFORCEMENT

The Marathon County Sheriff's Department is delegated full authority to enforce this ordinance.

8.4.5 PROSECUTION

The Marathon County District Attorney or the Marathon County Corporation Counsel shall prosecute violations of this ordinance.

8.4.6 BOND SCHEDULE

The Marathon County Circuit Court which hears ordinance violation cases shall have full authority to establish a bond schedule for this ordinance. Alleged violators of this ordinance may pay said bond to the Marathon County Clerk of Circuit Courts in lieu of a court appearance.

8.4.7 PAYMENT OF FORFEITURES, DISPOSITION

All forfeitures, fees, costs, charges, and bonds under this ordinance shall be paid to the Marathon County Clerk of Court and then transferred to the Marathon County Treasurer for transfer to the appropriate Central Wisconsin Airport Account.

8.4.8 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

8.4.9 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its adoption and publication.

8.4.10 REPEALER

All ordinances and parts of ordinances in conflict hereunder are hereby repealed.

[Index for this Chapter](#)

8.5 TAXIS AT AIRPORT

8.5.1 BUSINESS SOLICITATION

No person shall solicit business inside the Terminal Building of the Central Wisconsin Airport unless that person is employed by one of the firms renting space in the Terminal Building and in that case, business shall only be solicited from behind the firm's counter.

8.5.2 TRANSPORTATION BUSINESS SOLICITATION

No person representing a taxi, limousine or other transportation service shall solicit business inside the Central Wisconsin Airport Terminal Building unless the firm employing said person is a tenant of the building and in that case, business shall only be solicited from behind the firm's counter.

8.5.3 PARKING PERMIT

In the event a taxi, limousine or other transportation service does not rent space in the Central Wisconsin Airport Terminal Building, the Central Wisconsin Airport Committee or those persons in charge of operating the Airport may, upon written application, designate an area for the parking of taxis, limousines and other vehicles for hire. No person shall park a taxi, limousine or other vehicles for hire with the purpose of hiring out at the Central Wisconsin Airport unless the Committee has approved the application for the vehicle or for the company owning said vehicle. The Committee may establish an application fee and said application shall be renewed each January 1, and the Committee approve each renewal application. An approval may be withdrawn by the Committee for cause at any time.

8.5.4 PENALTIES

Any person violating any section of this ordinance shall forfeit not less than twenty (\$20.00) dollars nor more than one hundred (\$100.00) dollars for each violation. The District Attorney of Marathon County or his assistants shall prosecute violations of this ordinance.

[Index for this Chapter](#)

8.6 CHARGES AND LANDING FEES FOR CERTIFIED, SCHEDULED OR COMMERCIAL AIR CARRIERS DOING BUSINESS AT CENTRAL WISCONSIN AIRPORT, MOSINEE, WI

8.6.1 SCHEDULE

Each certified, scheduled or commercial air carrier shall pay for designated space in the terminal building that is occupied exclusively by said carrier at the following rates per square foot per annum which rental shall be paid monthly in advance:

January 1, 1986 to December 31, 1987	\$18.08
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January 1, 1988 to December 31, 1988	\$18.45
January 1, 1989 to December 31, 1989	\$18.84

(A) Each said carrier shall pay in monthly installments its pro rata share of any joint use area it utilizes in the terminal building of the Airport, computed at the rate set forth above in Section I.

(B) The total amount each such carrier shall pay shall be computed according to the following formula: a sum equal to 20% of such total annual rental divided by the number of said carriers using such joint use area plus a share of the remaining 80% of such total annual rental allocated among such air carriers so that each shall pay monthly the proportion thereof which the total number of its enplaning passengers during each monthly period bears to the total number of enplaning passengers of all such airline lessees during the monthly period.

(C) Each such air carrier shall pay the following landing fees, per thousand pounds of certified maximum gross landing weight, of each aircraft weighing over 30,001 pounds:

January 1, 1987 to December 31, 1987	\$.88
January 1, 1988 to December 31, 1988	.90
January 1, 1989 to December 31, 1989	.92

(D) Each such air carrier shall pay the following landing fee for each aircraft weighting thirty thousand (30,000) pounds or less:

Under 14,500	\$15.00
14,501 to 30,000	\$23.00

(E) In tabulating weights, the weights of each aircraft shall not be less than the certified maximum gross landing weight as computed by the manufacturer and the Federal Aviation Administration.

8.6.2 AUTHORITY OF AIRPORT MANAGER

As a condition precedent to the right of all such air carriers to use the Airport, they and each of them shall comply with all rules and regulations promulgated by the Airport Board and all applicable county ordinances. The Airport Manager or his designee shall be given access by them at all reasonable times, in person or by agent, to examine and check the records of such air carriers, disclosing the information required hereunder to be reported by them to said Airport Manager.

8.6.3 MONTHLY FLIGHT REPORTS OF COMPANIES

As a condition precedent to the right to use and occupy the Airport, each such air carrier shall furnish to the Airport Manager on or before the 10th day of each month hereafter, duly certified as true and correct by the person delegated by said air carrier as its office representative having custody of the records of same, the number of its flights which have landed at the Airport during the preceding month, together with the manufacturer, type and official landing weight, as aforesaid.

8.6.4 REMITTANCE OF FEES

The said monthly report above referred to shall be accompanied by the remittance of said air carrier, calculated at the schedule hereinbefore set forth, for the purpose of checking and auditing by the Airport Manager. If any deficiency in said remittance shall be determined, billing therefore shall be sent to the said air carrier and if any overage, the same shall be refunded or credited. If remittance at the rate hereinbefore provided shall not accompany said monthly report, send statements to the air carrier so reporting, calculated at said rate, which statement shall be due and payable not later than the 25th of each month.

8.6.5 PASSENGER AND CARGO REPORTS

Each such air carrier using the Airport shall, in addition to the monthly report hereinbefore provided, at the same time report to the Airport Manager the Quantity of cargo, mail and express and the number of passengers its flights have handled at the Airport. The Airport Manager shall have the right to prescribe and furnish forms for the making of all reports required to be made by the provisions of this ordinance.

8.6.6 FIXED BASE OPERATIONS

Charges herein fixed shall not apply to the operations of fixed base operators, nor shall the same apply to aircraft not operated for commercial purposes.

8.6.7 CONTRACTS WITH CARRIERS

This ordinance does not apply to any air carrier using said Airport during the term of any contract, whether of date prior or subsequent to the effective date of this ordinance, if such contract covers fees to be charged to it for the use of the Airport by its aircraft.

8.6.8 TRANSITIONAL LANDING FEES

(A) DEFINITION. "Transitional landings" as used herein shall mean any landings made to acquaint pilots with aircraft or landing facilities.

(B) No commercial air carrier shall use the Airport for transitional landings without complying with the provisions of this subsection.

(1) Any above-referenced air carrier using the Airport for transitional landing shall pay landings fees as set forth in Section I of this ordinance.

(2) Any such air carrier using the Airport for transitional landings shall file a monthly report with the Airport Manager on a form prescribed by the Airport Manager not later than 15 days following the month of activity.

8.6.9 DELINQUENT PAYMENTS

Any fee, charge, rate, rental or other payment, whether due under written agreement, the provisions of this ordinance or otherwise, shall be paid as of the established due date. Any portion of such fee, charge, rate, rental or other payment which remains unpaid after the established due date shall bear interest at the rate of 18% per annum, compounded monthly, from the due date until paid. This section shall become effective as of the date of publication and shall apply to all delinquencies then or thereafter in existence.

8.6.10 SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

8.6.11 REPEALER

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent in which they are in conflict.

8.6.12 PENALTY

Any person found in violation of this ordinance shall be punishable by forfeiture of no more than two hundred (\$200.00) dollars, with each day's continuing violation constituting a separate and distinct violation.

8.6.13 PROSECUTION

The Marathon County District Attorney shall prosecute violations of this ordinance.

[Index for this Chapter](#)