

## CHAPTER 40

### OPERATION OF TRI-COUNTY AIRPORT

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**40.01 Introduction. (1) Purpose.** The County Boards of Iowa, Richland and Sauk County have agreed to jointly own and operate that Airport known as the "Tri-County Airport," located in the Township of Spring Green, Sauk County, and have established an Airport Commission to operate the Airport. The purpose of this ordinance is to establish operational policies and regulations governing the affairs of the Commission and traffic on and use of Airport facilities.

(2) Intent. This ordinance shall prevail over any previous or conflicting ordinances, resolutions or actions by any board of supervisors, agents, or representatives of Iowa, Richland or Sauk Counties; provided, however, that at all times each County shall continue to have the right, at any time, to withdraw from the joint operation of the Airport and to relinquish its interest in the Airport, pursuant to § 114.151 Stats. No fees, charges or regulations shall become effective, nor shall any act, contract, lease or other activity of the Commission be binding on any County, except as the same shall be expressly authorized by this ordinance.

(3) Authority. This ordinance is adopted pursuant to the powers contained in §§ 114.11 - 114.151 Stats.

(4) Severability. If any provision or clause of this ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this 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.

(5) Adoption of ordinance and amendments, when effective. This ordinance, and any amendments hereto, shall not become effective unless adopted by the board of supervisors for each member County, or until such date as may be

specified in any such ordinance or amendment, the last date governing.

**40.02 Definitions.** As used in this ordinance and/or for enforcement purposes, the definitions contained in § 114.002 Stats., shall apply and the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning; the singular shall include the plural and the plural shall include the singular:

(1) AIRPORT. The Tri-County Airport, including the lands, runways and other facilities owned and used by Iowa, Richland and Sauk Counties for Airport purposes located in Section 31, Township 9 North, Range 3 East, together with such other lands and facilities as may be used in connection therewith for Airport purposes.

(2) COMMISSION. The Tri-County Airport Commission, established by Iowa County, Richland County and Sauk County Boards of Supervisors, pursuant to § 114.14(2) Stats.

(3) COUNTY OR COUNTIES. Iowa County, Richland County, Sauk County or any combination thereof.

(4) FIXED BASE OPERATOR OR FBO. Any person conducting any aeronautical business on the Airport.

(5) HANGAR. A building designed or used primarily for the housing or storage of aircraft.

(6) MANAGER. A person employed or designated by the Commission under Section 40.03(1)(a)3.c.

(7) OPERATOR. any person conducting or sponsoring any event, activity or operation at the Tri-County Airport which involves the exercising of any special right or privilege at the Airport or requires the virtually exclusive use

of any area at the Airport; however, this definition shall not include general aviation users and other members of the public utilizing the facilities of the Airport, in a manner consistent with this ordinance and with the right of other general aviation users and members of the public to equal and uniform use of public areas of the Airport.

(8) OWNER. Iowa, Richland and Sauk Counties.

(9) PERSON. Any individual, firm, partnership, corporation, association or group and all bodies politic or corporate.

(10) VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn. This definition includes but is not limited to the following: an automobile, tractor, truck, semitractor, bicycle, snowmobile, motorcycle, moped.

#### **40.03 Tri-County Airport Commission.**

(1) Organization, meetings, compensation.

(a) Organization. The Tri-County Airport Commission, consisting of three (3) members and created by action of the Iowa, Richland and Sauk County Boards in accordance with § 114.14(2) Stats., shall have complete and exclusive control and management of the Tri-County Airport, subject to the limitations hereinafter contained and the powers of the respective County boards, hereinafter enumerated or reserved to said County boards by Chapter 114 Stats. The Commission shall be organized as follows:

1. Terms and selection of members.

a. Each County shall be represented by one (1) commissioner, appointed for a term of six (6) years by the County Board chairman and confirmed by the full County Board. In the event a vacancy arises during the term of a commissioner, the County which appointed that commissioner will appoint a successor to complete the original term in the same manner as the original commissioner was appointed.

b. If a commissioner is unable or unavailable to act for any extended period of time, the chairman represented by that commissioner may, upon request of the commissioner, appoint a temporary replacement for not more than six (6) months. In the event of the unavailability of a commissioner, or temporary designee, to represent the interest of a County under circumstances

requiring immediate action by the Commission, the chairman of that county's board of supervisors shall have all the authority that such commissioner, or designee, would have under like circumstances.

2. Officers. In January of every even-numbered year, the Commission shall elect the following officers:

a. A chairman, who shall be the chief presiding officer at all meetings of the Commission, have the necessary authority to act for the Commission in times of emergency and when appropriate to expedite measures revolved upon by the Commission or to enforce this ordinance or the regulations of the Commission; the Chairman shall countersign all orders, vouchers and contracts on behalf of the Commission.

b. A vice-chairman, who shall act for the Chairman in the absence or disability of the Chairman and for the Secretary, in the absence of disability of the Secretary.

c. A Secretary, who shall keep an accurate record of all of the proceedings and transactions of the Commission, report the same to each member County, and sign all orders, vouchers and contracts on behalf of the Commission.

3. Administrative and staff assistance. The Commission shall be expected to meet as many of its needs in operating the Airport as possible through the voluntary services of those individuals most interested in and actively using the Airport, but the following administrative and staff assistance shall also be made available to the Commission:

a. The Iowa County Clerk shall manage the keeping of the accounts of the Commission. All monies appropriated for, earned by or made available to the Commission shall be deposited with the Iowa County Treasurer in a special fund and paid out only on order of the Commission, signed by the secretary and countersigned by the Chairman of the Commission; the Iowa County Clerk shall also act as legal custodian of all original and official documents submitted to or on behalf of the Commission.

b. The chairman of each county shall be available for consultation by the Commission and shall arrange for provision of appropriate legal, financial and administrative or technical services as may be required by the Commission and available through regular county officers or employees.

c. The Commission may employ a manager and engage such other services as it may deem necessary; however, no person hired or engaged by or on behalf of the Commission shall be deemed an employee of any county, nor of Iowa, Richland and Sauk Counties, collectively, unless so authorized specifically by each county board of supervisors. No agreement or contract for services on behalf of the Commission shall be valid unless in writing, and any financial obligations arising thereunder shall be binding only to the extent of unexpended appropriations and other cash reserves held by the Commission, itself.

d. The County Clerk of the county represented by the Commissioner acting as the secretary shall provide clerical assistance to the secretary, with regard to typing and distributing meeting notices, minutes, correspondence, and other materials as requested; copies of all meeting notices and minutes shall be distributed to the clerks of the other two (2) counties and each clerk shall post and distribute all meeting notices and other materials in accordance with the Wisconsin Open Meetings Law and other applicable requirements imposed by Statute, ordinance or rule.

(b) Meetings. The Commissioner shall meet, at the call of the chairman or any two (2) Commissioners, at least once each month to review Airport operations and financial matters, discuss proposed Airport development and conduct such other business as may properly concern it. All meetings of the Commission shall comply with the Wisconsin Open Meetings Law, with notice to the public to be effectuated by the clerk of each county, in the same manner as are notices of other county meetings. Two (2) Commissioners shall constitute a quorum at any regular or special meeting. The Commission shall meet at the Airport, at least quarterly, so that the members may physically inspect and review Airport facilities and operations.

(c) Compensation. Subject to the availability of Commission funds, members of the Commission shall be paid thirty dollars (\$30.00) per day for attendance at Commission meetings or upon other authorized business of the Commission and shall receive twenty cents (20¢) per mile for each mile for which personal transportation is used in attendance upon or the conduct of Commission business; except as specifically authorized by their

respective county board, commissioners shall be paid solely from Commission funds.

(d) Insurance. The Commission shall procure and maintain in force suitable forms and levels of insurance to protect the counties, the Commission, individual commissioners and other agents and employees of the Commission from any liability arising from the operation of the Airport.

(2) Policies and procedures.

(a) General. At all times, it shall be the policy of the Commission to attempt to identify the nature and magnitude of those public interests which can most efficiently be served by the operation, maintenance and development of the Airport and to attempt to determine those methods of operation which will best serve the public purposes of the Airport without exceeding the limited, county taxpayer dollars available. Consistent with this overall policy, the following policies and procedures shall govern the activities of the Commission.

1. The Commission shall encourage and utilize wherever possible voluntary contributions and services and shall refrain from engaging in any activity or providing any service using public employees or funds that can be conducted or provided satisfactorily by private parties.

2. The Commission shall regularly review all activities at the Airport, determine the kinds and amounts of user fees and charges available to it and recommend the same to the Owner for adoption as part of this ordinance.

3. The Commission shall do everything in its power to ensure that the public shall never be deprived of equal and uniform uses of the Airport, that no person shall be illegally or unjustly discriminated against in access to any service or facility available to the public at the Airport, and that no area of the Airport shall be devoted to the exclusive personal, business or commercial use of any person, whatsoever, except on the basis of adequate compensation or rent paid to the benefit of the Airport. Any agreements concerning the use of the Airport, including the conduct of any business or activity thereon on a regular basis, shall be reduced to writing in a form approved by the Owner as part of this ordinance. Furthermore, special events to be conducted by nonprofit groups may be approved and allowed by the Commission on such terms as the Commission

deems appropriate, provided that adequate arrangements are made to ensure that neither the Owner, the Commission nor any county shall be liable nor made a surety for any such event.

(b) Financial.

1. All monies appropriated for the construction, improvement, equipment or maintenance or operation of the Airport or earned by such Airport or made available for its construction, improvement, equipment, maintenance or operation in any manner whatsoever shall be deposited with the Treasurer of Iowa County, where such monies shall be kept in a special fund and paid out only on order of the Airport Commission drawn and signed by the secretary and countersigned by the chairman of the Commission.

2. No charges, bills, costs, expenses or other demands for payment of any sort shall be valid and binding against the Commission unless specifically authorized by the Commission in open meeting; except for good cause stated in its minutes, the Commission shall require that requests for authorization be made prior to the occurrence of any such obligation.

3. The Commission shall, in accordance with the normal budgetary procedures of each county, prepare and submit an annual budget setting forth the amount of any requested appropriation from each county, anticipated revenues and expenditures for Commission activities in the forthcoming year, and a statement of actual and estimated revenues and expenditures for the current year, in such detail and together with such additional information as may be requested by any county. The Commission shall work closely with the Iowa County Clerk in maintaining the accounts of the Commission in sufficient detail and form so as to maintain sound control and provide for adequate information to the Commission and county officers in evaluating the efficiency of Airport operations and for future planning. However, the Commission shall cooperate with, and receive the cooperation of, all county officers and employees to the end that the officers of each county may be informed and familiar regarding the affairs of the Commission and so that the Commission may most effectively utilize county resources made available to it.

**40.04 Airport Operation.** The operation of the Airport, including all activities by the Commission or of any person on the Airport or in connection therewith, shall be subject to the following regulations. The Commission may adopt additional regulations not inconsistent with this ordinance which it may determine to be in the interest of the Airport or appropriate to effectuate the intent of this ordinance or to protect the interests of the Owner.

(1) Establishment of land use areas; designation of permitted and restricted uses; Airport layout plan.

(a) Establishment of land use areas. For the purpose of encouraging the planned and orderly development of the Airport, promoting those public interests which can most efficiently be served by the careful operation, maintenance and development of the Airport, to protect general county taxpayers' interest in existing investments in the Airport, and to protect the health, safety and general welfare of all members of the public using or desiring to use Airport facilities, the Commission shall establish regulations to determine, establish, regulate and restrict:

1. General areas within which specific uses or classes of use shall be permitted, including without limitation because of enumeration:

a. The segregation of commercial and other areas open to the general public from private hangar, high-risk and agricultural areas from which the general public may be excluded.

b. Segregation of types of uses according to mutual compatibility, special requirements, convenience to the public, etc.

c. Restrictions on the location, height, bulk and size of buildings and other structures, including provision for lot sizes, building setbacks and design, public access, parking and open area requirements.

2. The location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered.

3. Designation of certain areas, uses or purposes which may be subjected to additional, special regulation.

(b) Designation of permitted and restricted uses. Only such uses and activities which are aeronautical in nature or which bear a

reasonable and rational role in supporting the aeronautical functions served by the Airport shall be permitted; the Commission shall establish leases or other written agreements, amendments to this ordinance, or temporary regulations setting forth the basis for each use or activity to be conducted at the Airport; however, the identities of persons authorized to engage in such uses or activities and the period of time such persons are so authorized need not individually be approved by the Owner, so long as the form and substance of the permitted use or activity has been approved in accordance with this ordinance. However, at all times the following special restrictions shall apply:

1. No person shall engage in the activity of storing, transporting or dispensing of aviation fuels or other volatile or hazardous substances except those persons holding a written lease or agreement, as authorized by this ordinance, to do so and provided further that:

a. The storage of all aviation fuel shall be in underground tanks only and, insofar as possible, such fuel storage shall be restricted to clearly identified and adequately protected areas.

b. No person shall engage in the activity of storing, transporting or dispensing of aviation fuels to the general public except on FBO authorized to do so, in accordance with Section 40.04(2)(c) of this ordinance.

2. No person shall engage in crop dusting or the aerial application of noxious substances, in any form and for any propose whatsoever, except those persons authorized to do so by written agreement, authorized in accordance with this ordinance, specifically providing:

a. For compliance with all applicable federal, state and local regulations with respect to all aspects of the transportation, storage, handling and application of such crop dusting or other noxious substances.

b. A detailed description of the area of the Airport to be used, the times of such use, and such other provisions as may be deemed necessary to safeguard the public and protect the interests of the Airport and other users.

(c) Airport layout plan. The Commission shall develop and maintain in current form an Airport layout plan, which shall be in the form of a graphic diagram or map of the Airport, together with such additional descriptive material as may be deemed appropriate by the Commission

to depict the various land use areas established on the Airport, existing development and such regulations or restrictions as may be applicable thereto and in a form which permits clear graphic representation. Copies of the Airport layout plan shall be posted in a public area at the Airport, maintained with the official records of the Commission, and provided to the office of the County Clerk of each county, so that the Owner, general public, taxpayers and other persons especially interested in the affairs of the Airport may be better informed of the same.

(2) Regulation of activities at the Airport. The Commission shall have all powers necessary to ensure the safe and orderly operation of the Airport, insofar as consistent with the provisions of this ordinance. The Commission may make such orders and adopt such regulations in the exercise of their powers as they may deem necessary; such orders and regulations may be effective immediately upon adoption by the Commission, but the Commission shall insofar as practicable prepare and present to the Owner appropriate amendments to this ordinance reflecting such additional regulations so that each county board and members of the public may more easily be informed. The following regulations, as well as any additional regulations adopted by the Commission as aforesaid, shall govern all activities at the Airport.

(a) General traffic and land use regulations. In order to carry out the purposes and provisions of this ordinance, promote harmonious and beneficial development and use of the Airport, and to ensure the safety of aircraft, aircraft passengers and the general public, it shall be unlawful and a violation of this ordinance for any person, firm, business organization or other association of persons to do or cause to be done any of the following on the Airport:

1. To enter in person or to operate or park any vehicle in or upon any runway, taxiway, ramp, tie-down area, cultivated lands or any other area fenced or posted by signs prohibiting entrance thereon, contrary to such signs or applicable regulations.

2. To travel afoot beyond specifically designated pedestrian areas, unless for the purpose of embarking in or disembarking from an aircraft, or unless specifically authorized by the manager of the Airport.

3. To operate any vehicle in excess of posted speed limits or contrary to any sign, visible marking or barrier established to regulate vehicle traffic.

4. To park any vehicle outside of designated areas or contrary to posted signs, visible markings or other barriers.

5. To enter into any area or engage in any activity contrary to posted signs, visible markings or other barriers established in accordance with this ordinance.

(b) Aircraft. The following regulations shall apply to the operation of all aircraft on the Airport, in addition to such other regulations, restrictions and requirements arising under other provisions of this ordinance; no activity on or use of the Airport shall be exempted from any regulation solely because conducted from or in an aircraft unless so specifically provided.

1. Aircraft ground access to the Airport shall not be allowed, except under emergency conditions or when the aircraft has been dismantled or transported on another vehicle and is brought onto the Airport in a manner consistent with regulations established under this ordinance.

2. Aircraft shall not be parked in any area except those specifically designated for aircraft parking.

3. No person shall operate or suffer, cause or permit the operation of an aircraft upon any runway, taxiway or apron at the Airport which is in excess of the designated maximum load-bearing capacity of said taxiway, runway or apron. Such designation shall be either by an official FAA "Notice to Airmen" (NOTAM), a filing in the official Federal Aviation Administration master record or, where appropriate, by posted sign or visible marking or other barrier.

(c) Commercial activities. In order to encourage the development of adequate aeronautical services and facilities, foster the economic health and orderly development of commercial aeronautical operators at the Airport while ensuring the public of equal and uniform use of and opportunity to benefit from the Airport, the following regulations shall apply to all commercial activity on the Airport.

1. No person shall engage in any business or commercial activity, whatsoever, on the Airport except under the terms and conditions prescribed in a written agreement between such

person or person's employer and the Commission, and provided further that the written agreement shall have been approved by the Owner, at least as to form, as part of this ordinance, except in transit use of public areas.

2. Any Fixed Base Operator (FBO) conducting any aeronautical business on the Airport shall meet applicable minimum standards approved by the Owner as part of this ordinance and obtain a written lease from the Commission in a form approved as part of this ordinance, which lease shall describe the premises of the Airport to be devoted to the use of the Fixed Base Operator and contain:

a. A description of the specific service(s) to be engaged in by the FBO.

b. The minimum requirements applicable to such service(s), as adopted and attached as part of this ordinance.

c. Provisions required by Section 40.04(3)(a) of this ordinance.

(d) Building restrictions.

1. No building shall be constructed or structurally altered on the Airport unless specifically authorized under the terms of a written lease signed by the Commission in accordance with the provisions of this ordinance.

2. All buildings shall conform to applicable state and local codes, Airport regulations and lease provisions. Building plans shall be subject to the approval of the Commission, the Wisconsin Department of Industry, Labor and Human Relations, Wisconsin Division of Aeronautics, the Federal Aviation Administration, and such other federal, state or local agencies having jurisdiction under current law.

(3) Reservation of rights, minimum liability insurance and indemnification provisions; other mandatory lease clauses.

(a) Reservation of rights. The following rights shall be reserved to the Commission in the operation of the Airport and no agreement, of any form entered into at any time, shall impair, hinder or interfere with the exercise of these rights:

1. To further develop or improve the landing area of the Airport as the Commission sees fit. If the physical development of the Airport requires the relocation of any lessee or other private party to an agreement with the Commission, the Commission shall, if possible,

provide a comparable location and may assume responsibility for the relocation of all buildings.

2. To maintain and keep in repair the landing area of the Airport and all publicly-owned facilities of the Airport, together with the right to direct and control all activities of all persons maintaining property on the Airport, in this regard.

3. To enter into any agreement between itself and the United States, or between itself and the State of Wisconsin, relative to the operation or maintenance of the Airport, or related facilities, the execution of which has been or may be required as a condition precedent to the expenditure of federal or state funds for the development of the Airport and any agreement with any person for rights in the use of the Airport shall be subordinate to such agreements with the United States or State of Wisconsin.

4. To take any action it considers necessary to protect the aerial approaches of the Airport against obstruction, and to prevent any person from erecting, or permitting to be erected, any building or other structure on the Airport which, in the opinion of the Commission, would limit the usefulness of the Airport or constitute a hazard to aircraft.

5. To lease the landing area or any part thereof to the United States government for military use during time of war or national emergency, and if such lease is executed, the provisions of any instrument or agreement with any person, insofar as they are inconsistent with the provisions of the lease to the Government, shall be suspended.

6. To suspend or terminate, without liability to any party insofar as permissible under federal or Wisconsin law, all operations at the Airport by the Commission or any person, notwithstanding the provisions of any separate agreement, for any reason deemed sufficient by the Commission, including but not limited to the following:

a. Any hazardous or unsafe condition.

b. Any threat to the present or future interests of the Airport or of the Owner.

c. If it appears that insufficient Commission funds exist to permit the continuation of operations in a reasonable and safe manner.

d. If the Owner or any county determines to rescind the authority of the Commission or to withdraw from the Commission.

(b) Required indemnification and minimum liability insurance provisions.

1. Policy. In entering into any leases or agreements of any kind, whatsoever, the Commission shall never become or allow itself, the Owner nor any county to be made liable or a surety for any event, activity or operation or the exercise of any privilege or right, except insofar as the same may be directly responsibilities to control discharge of its responsibilities to control and manage the Airport consistent with the provision of this ordinance.

2. Required indemnification provisions. Any lease or agreement of any kind, whatsoever, entered into by the Commission with regard to the conduct of any event, activity or operation or the exercise of any privilege or right, except insofar as may be directly related to the Commission's discharge of its responsibilities to control and manage the Airport consistent with the provisions of this ordinance, shall contain a provision that the person entering into the lease or agreement with the Commission shall indemnify and hold the Commission, the Owner and the counties harmless from any and all claims, suits, settlements, judgments, costs, damages, expenses and all other liabilities which may accrue against, be charged to or recovered from the Commission, the Owner, or the counties by reason or on account of any injury, harm, damage or violation of law arising from the event, activity, operation, or exercise of privilege or right under the lease agreement, except when caused by the negligence of the Commission, Owner or counties.

Any lessee or permittee shall carry appropriate contractual liability insurance to provide the necessary financial backing for this hold harmless agreement. In the absence of the availability of appropriate contractual liability insurance, other appropriate insuring techniques, deemed acceptable by the Commission, may be used to accomplish the same end of providing the necessary financial backing for this hold harmless agreement.

3. Minimum limits of liability insurance. In addition to any provision of this ordinance specifying required minimum levels and forms of insurance applicable, the Commission

may require additional forms and higher levels of insurance for any event, activity or operation or the exercise of any privilege or right at the Airport; any lease or agreement shall specify the forms and levels of liability insurance applicable thereto, insofar as practicable, and any lessee or permittee shall file with the Commission a proper certificate of insurance or, upon request, copies of required policies.

Any lease or agreement shall contain provisions requiring that the Commission be notified not less than ten (10) days prior to any change in existing coverages and, further, that said lease or agreement shall be subject to cancellation and termination by the Commission, in the event said insurance coverages are terminated, altered or changed in any manner contrary to this ordinance or the applicable lease or agreement, at the sole discretion of the Commission, without notice, and without penalty.

Any insurance coverages and limits required by this ordinance are deemed to constitute minimum levels of coverage. At all times it shall be the entire and complete responsibility of any lessee or permittee to ascertain and carry sufficient limits and proper coverages to adequately protect against all exposures to potential loss resulting from the operations and activities which pertain to any lease or agreement for use of the Airport.

The specified minimum limits of insurance shall be subject to review by the Commission, if in its judgment the Commission determines that adjustments are necessary for the protection of the Commission or counties. Amendments may be made to any lease or agreement specifying other, additional coverages and/or minimum limits to be required.

### **Comprehensive General Liability**

To Include:

Premises/Operations  
Products/Completed Operations  
Contractual Liability Coverage

Amount of Coverage (as applicable to all forms indicated):

Not less than \$500,000 combined single limit or  
\$500,000 each person (B.I.); \$500,000 each accident (B.I.); \$500,000 each accident (P.D.)

### **Aircraft Liability**

To Include:

Standard form of coverage

Amount of Coverage:

Not less than \$500,000 combined single limit or  
\$500,000 each person (B.I.); \$500,000 each accident (B.I.); \$500,000 each accident (P.D.)

### **Automobile Liability**

To Include:

All vehicles and trailers used, whether owned, nonowned or hired

Amount of Coverage:

Not less than \$500,000 combined single limit or  
\$500,000 each person (B.I.); \$500,000 each accident (B.I.); \$500,000 each accident (P.D.)

### **Hangar-Keeper's Liability**

To Include:

Standard form of Coverage

Amount of Coverage:

Not less than \$500,000 combined single limit or  
\$500,000 each person (B.I.); \$500,000 each accident (B.I.); \$500,000 each accident (P.D.)

### **Hangar-Keeper's Legal Liability**

To Include:

Standard form of coverage

Amount of Coverage:

To equal full value of all aircraft in hangar-keeper's care, custody, or control

### **Tenants of Commission-owned Hangars**

Tenants must maintain, at their expense, general liability insurance which shall be paid in full force and effect during the term of any Lease, with a per occurrence policy limit of not less than \$1,000,000.00. This insurance shall be issued by a company licensed to do business in the State of

Wisconsin and the Commission shall be named as an additional insured on the policy.

### **Worker's Compensation**

Statutory form and limits

(c) Other mandatory lease clauses.

1. Each lease for ground space at the Airport entered into by the Commission shall include such of the following clauses as are required from time to time, by the State and Federal Governments:

- a. Nondiscrimination clauses.
- b. Affirmative action assurances.
- c. Nonexclusive rights clauses.
- d. Other mandated language.

2. The most current amendment or form of such mandatory lease clauses shall be included in each lease at the time of execution.

**40.05 Fees, Charges and Rents. (1)** Statement of policy. It shall be the policy of the Commission to establish and maintain fees, charges and rents whereby the Airport will be as self-sufficient as possible, so that the Airport may continue to serve in the best possible manner those public purposes dependent upon it without exceeding the limited county and other public taxpayer dollars available. Consistent with this policy, all fees, charges and rents shall be subject to periodic review and adjustment, so that the Airport may recover from each user, where possible, a reasonable percentage of its proportionate share of the cost of providing, maintaining, operating and administering the facilities benefiting each such user. Each lease or other written agreement requiring the payment of fees, charges or rents to the Commission shall specify a procedure by which the same may be reviewed and adjusted upon such terms as shall be set forth therein.

(2) Fuel flowage fee. The Commission shall receive a fuel flowage fee of four cents (4¢) per gallon for all fuel delivered to any person engaged in the activity of storing, transporting or dispensing of such fuels to the general public.

(3) Miscellaneous charges. The amounts of fees, charges and/or rents payable to the Commission shall be specified in any lease or

agreement, of any kind whatsoever, entered into by the Commission, in accordance with this ordinance.

**40.06 Penalties and Enforcement.** Any person who shall violate any provision of this ordinance, each occurrence or day during which such violation exists constituting a separate offense, shall be subject to the following penalties and actions in enforcement of this ordinance:

(1) A cash forfeiture to be paid to the Commission of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), plus court costs, for each such violation.

(2) An action for an injunction and/or damages to be brought by counsel for the Commission in appropriate cases, to prevent continuing violations, remedy conditions arising from violations, and/or to require violators to compensate the Commission or other persons who have previously acted to remedy conditions arising from violations of this ordinance.

(3) Debarment from any right, privilege or interest in continued use of the Airport, at the discretion of, and for such period of time as may be deemed appropriate by, the Commission.

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## **MINIMUM REQUIREMENTS FOR AIRPORT AERONAUTICAL SERVICES TRI- COUNTY AIRPORT**

### **INTRODUCTION**

Pursuant to Section 40.04(2)(c)2.b. of the ordinance entitled, "*Operation of Tri-County Airport*", jointly adopted by the County Boards of Iowa, Richland and Sauk County, the following minimum requirements are adopted and incorporated into said ordinance and made applicable to any person based upon and engaging in one (1) or more aeronautical services at the Tri-County Airport, Spring Green, Sauk County, Wisconsin, in order to encourage the development of adequate aeronautical services and facilities, and foster the economic health and orderly development of commercial aeronautical operators at the Airport while ensuring the public of equal and uniform use of and opportunity to benefit from the Airport. Additional restrictions and regulations may arise under various provisions of the

ordinance or by operation of regulations adopted by the Tri-County Airport Commission.

(a) Aircraft sales.

1. Statement of concept. An aircraft sales operator is a person engaged in the sale of new or used aircraft through franchises or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise; and provides such repair, services, and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by him.

2. Minimum standards.

a. The Operator shall lease from the Commission an area of not less than 10,000 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted and which shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area to accommodate at least five (5) automobiles.

b. The Operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop operator at the Tri-County Airport. The Operator shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The Operator who is engaged in the business of selling new aircraft shall have available on call at least one (1) single engine demonstrator.

c. The Operator shall carry the following types of insurance, in accordance with the minimum limits and provisions specified in Section 40.04(3)(b) of the ordinance:

1. Comprehensive General Liability.
2. Aircraft Liability.
3. Automobile Liability.
4. Worker's Compensation.

d. The Operator shall have his premises open and services available eight (8) hours daily, five (5) days a week.

e. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers

as are required to meet the minimum standards set forth, in an efficient manner, but never less than one (1) person having a current, effective commercial pilot certificate with single engine rating and instructor rating. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

(b) Airframe and power plant repair facilities.

1. Statement of concept. An aircraft engine and airframe maintenance and repair operator is a person providing one (1) or a combination of airframe and power plant repair services, but with at least one (1) person currently certified by the FAA with ratings appropriate to the work being performed. This category of aeronautical services shall also include the sale of aircraft parts and accessories, but such is not an exclusive right.

2. Minimum standards.

a. The Operator shall lease from the Commission an area of not less than 10,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space for airframe and power plant repair services including a segregated painting area, all meeting with local and State industrial code requirements, and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted and which shall provide telephone facilities for customer use. The Operator shall provide parking space within the leased area to accommodate at least five (5) automobiles.

b. The Operator shall carry the following types of insurance, in accordance with the minimum limits and provisions specified in Section 40.04(3)(b) of the ordinance:

1. Comprehensive General Liability.
2. Aircraft Liability.
3. Automobile Liability.
4. Hangar-Keeper's Liability.
5. Hangar-Keeper's Legal Liability.
6. Worker's Compensation.

c. The Operator shall have his premises open and services available eight (8) hours daily, five (5) days each week.

d. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers

as are required to meet the minimum standards set forth in this category of services in an efficient manner, but never less than one (1) person currently certified by the FAA with ratings appropriate to the work being performed and who holds an airframe, power plant or an aircraft inspector rating, and one (1) other person not necessarily rated. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

(c) Aircraft rental.

1. Statement of concept. An aircraft rental operator is a person engaged in the rental of aircraft to the public.

2. Minimum standards.

a. The Operator shall lease from the Commission an area of not less than 10,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted and provide telephone facilities for customer use. The Operator shall provide auto parking space within the leased area to accommodate at least five (5) automobiles.

(b) The Operator shall have available for rental, either owned or under written lease to Operator, not less than two (2) certified and currently airworthy aircraft, at least one (1) of which must be a four-place aircraft, and at least one (1) of which must be equipped for and capable of flight under instrument conditions.

(c) The Operator shall carry the following types of insurance, in accordance with the minimum limits and provisions specified in Section 40.04(3)(b) of this ordinance (student and renters' liability endorsement, as necessary, to be procured for each coverage):

1. Comprehensive General Liability.
2. Aircraft Liability.
3. Automobile Liability.
4. Worker's Compensation.

d. The Operator shall have his premises open and services available eight (8) hours daily, five (5) days a week.

e. The Operator shall have in his employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards in

an efficient manner, but never less than one (1) person having a current commercial pilot certificate with appropriate ratings, including instructor rating. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

(d) Flight Training.

1. Statement of concept. A flight training operator is a person engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

2. Minimum standards.

a. The Operator shall lease from the Commission an area of not less than 10,000 square feet of ground space and on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 500 square feet of floor space for office, classroom, briefing room, pilot lounge and rest rooms, which shall be properly heated and lighted and provide telephone facilities for customer use. The Operator shall provide auto parking space within the leased area to accommodate at least five (5) automobiles.

b. The Operator shall have available for use in flight training, either owned or under written lease to Operator, not less than two (2) properly certificated aircraft, at least one (1) of which must be a four-place aircraft, and at least one (1) of which must be equipped for and capable of use in instrument flight instruction.

c. The Operator shall carry the following types of insurance, in accordance with the minimum limits and provisions specified in Section 40.04(3)(b) of this ordinance (student and renters' liability endorsement, as necessary, to be procured for each coverage):

1. Comprehensive General Liability;
2. Aircraft liability;
3. Automobile Liability; and
4. Worker's Compensation.

d. The Operator shall have his premises open and services available eight (8) hours daily, five (5) days a week.

e. The Operator shall have on a full-time basis at least one (1) flight instructor who has been properly certificated by the FAA to provide the type of training offered. The Operator shall

have available for call on a part-time basis at least one (1) flight instructor who has been properly certified by the FAA to provide the type of training offered. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

(e) Aircraft fuels and oil dispensing service.

1. Statement of concept. Line services shall include the sale and into-plane delivery of recognized brands of aviation fuels, lubricants and other related aviation petroleum products. The Operator shall provide servicing of aircraft, including ramp assistance and the parking, storage and tie down of aircraft within the leased area.

2. Minimum standards.

a. The Operator shall lease from the Commission an area of not less than 10,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted and provide telephone facilities for customer use. The Operator shall provide auto parking space within the leased area to accommodate at least five (5) automobiles.

b. The Operator shall provide at least one (1) 10,000 gallon fuel storage tank at the Tri-County Airport and maintain an adequate supply of fuel on hand at all times. The Operator shall provide at least one (1) metered, filter-equipped dispenser, fixed or mobile, for dispensing the fuel. Separate dispensing pumps and meters are required for each grade of fuel.

The Operator shall provide such minor repair service that does not require a certificated, mechanical rating, and cabin services, to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the Operator.

The Operator shall make provision for the transportation of pilots and passengers of transient general aviation aircraft using the Operator's facilities and services from and to the Operator's office and the Tri-County Airport terminal area.

The Operator shall procure and maintain tools, jacks, towing equipment, tire repairing equipment, energizers and starters, heaters, oxygen supplies, fire extinguishers and passenger loading

steps as appropriate and necessary for the servicing of general aviation aircraft using the Airport. All equipment shall be maintained and operated in accordance with local and state industrial codes.

c. The Operator shall carry the following types of insurance, in accordance with the minimum limits and provisions specified in Section 40.04(3)(b) of this ordinance:

1. Comprehensive General Liability.
2. Aircraft Liability.
3. Automobile Liability.
4. Hangar-Keeper's Liability.
5. Hangar-Keeper's Legal Liability.
6. Worker's Compensation.

d. The Operator shall have his premises open for aircraft fueling and oil dispensing service for five (5) days a week.

e. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner. The Operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.

(f) Radio, instrument or propeller repair station.

1. Statement of concept. A radio, instrument or propeller repair station operator is a person engaged in the business of and providing a shop for the repair of aircraft radios, propellers, instruments and accessories for general aviation aircraft. This category shall include the sale of new or used aircraft radios, propellers, instruments and accessories, but such is not an exclusive right. The Operator shall hold the appropriate repair shop certificates issued by the FAA.

2. Minimum standards.

a. The Operator shall lease from the Commission an area of not less than 10,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space to hangar at least one (1) aircraft, to house all equipment, and to provide an office, shop, customer lounge and rest rooms, all properly heated and lighted and shall provide telephone facilities for customer use. The Operator shall provide auto parking space within the leased area.

b. The Operator shall carry the following types of insurance, in accordance with

the minimum limits and provisions specified in § 40.04(3)(b) of this ordinance:

1. Comprehensive General Liability.
2. Aircraft Liability.
3. Automobile Liability.
4. Hangar-Keeper's Liability.
5. Hangar-Keeper's Legal Liability.
6. Worker's Compensation.

c. The Operator shall have his premises open and services available eight (8) hours daily, five (5) days each week.

d. The Operator shall have in his employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than one (1) person who is a FAA rated radio, instrument or propeller repairman and one (1) other repairman who need not be rated by the FAA.

(g) Aircraft charter and air taxi.

1. Statement of concept. An aircraft charter and air taxi operator is a person engaged in the business of providing air transportation (persons or property) to the general public for hire, either on a charter basis (commercial operation) or as an air taxi operator, as defined in the Federal Aviation Act.

2. Minimum standards.

a. The Operator shall lease from the Commission an area of not less than 10,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted and provide telephone facilities for customer use. The Operator shall provide auto parking space within the leased area to accommodate at least five (5) automobiles.

b. The Operator shall provide, either owned or under written lease to Operator, not less than one (1), single-engine, four-place aircraft which must meet the requirements of the air taxi commercial operator certificate held by the Operator, including instrument operations.

c. The Operator shall carry the following types of insurance, in accordance with the minimum limits and provisions specified in Section 40.04(3)(b) of this ordinance:

1. Comprehensive General Liability.
2. Aircraft Liability.
3. Automobile Liability.
4. Worker's Compensation.

d. The Operator shall have his premises open and services available eight (8) hours daily, five (5) days each week.

e. The Operator shall have in his employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than at least one (1), FAA certified commercial pilot and otherwise appropriately rated to permit the flight activity offered by Operator. The Operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.

(h) Specialized commercial flying services.

1. Statement of concept. A specialized commercial flying services operator is a person engaged in air transportation for hire for the purpose of providing the use of aircraft for the activities listed below:

- a. Nonstop sightseeing flights that begin and end at the same airport.
- b. Crop dusting, seeding, spraying, and bird chasing.
- c. Banner towing and aerial advertising.
- d. Aerial photography or survey.
- e. Fire fighting.
- f. Power line or pipe line patrol.
- g. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

2. Minimum standards.

a. The Operator shall lease land from the Commission and the lease shall include a building sufficient to accommodate all activities and operations proposed by the Operator. The minimum areas and building requirements in each instance shall be subject to the approval of the Commission. In the case of crop dusting or aerial application, the Operator shall make suitable arrangements and have such space available in the leased area for safe loading and unloading and storage and containment of chemical materials. All Operators shall demonstrate that they have the

availability of aircraft suitably equipped for the particular type of operation they intend to perform.

b. The Commission shall set the minimum insurance requirements as they pertain to the particular type of operation to be performed. These minimum requirements shall be applicable to all operations of a similar nature. All Operators will, however, be required to maintain the following types of coverage:

1. Comprehensive General Liability.
2. Aircraft Liability.
3. Automobile Liability, if applicable.
4. Worker's Compensation, if applicable.

c. The Operator shall have in his employ and on duty during appropriate business hours trained personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner. The Operator must provide, by means of an office or a telephone, a point of contact during appropriate business hours, for members of the public desiring to utilize Operator's services.

(i) Multiple services.

1. Statement of concept. A multiple services operator shall be one who engages in any two (2) or more of the aeronautical services for which minimum standards have been provided in this ordinance.

2. Minimum standards (combinations not including fuels and oil dispensing service).

a. The Operator shall lease from the Commission an area not less than 15,000 square feet of ground space (10,000 square feet for repair shop only combinations) for aircraft storage, parking and other use in accordance with the services to be offered, on which shall be erected a building to provide at least 3,000 square feet (2,500 square feet for repair shop only combinations) for aircraft storage and at least 750 square feet (500 square feet for repair shop only combinations) of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted, and provide telephone facilities for customer use.

If *flight training* is one (1) of the multiple services offered, the Operator shall provide classroom and briefing room facilities in the aforementioned building.

The Operator shall provide parking space within the leased area to accommodate at least eight (8) automobiles.

b. The Operator shall comply with the aircraft requirements, including the equipment thereon, for each aeronautical service to be performed except as hereinafter provided.

Multiple uses can be made of all aircraft except aircraft used for crop dusting, aerial application, or other commercial use of chemicals.

The Operator, except if he is performing combinations of multiple services for which aircraft are not required, shall have available and based at the Tri-County Airport, either owned by Operator or under written lease to Operator, not less than two (2) certified and currently airworthy aircraft. These aircraft shall be equipped and capable of flight to meet the minimum standards as hereinbefore provided for each aeronautical service to be performed.

The Operator shall provide the equipment and services required to meet the minimum standards as hereinbefore provided for each aeronautical service the Operator is performing.

c. The Operator shall obtain, as a minimum, that insurance coverage which is equal to the highest individual insurance requirement of all the aeronautical services being performed by Operator.

d. The Operator shall adhere to the hours of operation required for each aeronautical service being performed.

e. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each aeronautical service Operator is performing as hereinbefore provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Operator, except such multiple responsibilities may not be assigned to FAA certificated repair stations.

(j) Flying clubs. The following requirements pertain to all flying clubs desiring to base their aircraft on the Airport and be exempt from the minimum standards set forth for other Fixed Base Operators.

Flying club organizations. Each club must be a nonprofit Wisconsin corporation or partnership. Each member must be a bona fide

owner of the aircraft. The club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual cost of operation, maintenance, and replacement of its aircraft than the amount necessary for the actual cost of operation, maintenance, and replacement to its aircraft. The club will file and keep current with the Commission a complete list of the club's membership and investment share held by each member, and a copy of the Charter and By-laws of the club.

Aircraft. The club's aircraft will not be used by other than bona fide members for rental and by no one for hire, charter, or air taxi. Student instruction can be given by a lessee based on the Airport who provides flight training.

Violations. In the event that the club fails to comply with these conditions, the Commission will notify the club in writing of such violations. If the club fails to correct the violations in fifteen (15) days, the Commission may take any action deemed advisable by it.

Insurance. The Operator shall carry the following types of insurance, in accordance with the minimum limits and provisions specified in Section 40.04(3)(b) of this ordinance:

1. Comprehensive General Liability.
2. Aircraft Liability.
3. Automobile Liability.
4. Worker's Compensation, if applicable.

Additional insurance may be required in keeping with particular types of operations proposed by the club.

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As adopted by the Sauk County Board of Supervisors on July 12, 1982. Amended by the Sauk County Board of Supervisors on July 19, 2005 – Ordinance No. 101-05.