

**CHAPTER 9  
AIRPORT AND AVIATION**

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AIRPORT AND AVIATION

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**CHAPTER 9  
AIRPORT AND AVIATION**

**ARTICLE I. IN GENERAL**

**Sec. 9-1 Airport commission.**

(a) There is created an Airport Operations Commission consisting of five commissioners, one of whom shall be a member of the County Board, and one commissioner shall have a special interest in the impact of the airport on the surrounding community and one commissioner shall have a special interest in aeronautics. Commissioners shall serve terms of six years and the terms for commissioners shall end in successive calendar years. The provisions of Section 7-94 of the County Code of Ordinances shall apply to members of the Commission.

(b) The Airport Operations Commission shall elect one member chair, and one secretary. The secretary shall keep an accurate record of all of the proceedings and transactions of the Airport Commission and report such to the governing body.

(c) The Airport Operations Commission shall at the County Board's regular meeting in June make an annual report to the County Board regarding the proceedings and transactions of the Commission.

(d) The Airport Operations Commission shall be governed by the County Code of Ordinances with regard to assisting with preparation and submission of a budget.

(e) The Airport Operations Commission shall be responsible for reviewing, advising and assisting Airport management by reviewing and commenting on airport improvements and master plans, proposed capital improvements, annual airport budget, airport rules and regulations and airport operational procedures.

(f) The Airport Operations Commission shall hear public and airport user comments regarding the airport operations.

(g) The Airport Operations Commission shall focus on the development of the airport as an economic attribute by promoting enhanced corporate use and provide direction and advice on establishing the Airport fund as self-sufficient.

(h) In no case shall the public be deprived of equal and uniform use of the airport.

(i) The Airport Operations Commission shall act as liaison to the County Executive and County Board on all matters concerning Airport construction, improvements, equipment, maintenance and operations, including the establishment of fees or charges for the use of the airport.

(j) The Airport Operations Commission shall be aware of and advise on matters relating to local, state and federal rules and regulations regarding airport operations, understanding that the operation of the airport is subject to all of the above.

(Ord. No. 146-137, §1(d), 3-17-92; Ord. No. 147-31, §1(a), 6-23-92; Ord. No. 165-19, 06-25-2010)

**Editor's note** - Section 1(b) of Ordinance 147-31, adopted June 23, 1992, set out the effective date for the implementation of the Airport Commission as July 1, 1992.

**Cross reference** - Public works committee, § 4-130.

**Secs. 9-2 - 9-25 Reserved.**

**ARTICLE II. COUNTY AIRPORT**

DIVISION 1. Generally

**State law reference** - Authority to establish, maintain, etc., airport, Wis. Stat. §§ 114.11-114.13.

**Sec. 9-26 Reserved.**

**Editor's note** - Section 1(c) of Ord. No. 146-137, adopted Mar. 17, 1992, and effective Jan. 1, 1993 repealed former § 6-26, which pertained to the airport fuel flowage fee and derived from Ord. No. 142-38, adopted July 21, 1987.

**Secs. 9-27 - 9-40 Reserved.**

DIVISION 2. Traffic

**Sec. 9-41 Definitions.**

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

*Commission* means the Waukesha County Airport Commission.

*Committee* means the public works committee of the county board.

*Emergency equipment* means ambulances, crash rescue and fire fighting apparatus and such other equipment as the committee may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

*Pedestrian* means any person afoot.

*Service, maintenance and construction equipment* means equipment normally operated by the county and/or the Civil Aeronautics Administration on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the county or the commission.

*Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting, unless specifically included, vehicles used exclusively upon stationary rails or tracks or any vehicle propelled by use of electricity obtained from overhead trolley structures. "Vehicle" includes a snowmobile as defined in Wisconsin Statutes section 340.01(74).

(Ord. of 6-23-77, § 1; Ord. No. 146-137, §§ 1(a), 1(b), 3- 17-92)

**Sec. 9-42 Penalty.**

Any person convicted of violating any of the provisions of this division shall be punished by a fine not exceeding five hundred dollars (\$500.00) together with the costs of prosecution, or in default in payment thereof, be imprisoned in the county jail for a term not exceeding six (6) months.

(Ord. of 6-23-77, § 6)

**Sec. 9-43 Enforcement.**

It shall be the duty of the sheriff and the district attorney of the county to enforce the provisions of this division.

(Ord. of 6-23-77, § 5)

**Sec. 9-44 Operation of vehicles on runways, taxiways, and ramps.**

(a) No privately owned vehicle shall enter, be driven upon or operated upon any airport runway, taxiway, or ramp or tie down area or any area posted by signs prohibiting the entrance thereon.

(b) The provisions of this section shall not apply to emergency equipment and/or service, maintenance and construction equipment when engaged in performing official duties.

(c) Aircraft owners will be excluded from the provisions of this section relating to tie down areas, when necessary, to reach their own aircraft but in doing so they shall not pass over any runway, taxiway, or ramp and shall proceed through the tie down area at a speed not to exceed ten (10) miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft.

(Ord. of 6-23-77, § 2)

**Sec. 9-45 Speed of vehicles; compliance with signs.**

No vehicle shall be driven upon any road within the perimeter of the county airport, or upon other airport areas in excess of the speed limit posted at the entrance of said airport or within the boundaries thereof if more than one (1) speed limit shall be applicable, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about any public airport for public safety.

(Ord. of 6-23-77, § 3)

**Sec. 9-46 Pedestrian traffic.**

No pedestrian shall be allowed beyond the administration area fence onto the apron or aircraft tie down area unless for the purpose of embarking in or disembarking in or disembarking from an aircraft, or unless authorized by the airport manager. Pedestrian traffic is prohibited on the runway and outlying area of the airport except for those employees of the city, county, state, federal government, or contractors engaged in airport construction or maintenance work.

(Ord. of 6-23-77, § 4)

**Secs. 9-47 - 9-55 Reserved.**

DIVISION 3. Minimum Requirements for Aeronautical Services

**Sec. 9-56 Preamble.**

Waukesha County, being the Owner and in a position of responsibility for the administration of Waukesha County Airport/Crites Field does hereby establish the following Minimum Standards for Aeronautical Service Providers.

The Minimum Standards are intended to be the threshold entry requirements for those wishing to provide aeronautical services to the public. These Minimum Standards were developed taking into consideration the aviation role of Waukesha County Airport, facilities that currently exist at the Airport, services being offered at the Airport, the future development planned for the Airport, and safety for service recipients. These minimum standards are designed to ensure that patrons of the Waukesha County Airport are provided with quality aeronautical services and to establish fair, equal and nondiscriminatory basis upon which those services will be provided.

(Ord. 152-140, 3/10/98, § 1)

**Sec. 9-57 Definitions.**

*Aeronautical Activity* means any activity conducted at the Waukesha County Airport which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. These activities include, but are not limited to, air taxi and charter operations, pilot training, aircraft renting, sightseeing, aircraft lease back, weather service provision, aircraft flight simulator, aerial photography, crop dusting, aerial advertising, aerial surveying, air carrier operations, skydiving, ultralight operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, or sale of aircraft parts and aircraft storage.

*Aeronautical Service* means any service which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the Airport by a person who has a lease from Waukesha County to provide such service.

*Airport* means the Waukesha County Airport, and all of the property, buildings, facilities and improvements within the exterior boundaries of the Airport as it now exists on the Airport Layout Plan or as it may hereinafter be extended, enlarged or modified.

*County* means Waukesha County, Wisconsin.

*FAA* means the Federal Aviation Administration.

*FAR* means Federal Aviation Regulation.

*Flying Club* means a noncommercial organization established to promote flying, develop skills in aeronautics, including pilotage, navigation, and awareness and appreciation of aviation requirements and

techniques.

*Fueling Operations* means the transport, storage, and dispensing of aviation fuel into aircraft.

*Lease*, except as it pertains to the leasing of aircraft, means the use of County owned land, buildings, equipment, or facilities in which the Aeronautical Service Provider has a written agreement with the County regarding such.

*Manager* means the Waukesha County Airport Manager or his or her designee.

*Minimum Standards* means the standards which are established by Waukesha County as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity at the Airport.

*NFPA* means the National Fire Protection Association.

*NOTAM* means a Notice to Airmen.

*Owner* means Waukesha County, Wisconsin.

*Person* means an individual, corporation, government or governmental subdivision, partnership, association, or any other legal entity.

*Waukesha County Airport Commission* (also referred to herein as the "Airport Commission") is a governing body, established by Waukesha County Code, responsible for exclusive control over Airport construction, improvements, equipment, maintenance and operations, including the establishment of fees or charges for the use of the Airport, subject, however, to the approval of the County Board and County Executive before they shall take effect.

(Ord. 152-140, 3/10/98, § 2)

### **Sec. 9-58 Minimum Standards for All Aeronautical Service Providers.**

The following shall apply to all prospective individuals or entities wishing to become an Aeronautical Service Provider at the Waukesha County Airport.

1. Leases shall be for a term to be mutually agreed upon between the parties with due consideration for the financial investment and the need to amortize improvements to the leasehold.
2. A person shall have such business background and shall have demonstrated his business capability to the satisfaction of, and in such manner as to meet with the approval of the Airport Commission.
3. Any prospective Aeronautical Service Provider seeking to conduct an aeronautical activity at the Airport should demonstrate that they have adequate resources to realize the business objectives agreed to by the Airport Commission and the applicant. The prospective Aeronautical Services Provider shall provide a financial statement for the service provider and its principals and a written bank letter of credit to allow the Airport Commission to make a judgement on the

adequacy of the resources, and/or any other information the Airport Commission shall require in this regard.

4. Unless otherwise specified herein, the prospective Aeronautical Service Provider shall lease ground space from the Owner on which shall be erected a building, or sublease from an entity which has an existing building, to include space for an office, customer lounge and rest rooms, which shall all be properly heated and lighted, and shall provide public telephone facilities for customer use. The prospective Aeronautical Service Provider shall demonstrate to the Airport Commission that it will/has leased/subleased adequate space to provide the desired aeronautical service(s). The Aeronautical Service Provider shall also provide, in the leased area, paved parking for the Aeronautical Service Provider's customers and employees to meet applicable municipal standards.
5. The prospective Aeronautical Service Provider shall have his premises open and services available eight (8) hours per day, five (5) days per week, fifty-two (52) weeks per year for a specific aeronautical service, unless another period of time is specified herein, and shall make provisions for someone to be in attendance in the office at all times during the required operating hours.
6. All prospective Aeronautical Service Providers shall demonstrate to Waukesha County's satisfaction evidence of its ability to acquire insurance coverage as stipulated for each particular type of operation. An Aeronautical Service Provider should make its own analysis to determine if more is needed; however, such policies of insurance shall be maintained in full force and effect during all terms of existing leases, agreements or business licenses or renewals or extensions thereof with a 30-calendar day notice of cancellation to the Airport Manager. Such policies shall not be for less than the amounts listed at Schedule 1, unless another amount is specified herein; however, in all cases, amounts of policies must meet the statutory requirements of applicable governmental agencies and be approved in writing by Waukesha County.
7. As the law may require and the County desires, each lease, contract, or agreement entered into between the County and Aeronautical Service Provider shall include but not be limited to the following provisions:
  - A. Fair and Nondiscriminatory Provisions;
  - B. Affirmative Action Assurances;
  - C. Civil Rights Assurances;
  - D. Nonexclusive Rights Statement;
  - E. Review and approval by the Airport Commission for change in control of the principals of any Aeronautical Service Provider; and
  - F. Any other mandated provisions required by State or Federal governments. The most current amendment or form of such mandatory lease provisions shall be included in each lease, contract, or agreement at the time of execution.
8. All personnel required to hold Federal Aviation Administration certificates and



ratings shall maintain such certificates and ratings.

9. Any construction required of any Aeronautical Service Provider shall be in accordance with design and construction requirements of the County, State, Federal, and local regulations and applicable codes. All plans and specifications shall be submitted to the Airport Commission for approval. The Aeronautical Service Provider shall be responsible for securing all necessary permits prior to commencing construction.
10. The Aeronautical Service Provider shall provide adequate paved auto parking space in accordance with all municipal standards within the leased area sufficient to accommodate all activities and operations. Additionally, the Aeronautical Service Provider shall provide a paved aircraft apron to accommodate aircraft movement from the Aeronautical Service Provider to a taxiway or access to a taxiway to be provided by the Aeronautical Service Provider.
11. All leases between Waukesha County and an Aeronautical Service Provider covering the performance by an Aeronautical Service Provider of any aeronautical service as hereinafter provided shall be in writing.
12. Aeronautical Service Provider shall provide a performance bond insuring the completion of any building to be erected on the leasehold, as the Commission may request.
13. No individual or entity shall operate commercially, or perform an aeronautical activity from the Waukesha County Airport without entering into a written lease or agreement with Waukesha County.

(Ord. 152-140, 3/10/98, § 3)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

### **Sec. 9-59 Application and Qualifications.**

Demonstration of intent to conduct a business operation at the Airport shall be by application to the Waukesha County Airport Commission through the Airport Manager. The application materials and any subsequent documentation provided to the County or any of its representatives are subject to the Wisconsin Public Records Law. The written application shall contain at a minimum:

1. The proposed nature of the business. A business plan may be used to express the proposed nature of the business (see Minimum Requirements for a Business Plan, Schedule 2).
2. A listing of all parties who own an interest in the business or will appear on leases or other documents as a partner, director or corporate officer, and those who will be managing the business.
3. A current reviewed financial statement prepared by a Certified Public Accountant.

4. A listing of assets owned, or being purchased or leased, which will be used in business at the Airport.
5. A current credit report and an authorization for a complete law enforcement background check for the proposed Aeronautical Service Provider and each principal who owns or has a financial interest in the business and a credit report on the business itself covering all geographical areas in which it has done business in the ten-year period immediately prior to such application.
6. An agreement, as the County may require, to provide a bond or suitable guarantee of adequate funds to Waukesha County to be used to defray any expenses and fees normally paid by the Lessee between the estimated time the Lessee may default and a new lease is executed and another Lessee takes over.
7. A written authorization for the FAA, any aviation or aeronautics commissions, administrators, and departments of all states in which the applicant has engaged in aviation business to release information in their files relating to the applicant or its operation. The applicant will execute such forms, releases, or discharges as may be required by those agencies.
8. Preliminary plans, specifications and dates for any improvements which the applicant intends to make on the Airport as part of the activity for which approval is sought. Applicants must comply with appropriate review procedures and Waukesha County Airport Commission requirements.
9. Proof (copy or insurance company letter of intent) of liability coverage for the business operation, flight operations, itinerant aircraft, and operators and premises insurance.
10. Such other information as the Waukesha County Airport Commission may require.

(Ord. 152-140, 3-10-98, § 4)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 2, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

### **Sec. 9-60 Action on Application.**

All applications will be reviewed and acted upon by the Airport Commission within 90 days from the receipt of the application. Applications may be denied for one or more of the following reasons:

1. The applicant does not meet the qualifications, standards and/or requirements established by these Minimum Standards.
2. The applicant's proposed operations or construction will create a safety hazard at the Airport.

3. The granting of the application will require the expenditure of local funds, labor or materials on the facilities described in or related to the application, or the operation is likely to result in a financial loss to Waukesha County.
4. There is no appropriate or adequate available space or building at the Airport to accommodate the entire activity of the applicant.
5. The proposed operation, airport development or construction does not comply with the approved Airport Layout Plan.
6. The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present fixed base operator on the Airport, such as problems in connection with aircraft traffic or service, or preventing free access and egress to the existing fixed base operator area.
7. Any party applying or interested in the business has supplied false information, or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.
8. Any party applying or having an interest in the business has a record of violating the rules, or the rules and regulations of any other airport, Federal Aviation Regulations, or any other rules and regulations applicable to this or any other airport.
9. Any party applying or having an interest in the business has defaulted in the performance of any lease or other agreement with Waukesha County or any lease or other agreement at any other airport.
10. Any party applying or having an interest in the business is not sufficiently credit worthy and responsible in the judgment of Waukesha County to provide and maintain the business to which the application relates and to promptly pay amounts due under the Aeronautical Service Provider lease.
11. The applicant does not have the finances necessary to conduct the proposed operation for a minimum period of six months.
12. The applicant has committed a crime, or violated a local ordinance, rule or regulation which adversely reflects on its ability to conduct the Aeronautical Service Provider operation applied for.

The Commission may also deny the application if it determines that it would not be in the best interest of the County or the patrons of the Airport to grant the application.

(Ord. 152-140, 3-10-98, § 5)

**Sec. 9-61 Lease Clauses.**

The following lease clauses, as a minimum, or the most current form of such clauses shall be included in each lease/agreement.

1. *Premises to be Operated for Use and Benefit of Public.* Aeronautical Service Provider agrees to operate the premises leased for the use and benefit of the public.
  - A. To furnish good, prompt, and efficient service adequate to meet all the demands for its service at the Airport.
  - B. To furnish said service on a fair, equal, and nondiscriminatory basis to all users thereof.
  - C. To charge fair, reasonable, and nondiscriminatory prices for each unit of sale or service, provided that the Aeronautical Service Provider may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
  
2. *Non-Discrimination.* The Aeronautical Service Provider, for itself, its personal representatives, successors in interest, and assigns, as a part of the consideration thereof, does hereby covenant and agree that (1) no person on the grounds of race, sex, color, physical handicap, or national origin shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishings of services thereon, no person on the grounds of race, sex, color, physical handicap, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) Aeronautical Service Provider shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle 1, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
  
3. *Aircraft Service by Owner or Operator of Aircraft.* It is clearly understood by the Aeronautical Service Provider that no right or privilege has been granted which would operate to prevent any person, firm or corporation operating aircraft on the Airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance and repair) that it may choose to perform.
  
4. *Non-Exclusive Rights.* It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right.
  
5. *Airport Development.* The County reserves the right, but shall not be obligated to the Aeronautical Service Provider, to develop or improve the landing areas and other portions of the Airport as it sees fit, regardless of the desires or views of the Aeronautical Service Provider, and without interference or hindrance. If any such development or improvement requires a change in the location of the site leased to an Aeronautical Service Provider, the County has the unilateral right to relocate

the Aeronautical Service Provider to a new site at the Airport, and will move all buildings or provide similar facilities for the Aeronautical Service Provider at no cost to the Aeronautical Service Provider, or to purchase from the Aeronautical Service Provider its building(s) and/or structures at the fair market value.

6. *Airport Maintenance and Repair.* The County reserves the right, but shall not be obligated to Aeronautical Service Provider 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 Aeronautical Service Provider in this regard.
7. *War, National Emergency, Riot, or Natural Disaster.* During time of war, national emergency, riot or natural disaster, the County shall have the right to lease the entire Airport or any part thereof to the United States or State of Wisconsin for military or National Guard use and, in such event, the provisions of this Agreement, insofar as they are inconsistent with the provisions of any lease to any such unit of government, shall be suspended for the term of such government lease.
8. *Aerial Approaches and Transitions.* The County reserves the right to take any action it considers necessary to protect the aerial approaches and transition surfaces of the Airport against obstruction, together with the right to prevent the Aeronautical Service Provider or sub-lessee from erecting or permitting to be erected any building or other structure on the Airport, which, in the opinion of the Airport Commission would limit the usefulness of the Airport or constitute a hazard to aircraft.
9. *Subordination.* This agreement shall be subordinate to the provisions of any existing or future agreement between the County and the United States Government, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of state or federal funds for the development of the Airport.
10. *Access to Premises.* To the extent necessary to protect the rights and interests of the County, or to investigate compliance with the terms of this agreement, the Airport Manager or his designee shall at any and all times have the right to inspect the leased premises, including all buildings, structures, and improvements erected thereon.
11. *Unrestricted Right of Flight.* There is hereby reserved to the County, its successors and assigns, for the use and benefit of the public, a free and unrestricted right of flight for the passage of aircraft in the airspace above the surface of the leased premises herein conveyed, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in the air, using said airspace or landing at, taking off from, or operating on or about the Airport.
12. *Additional Insured.* Aeronautical Service Provider shall include the County, its

boards, commissions, agencies, appointed and elected officials, employees, and representatives as additional insured on all required insurance coverages and stipulates that the Aeronautical Service Provider hold harmless, defend and indemnify the County in all action against it.

13. *Assignment.* The Aeronautical Service Provider shall not assign this agreement, or any of its rights hereunder, nor sublet the leased premises or any part thereof demised hereby without the prior written consent of the Airport Commission, which approval shall not be unreasonably withheld.
14. *Audit.* The Airport Manager, or any designated agent, representative or employee may at all reasonable times audit the books of the Aeronautical Service Provider regarding this agreement to enable the County to verify the amount of fees due or to verify all other conditions of this lease and operating agreement. It is the intention of the parties that the County's audit will be on an annual basis; however, the County reserves the right to make the audit at any time.

(Ord. 152-140, 3-10-98, § 6)

#### **Sec. 9-62 Aircraft Sales.**

(a) *Statement of Concept.*

1. **New Aircraft Sales:** An aircraft sales Aeronautical Service Provider is a person or persons, firm, or corporation engaged in the sale of new aircraft through franchises or licensed dealerships (if required by local, county or state authority) or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or used aircraft, and provides such repair, services, and parts as necessary to meet any guarantee or warranty on aircraft sold.
2. **Used Aircraft Sales:** A used aircraft sales Aeronautical Service Provider engages in the purchasing and selling of used aircraft. This is accomplished through various methods including matching potential purchasers with an aircraft (brokering), assisting a customer in the purchase or sale of an aircraft, or purchasing used aircraft and marketing them to potential purchasers. In many cases these Aeronautical Service Providers also provide such repair, services, and parts as necessary to support the operation of aircraft sold.

(b) *Minimum Standards.*

1. The Aeronautical Service Provider 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 an airport within twenty-five (25) air miles of the Waukesha County Airport. The Aeronautical Service Provider shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The Aeronautical Service Provider who is engaged in the business of selling new aircraft shall have available a representative example of the product.

2. The Aeronautical Service Provider 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. The Aeronautical Service Provider shall also maintain, during all business hours, a responsible person in charge to supervise the operations in the leased area with the authorization to represent and act for and on behalf of the Aeronautical Service Provider, and provide check ride pilots for aircraft sold with a current commercial pilot certificate with single engine and instructor ratings.
3. Insurance Requirements (see Schedule 1 for policy limits):
  - A. Aircraft Liability
  - B. Comprehensive General Liability
  - C. Automobile Liability
  - D. Hangar Keepers' Liability
  - E. Workers' Compensation and Employer's Liability
  - F. Property Insurance

(Ord. 152-140, 3-10-98, § 7)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

### **Sec. 9-63 Aircraft Airframe, Engine and Accessory Maintenance and Repair.**

(a) *Statement of Concept.* An aircraft airframe, engine, and accessory maintenance and repair Aeronautical Service Provider provides one or a combination of airframe, engine, and accessory overhauls and repair services on aircraft up to and including business jet aircraft and helicopters. This category shall also include the sale of aircraft parts and accessories.

(b) *Minimum Standards.*

1. The Aeronautical Service Provider shall provide sufficient equipment, supplies, manuals and availability of parts equivalent to that required for certification by the FAA.
2. The Aeronautical Service Provider 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 certificated 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.

3. Aeronautical Service Provider's building shall include a segregated painting area which meets all local and State industrial code requirements.
4. Insurance Requirements (see Schedule 1 for policy limits):
  - A. Comprehensive General Liability
  - B. Automobile Liability
  - C. Hangar Keeper's Liability
  - D. Workers Compensation and Employers Liability
  - E. Property Insurance

(Ord. 152-140, 3-10-98, § 8)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

### **Sec. 9-64 Aircraft Lease and Rental.**

(a) *Statement of Concept.* An aircraft lease or rental Aeronautical Service Provider engages in the rental or lease of aircraft to the public.

- (b) *Minimum Standards.* Insurance Requirements (see Schedule 1 for policy limits):
- A. Aircraft Liability
  - B. Comprehensive General Liability
  - C. Automobile Liability
  - D. Student and Renters Liability
  - E. Workers Compensation and Employers Liability
  - F. Property Insurance

(Ord. 152-140, 3-10-98, § 9)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

### **Sec. 9-65 Flight Training.**

(a) *Statement of Concept.* A flight training Aeronautical Service Provider engages in instructing pilots in dual and solo flight training, in fixed and/or rotary wing aircraft, and provides such related ground school instruction as is necessary preparation before taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

(b) *Minimum Standards.*

1. The Aeronautical Service Provider shall have available for use in flight training, either owned or under written lease to Aeronautical Service Provider, 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.
2. The Aeronautical Service Provider shall have on a full-time basis at least one flight instructor who has been properly certificated by the FAA to provide the type of



training offered. The Aeronautical Service Provider shall have available for call on a part-time basis at least one (1) flight instructor who has been properly certificated by the FAA to provide the type of training offered.

3. Aeronautical Service Provider's building shall have, at a minimum, one thousand (1,000) square feet of floor space for office, classroom, briefing, pilots lounge, and restrooms.
4. Insurance Requirements (see Schedule 1 for policy limits):
  - A. Aircraft Liability
  - B. Comprehensive General Liability
  - C. Automobile Liability
  - D. Student and Renters Liability
  - E. Workers Compensation and Employers Liability
  - F. Property Insurance

(Ord. 152-140, 3-10-98, § 10)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

#### **Sec. 9-66 Aircraft Fuels and Oil Service.**

(a) *Statement of Concept.* An aircraft fuels and oil service Aeronautical Service Provider provides aviation fuels, lubricants and other services supporting itinerant aircraft operations and operations of aircraft based at the Airport. Such supporting services shall include, but not be limited to, ramp assistance and parking, storage, and tie down of aircraft.

(b) *Minimum Standards.* An Aeronautical Service Provider conducting aviation fuel and oil sales or service to the public at the Airport shall be required to provide the following services and equipment:

1. The proposed Aeronautical Service Provider shall provide each of the following services as specified herein:
  - A. Aircraft Airframe, Engine, and Accessory Maintenance and Repair;
  - B. Aircraft Lease and Rental;
  - C. Flight Training; and
  - D. Aircraft Charter and Unscheduled Air Taxi.
2. An adequate inventory of generally accepted grades of aviation fuel, engine oil, and lubricants as the Airport Commission requires and specifies from time to time.
3. Fuel dispensing equipment, both mobile and fixed, to include reliable metering devices, meeting all applicable Federal, State, and County requirements for each type of fuel dispensed.
4. Proper equipment for aircraft towing, inflating aircraft tires, washing aircraft windscreens, energizers and starters, heaters, fire extinguishers, passenger loading

steps as appropriate and necessary, and recharging aircraft batteries.

5. The safe storage and handling of fuel in conformance with all Federal, State, and County requirements and fire codes pertaining to safe storage and handling of fuel.
6. The lawful and sanitary handling and timely disposal, away from the Airport, of all solid waste, regulated waste, and other materials including, but not limited to, used oil, solvents, and other regulated waste. The piling and storage of crates, boxes, barrels, and other containers will not be permitted outside or around the leased premises.
7. Permanent restroom facilities for personnel and customers.
8. Auto parking for customers and employees.
9. A flight planning area with appropriate seating, work areas, communication facilities, directories and all items necessary for complete flight planning separate from other public areas.
10. A pilot lounge and waiting area for transition of air passengers to ground transportation and vice versa.
11. Aircraft de-icing equipment and aircraft de-icing services.
12. Aircraft parking and tie-down service, and aircraft parking ramp space provision.
13. Aircraft washing service.
14. Adequate bonding wires to be installed, continuously inspected and maintained on all fueling equipment, to reduce the hazards of static electricity.
15. An adequate supply of properly located fire extinguishers and other precautions and/or equipment required by applicable fire codes.
16. The Aeronautical Service Provider shall have a fixed fuel storage system which shall contain safety fixtures and filtration systems to ensure airline-type quality to be located in the Airport fuel farm area. The system shall be required to have at least fifteen thousand (15,000) gallons of storage in above ground bulk storage tanks for each type of fuel the Aeronautical Service Provider is required to provide. The storage system must include adequate fuel spill prevention features and containment capabilities, together with an approved fuel Spill Prevention Countermeasures and Control Plan (SPCC), as applicable.
17. The Aeronautical Service Provider shall have his premises open for aircraft fueling and oil dispensing for the aviation public from 6:00 a.m. to 9:00 p.m. seven (7) days per week. The Aeronautical Service Provider shall make provision for such service during non-operating hours on a call basis.
18. The Aeronautical Service Provider shall provide such minor repair service that

does not require a certified mechanical rating as well as 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 Aeronautical Service Provider.

19. The Aeronautical Service Provider shall make provision for the transportation of pilots and passengers of transient general aviation aircraft using the Aeronautical Service Provider facilities and services from and to the Aeronautical Service Provider's office and the Waukesha County Airport terminal area.
20. The Aeronautical Service Provider shall maintain an accurate record of all deliveries of aviation fuel and oil and such records shall be subject to examination and audit by the County or its representatives.
21. The Aeronautical Service Provider shall pay to Waukesha County an initial installation fee of \$1,000. The Aeronautical Service Provider shall also pay to the County the applicable fuel flowage fee established and changed from time to time. Said fee shall be paid not later than five (5) working days following the end of each month. Payment shall be accompanied by fuel delivery tickets showing the amount of fuel delivered during the billing period. Failure to pay such fees shall be grounds for revocation of the lease or operating agreement.
22. Insurance Requirements (see Schedule 1 for policy limits):
  - A. Comprehensive General Liability
  - B. Automobile Liability
  - C. Environmental Impairment Liability
  - D. Hangar Keepers' Liability
  - E. Workers Compensation and Employers Liability
  - F. Property Insurance

(Ord. 152-149, 3-10-98, § 11)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

### **Sec. 9-67 Avionics, Instruments or Propeller Repair Station.**

(a) *Statement of Concept.* An avionics, instrument, or propeller repair station Aeronautical Service Provider engages in the business of, and provides a shop for, the repair of aircraft avionics, propellers, instruments, and accessories for general aviation aircraft. This category may include the sale of new or used aircraft avionics, propellers, instruments, and accessories. The Aeronautical Service Provider shall hold the appropriate repair station certificates issued by FAA for the types of equipment he plans to service and/or install.

(b) *Minimum Standards*

1. The Aeronautical Service Provider 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 an FAA rated radio, instrument, or propeller

repairman and one (1) other repairman who need not be rated by the Federal Aviation Administration.

2. Insurance Requirements (see Schedule 1 for policy limits):
  - A. Comprehensive General Liability
  - B. Automobile Liability
  - C. Hangar Keepers' Liability
  - D. Workers Compensation and Employers Liability
  - E. Property Insurance

(Ord. 152-149, 3-10-98, § 12)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

### **Sec. 9-68 Aircraft Charter and Unscheduled Air Taxi.**

(a) *Statement of Concept.* An unscheduled air charter or air taxi Aeronautical Service Provider engages in the business of providing air transportation (persons or property) to the general public for hire on an unscheduled basis under Code of Federal Regulation CFR 14 Part 135 of the Federal Aviation Regulations.

(b) *Minimum Standards*

1. The Aeronautical Service Provider shall provide, either owned or under written lease, the type, class, size and number of aircraft intended to be used by the Aeronautical Service Provider, not less than one (1) single-engine four-place aircraft and one (1) multi-engine aircraft, both of which must meet the requirements of the air taxi commercial Aeronautical Service Provider certificate held by the Aeronautical Service Provider. The multi-engine aircraft shall be certified for instrument operations.
2. The Aeronautical Service Provider 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 person who is an FAA certified commercial pilot and otherwise appropriately rated to permit the flight activity offered by the Aeronautical Service Provider. The Aeronautical Service Provider shall provide on-call service during hours other than established business hours.
3. Insurance Requirements (see Schedule 1 for policy limits):
  - A. Comprehensive General Liability
  - B. Aircraft Liability
  - C. Automobile Liability
  - D. Workers Compensation and Employers Liability
  - E. Property Insurance

(Ord. 152-149, 3-10-98, § 13)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion

with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

### **Sec. 9-69 Scheduled Air Taxi**

(a) *Statement of Concept.* A scheduled air taxi Aeronautical Service Provider engages in the business of providing air transportation (persons or property) under Code of Federal Regulation CFR 14 Part 135 of the Federal Aviation Regulations to and from the Waukesha County Airport on a daily basis or of a frequency of ten (10) or more trips during any month.

(b) *Minimum Standards.*

1. The Aeronautical Service Provider shall provide, either owned or under written lease, the type, class, size and number of aircraft intended to be used by the Aeronautical Service Provider which must meet the requirements of the air taxi commercial Aeronautical Service Provider certificate held by the Aeronautical Service Provider.
2. The Aeronautical Service Provider 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 person who is an FAA certified commercial pilot and otherwise appropriately rated to permit the flight activity offered by the Aeronautical Service Provider.
3. The Aeronautical Service Provider shall provide scheduled transportation serving the Waukesha County Airport with a minimum of two (2) schedules per day. An Aeronautical Service Provider providing transportation of property shall service the Waukesha County Airport with a minimum of ten (10) schedules per month or sufficient schedules to adequately serve the public, whichever is greater.
4. Insurance Requirements (see Schedule 1 for policy limits):
  - A. Aircraft Liability
  - B. Comprehensive General Liability
  - C. Automobile Liability
  - D. Workers Compensation and Employers Liability
  - E. Property Insurance

(Ord. 152-149, 3-10-98, § 14)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

### **Sec. 9-70 Aircraft Storage.**

(a) *Statement of Concept.* An aircraft storage Aeronautical Service Provider engages in the rental of conventional hangars or multiple T-hangars.

(b) *Minimum Standards.*

1. The conventional hangar Aeronautical Service Provider shall have his facilities, equipment, and personnel available as required for the tenant's aircraft removal and storage twenty-four (24) hours per day, seven (7) days a week, fifty-two (52) weeks per year.
2. The Aeronautical Service Provider shall demonstrate that it can provide sufficient equipment and personnel trained to meet all requirements for the storage of aircraft with appropriate equipment.
3. The Aeronautical Service Provider shall lease from the Owner an area of land which has been designated for hangar construction. The Aeronautical Service Provider shall construct a hangar or shall lease an existing hangar which meets all requirements specified in the County's Declaration of Covenants and Restrictions for Buildings and Structures of Waukesha County Airport.
4. The Aeronautical Service Provider shall require all sub-lessees and tenants to maintain aircraft liability insurance, and shall additionally require them to hold the County harmless. The County retains the right to prescribe, as it sees fit, minimum aircraft liability insurance amounts, and to audit the Aeronautical Service Provider's records to verify said insurance requirements and hold harmless agreements are in full force and effect.
5. Insurance Requirements (see Schedule 1 for policy limits):
  - A. Comprehensive General Liability
  - B. Workers Compensation and Employers Liability
  - C. Hangar Keepers' Liability
  - D. Property Insurance

(Ord. 152-149, 3-10-98, § 15)

**Editor's Note** - The enacted version of this section of the ordinance referred to Appendix 1, however to avoid confusion with the Appendices already part of the Waukesha County Code, this reference has been changed to a schedule.

**Sec. 9-71 Specialized Commercial Flying Services.**

(a) *Statement of Concept.* A specialized commercial flying services Aeronautical Service Provider engages in-air transportation for hire for the purpose of providing the use of aircraft for the following activities:

1. Nonstop sightseeing flights that begin and end at the same Airport.
2. Crop dusting, seeding, spraying, and bird chasing.
3. Banner towing and aerial advertising.
4. Aerial photography or survey.
5. Power line or pipe line patrol.
6. Fire fighting.
7. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

(b) *Minimum Standards*

1. The Aeronautical Service Provider shall lease from the Owner and the lease shall include a building sufficient to accommodate all activities and operations proposed by the Aeronautical Service Provider. The minimum areas in each instance shall be subject to the approval of the Owner. In the case of crop dusting or aerial application, the Aeronautical Service Provider shall make suitable arrangements and have such space available in his leased area for safe loading and unloading and storage and containment of chemical materials. All Aeronautical Service Provider's shall demonstrate that they have the availability of aircraft suitably equipped for the particular type of operation they intend to perform.
2. The Owner shall set the minimum insurance limits 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 Aeronautical Service Providers will, however, be required to maintain Aircraft Liability Coverage as set forth in paragraph 5 of this part, as well as each of the individual insurance types.
3. The Aeronautical Service Provider 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.
4. The Aeronautical Service Provider must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize Aeronautical Service Provider's services.
5. Insurance Requirements:
  - A. Aircraft Liability - \$1,000,000 each occurrence
  - B. Comprehensive General Liability
  - C. Automobile Liability
  - D. Workers Compensation and Employers Liability
  - E. Property Insurance

(Ord. 152-149, 3-10-98, § 16)

**Sec. 9-72 Multiple Services.**

(a) *Statement of Concept.* A multiple services Aeronautical Service Provider engages in any two (2) or more of the aeronautical services for which Minimum Standards have been herein provided.

(b) *Minimum Standards.*

1. The Aeronautical Service Provider shall comply with the aircraft requirements, including the equipment thereon for each aeronautical service to be performed except that multiple uses can be made of all aircraft owned or under lease by Aeronautical Service Provider except aircraft used for crop dusting, aerial application, or other commercial use of chemicals.
2. The Aeronautical Service Provider shall provide the facilities, equipment and services required to meet the Minimum Standards as herein provided for all aeronautical service the Aeronautical Service Provider is performing. The Aeronautical Service Provider shall, at a minimum, provide auto parking space within the leased premises to accommodate ten (10) automobiles.
3. The Aeronautical Service Provider shall obtain, as a minimum, that insurance coverage which is equal to the highest individual insurance requirement of all aeronautical services being performed by Aeronautical Service Provider.
4. The Aeronautical Service Provider 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 the Aeronautical Service Provider is performing as herein provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Aeronautical Service Provider, except such multiple responsibilities may not be assigned to the Federal Aviation Administration certificated repair stations.

(Ord. 152-149, 3-10-98, § 17)

**Sec. 9-73 Aeronautical Service Provider Sublease From Another Commercial Aeronautical Service Provider.**

Prior to finalizing an agreement, the lessee and sublessee shall obtain the written approval of the Owner for the business proposed. Said sublease shall provide to the Waukesha County Airport Commission all information required in Section 9-59, Application and Qualifications of these standards, and are subject to the review and action as specified in Section 9-60, Action on Application.

The sublessee Aeronautical Service Provider shall meet all of the Minimum Standards established by the Owner for the categories of services to be furnished by the Aeronautical Service Provider. The Minimum Standards may be met in combination between lessee and sublessee. The sublease agreement shall specifically define those services to be provided by the lessee to the sublessee that shall be used to meet the standards.

(Ord. 152-149, 3-10-98, § 18)



**Sec. 9-74 Environmental.**

Any Aeronautical Service Provider, person, party, firm or corporation operating on the Waukesha County Airport must comply with all federal, state and local environmental requirements. The Lessee or Aeronautical Services Provider shall throughout the term of any lease or operating agreement maintain insurance in full force and effect in the amounts and coverages prescribed by Waukesha County, with companies or underwriters authorized to do business in the State of Wisconsin satisfactory to the County. The County, its boards, commissions, agencies, appointed and elected officials, employees, and representatives shall be named as additional insureds. Certificates of Insurance evidencing the required insurance shall be filed with the Airport Manager and upon request certified copies of the required insurance policies shall also be filed. The Certificates of Insurance and all such policies shall contain a provision that coverages will not be canceled or non-renewed during the term of the agreement unless thirty (30) days advance notice in writing has been given to the County in a manner specified in the agreement.

The County may elect, at its option, to terminate an agreement upon the cancellation or other termination of any insurance policy issued unless another policy has been filed and approved and shall have been in effect at the time of such cancellation or termination. The cancellation or other termination of any insurance policy issued in compliance with this requirement shall automatically terminate an agreement, unless another policy has been filed and approved and shall be in effect at the time of such cancellation or termination.

(Ord. 152-149, § 2, 3-10-98)

**Sec. 9-75 Penalty Provisions.**

Any person violating any portion of this Ordinance shall forfeit not less than \$20.00 or more than \$500.00 together with applicable costs, and in default of payment may be imprisoned in the Waukesha County Jail for a maximum of six months. Each day of illegal operation shall constitute a separate violation.

(Ord. 152-149, 3-10-98, § 20)

**Secs. 9-76 - 9-100 Reserved.**

## SCHEDULE 1

### Minimum Insurance Policy Limits

Workers' Compensation and Employer's Liability	\$100,000	Limit sufficient to provide benefits as defined in Chapter 102, Wisconsin Statutes. Each accident.
Aircraft Liability	\$1,000,000	Combined single limit - each occurrence. Bodily injury and property damage. Coverage for all owned and leased aircraft.
Comprehensive General Liability	\$1,000,000	Combined single limit - each occurrence. Bodily injury and property damage. Coverage required: Premises and operations; Products and completed operations; and Blanket contractual liability.
Hangar Keepers' Liability	Total Value of Aircraft Stored	Each accident.
Automobile Liability	\$1,000,000	Combined single limit - each occurrence. Bodily injury and property damage. Comprehensive Automobile Liability or Business Auto Policy form covering all owned, hired and non-owned private passenger autos and commercial vehicles.
Environmental Impairment Liability	\$1,000,000	Combined single limit - each occurrence. Bodily injury and property damage including environmental restoration.
Student and Renters Liability	\$500,000	Each accident.
Property Insurance		Each Aeronautical Service Provider must carry sufficient all-risk property insurance on both owned and leased buildings and equipment, including aircraft, at the Airport. It is

expressly understood that the County has no responsibility for Aeronautical Service Provider's owned or leased equipment.

**SCHEDULE 2**  
Minimum Requirements for a Business Plan

1. All services that will be offered.
2. Amount of land desired to lease.
3. Building space that will be constructed or leased.
4. Number of aircraft that will be provided.
5. Equipment and special tooling to be provided.
6. Number of persons to be employed.
7. Short resume for each of the owners and financial backers.
8. Short resume of the manager of the business (if different from 7 above) including this person's experience and background in managing a business of this nature.
9. Periods (days and hours) of proposed operation.
10. Amounts and types of insurance coverage to be maintained.
11. Evidence of the projections for the first year and the succeeding 4 years.
12. Methods to be used to attract new business (advertising and incentives).
13. Amenities to be provided to attract business.
14. Plans for physical expansion, if business should warrant such expansion.

DIVISION 4. Self-fueling

**Sec. 9-101 Purpose.**

The purpose of this ordinance is to establish a policy for self-fueling by owners or operators of aircraft at the Waukesha County Airport. Waukesha County recognizes that self-fueling is a right, and that only such restrictions as are reasonably necessary for safety, preservation of facilities, and the protection of the public interest are allowed. It is intended that aircraft owners or operators be allowed to engage in self-fueling at the Airport as long as they comply with this ordinance, and that this ordinance be applied in a uniform and nondiscriminatory manner.

(Ord. No. 157-37, 08/19/02)

**Sec. 9-102 Definitions.**

In this division, the following words have the following meanings:

1. "Aircraft fuel servicing vehicle" means a vehicle having a cargo tank designed for or used in the transportation and transfer of fuel into or from an aircraft.
2. "Commission" means the Waukesha County Airport Commission.
3. "County" means Waukesha County, Wisconsin.
4. "FAA" means the Federal Aviation Administration.
5. "Fixed base operator" or "FBO" means any person or entity (a) with whom the County has a fixed base operator lease or operating agreement or (b) that has been approved by the Commission as an aircraft fuels and oil service aeronautical service provider.
6. "Fuel tank system" means a fuel storage tank, its ancillary equipment (including all piping), and the containment system. For the aboveground tank method, it includes the fencing and gate. For the underground tank method, it includes the fuel servicing station.
7. "Manager" means the manager of the Waukesha County Airport and includes, unless otherwise noted, the Manager's designee.
8. "NFPA" means the National Fire Protection Association. All references to an NFPA standard mean the most recent edition of that standard, as may be amended from time to time.
9. "Person" means an individual, corporation or partnership.
10. "Permittee" means a person who holds a self-fueling permit issued by the Commission.

(Ord. No. 157-37, 08/19/02; Ord. No. 170-12, 5/7/15)

### **Sec. 9-103 Fueling Restrictions; Permit Process.**

(a) Except for a fixed base operator, no person shall transfer fuel into an aircraft unless the person has first obtained a self-fueling permit from the Commission and the person complies with this ordinance. A self-fueling permit authorizes the permittee to transfer fuel only into an aircraft owned by or leased exclusively to the permittee. Except for a fixed base operator, no person shall transfer fuel into an aircraft not owned by or leased exclusively to that person, nor shall any person sell fuel to any other airport user. The County will not recognize an organization formed by several aircraft owners for the purpose of self-fueling as a single aircraft owner or exclusive lessee for purposes of this ordinance.

(b) A self-fueling permit may be issued for self-fueling with fuel that is stored in an aboveground tank on land at the Airport that is leased from the County by the permittee, hereafter referred to as the "aboveground tank" method, or for self-fueling with fuel that is stored in an underground tank on land at the Airport that is leased from the County by the permittee, hereafter referred to as the "underground tank" method, or for self-fueling with fuel that is stored off the Airport premises and that is brought onto the Airport for direct transfer into an aircraft, hereafter referred to as the "off-site" method. No other method of self-fueling is allowed.

(c) An application for a self-fueling permit shall be made by supplying to the Manager such information as is prescribed by the Commission. The information shall include, but not be limited to, (i) a description of the aircraft to be fueled, (ii) the aircraft fuel servicing vehicles that will be used, (iii) the employees who will operate the aircraft fuel servicing vehicles and who will conduct the fueling operations, (iv) an emergency response plan, (v) a fuel-handling personnel training program, (vi) for the aboveground tank and underground tank methods, the fuel tank system construction plans, (vii) a fuel tank system (for the aboveground tank and underground tank methods) and aircraft fuel servicing vehicle inspection and maintenance program, and (viii) fuel transfer procedures. The Manager shall review the information for completeness and, if complete, shall refer the application to the Commission.

(d) At a public meeting, the Commission shall review the application to determine whether the proposed self-fueling will comply with all applicable ordinance, permit and lease provisions and whether the required plans, programs and procedures are satisfactory. If the determination is favorable, the Commission shall issue the self-fueling permit. Any person whose application for a self-fueling permit is denied may appeal this denial pursuant to the administrative appeal procedure set forth in Chapter 2, Article VIII of the Waukesha County Code.

(e) When issued, a self-fueling permit shall be signed by the permittee and shall set forth, among other things, the permittee's agreement to meet appropriate insurance, indemnity and hold harmless requirements, requirements for aircraft fuel servicing vehicle maintenance and inspection, and responsibility for damage to the Airport. The permit shall require the permittee's consent to reasonable amendments or additions to permit requirements as circumstances may warrant.

(f) An applicant for a self-fueling permit shall pay a nonrefundable application fee of \$500.00 at the time of application. A permittee shall pay an annual self-fueling fee, which shall be (i) \$500.00 to be paid on the first day of the first month after self-fueling operations begin, and (ii) \$1,000.00 to be paid on the same date of each year thereafter.

(g) In conducting self-fueling operations, a permittee shall not vary materially from the application information unless a written request for a variation is submitted to and approved by the Commission. A material variation includes, but is not limited to, a different aircraft or a different aircraft

fuel servicing vehicle, vehicle operator or fueling operations individual than what is stated in the application information. The Manager may allow temporary variations from the application information while a request for a variation is pending.

(h) A self-fueling permit is not assignable and not transferrable. Unless it is revoked as allowed by this ordinance, a self-fueling permit shall remain effective (i) until the termination or expiration of the land lease that is required by this ordinance, or (ii) for twenty years, if off-site storage is used.

(Ord. No. 157-13, 5/28/02; Ord. No. 158-37, 08/19/02)

#### **Sec. 9-104 Land Lease: Aboveground Tank Method**

(a) Upon the issuance of a self-fueling permit for the aboveground tank method, the permittee shall enter into a land lease with the County for land located in a centralized area that is designated by the Commission for the bulk storage of fuel. The lease shall allow the permittee to site an aboveground fuel tank system on the land in accordance with this ordinance.

(b) The lease shall be for a term not to exceed 20 years. The lease rate shall be \$0.16 (16 cents) per square foot per year for the year 2002, with annual adjustments based on the Consumer Price Index.

(c) At a minimum, the lease shall contain the following provisions:

1. A security deposit in an amount equal to \$7,000.00 plus the amount of the self-insured retention (deductible) in the pollution liability and environmental impairment insurance which the lessee will be required to provide, with interest payable to the lessee, to be held by the County as security for and against any loss, cost or expense incurred by the County as the result of any activity related to self-fueling engaged in by the permittee, including the permittee's failure to pay the fuel flowage fee required by this ordinance. If the self-insured retention exceeds \$5,000.00, it may be satisfied by an irrevocable letter of credit in favor of the County in a form acceptable to the County.
2. Insurance, indemnity and hold harmless requirements to protect the County against liability and expense, including insurance for fuel vendors;
3. Requirements for tank maintenance and inspection, lessee responsibility for damage related to fuel storage and self-fueling operations, and tank removal and site restoration at the end of the lease or upon permit revocation or expiration.

4. Record-keeping, audit and inspection rights for the County, and
5. Incorporation of the requirements of this ordinance.

(d) Prior to execution by the County, the lease shall be reviewed and approved by the Commission, the Office of the Corporation Counsel and the Department of Administration.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

### **Sec. 9-105 Land Lease: Underground Tank Method**

(a) A self-fueling permit for the underground tank method shall be issued only if the applicant has executed a standard hangar land lease with the County, which may be an existing lease or a new lease.

(b) At a minimum, the lease shall include, or be amended so as to include, the following provisions:

1. Permission to site an underground fuel tank system in accordance with this ordinance.
2. A security deposit in an amount equal to \$10,000.00 per tank plus the amount of the self-insured retention (deductible) in the pollution liability and environmental impairment insurance that the lessee will be required to provide, with interest payable to the lessee, to be held by the County as security for and against any loss, cost or expense incurred by the County as the result of any activity related to self-fueling engaged in by the permittee, including the permittee's failure to pay the fuel flowage fee required by this ordinance. If the self-insured retention exceeds \$5,000.00, it may be satisfied by an irrevocable letter of credit in favor of the County in a form acceptable to the County.
3. Insurance, indemnity and hold harmless requirements to protect the County against liability and expense, including insurance for fuel vendors.
4. Requirements for tank maintenance and inspection, lessee responsibility for damage related to fuel storage and self-fueling operations, and tank removal and site restoration at the end of the lease, upon permit expiration or revocation, or upon expiration of the manufacturer's warranty period, whichever comes sooner.
5. Record-keeping, audit and inspection rights for the County.
6. Incorporation of the requirements of this ordinance.

(c) Prior to the lease or lease amendment being executed by the County, it shall be reviewed and approved by the Commission, the Office of the Corporation Counsel and the Department of Administration.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

### **Sec. 9-106 Fuel Tank System: Aboveground Tank Method**

(a) The fuel tank system for the aboveground tank method must meet all of the following requirements:

1. For each fuel type, have at least one single-compartment tank with a minimum capacity of 10,000 gallons and a maximum capacity of 20,000 gallons, which tank shall (i) have all product transfer piping and equipment located above ground, (ii) have an Underwriters Laboratory Listing marking of UL 142, (iii) have marking and color coding in accordance with FAA Advisory Circular 150/5230-4, Aircraft Fuel Storage, Handling, and Dispensing On Airports, and (iv) have a fuel metering system that is acceptable to the Commission;
2. Be installed pursuant to construction plans that have been approved by the Commission and the Wisconsin Department of Commerce prior to the start of construction;
3. Include security fencing and gates, and
4. Be owned by the permittee.

(b) No later than 72 hours before self-fueling operations begin, the permittee shall notify the Manager that construction of the fuel tank system is complete.

(c) The permittee shall operate the fuel tank system in a safe, efficient and clean manner and shall not allow the use of any defective fuel tank system equipment. The permittee shall perform repair and maintenance upon the fuel tank system as required by the lease.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

### **Sec. 9-107 Fuel Tank System: Underground Tank Method**

(a) The fuel tank system for the underground tank method must meet all of the following requirements:

1. For each fuel type, have at least one single-compartment double-walled fiberglass tank with an Underwriters Laboratory Listing marking of UL 1316 and a minimum capacity of 10,000 gallons, which tank shall (i) have corrosive-resistant piping that is double-walled, (ii) have an electronic monitoring system that includes interstitial monitoring of the tank and associated piping, automatic tank gauging as the primary leak detection method for the tank, and central station monitoring, and (iii) be properly closed and removed at the end of the tank manufacturer's warranty period or at the end of the lease term, whichever comes sooner.
2. Have an engineered spill-containment system for the tank and fuel servicing station capable of capturing a fuel release of no less than 2000 gallons.
3. Meet all distance requirements in NFPA 407 and Federal Aviation Administration



orders and regulations, with the fuel servicing station placement in a location approved by the Manager.

4. Have an appropriate fuel metering system.
5. Be installed pursuant to construction plans that have been approved by the Commission and the Wisconsin Department of Commerce prior to the start of construction.
6. Be owned by the permittee.

(b) No later than 72 hours before self-fueling operations begin, the permittee shall notify the Manager that construction of the fuel tank system is complete.

(c) The permittee shall operate the fuel tank system in a safe, efficient and clean manner and shall not allow the use of any defective fuel tank system equipment. The permittee shall perform repair and maintenance upon the fuel tank system as required by the lease.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

#### **Sec. 9-108 Aircraft Fuel Servicing Vehicles**

(a) For the aboveground tank and the off-site methods, the permittee shall have a single-product aircraft fuel servicing vehicle for each type of fuel. Each vehicle shall meet all of the following requirements:

1. Have a tanker capacity of no less than 2,000 gallons and no more than 10,000 gallons;
2. Have its own bottom tank loading and grounding services and approved hoses and dispensing nozzles;
3. When not in use, be parked (i) in a location sited in accordance with NFPA 407 standards within the parcel of land leased from the County for the permittee's fuel tank system, which location shall be designed to capture and contain the aggregate tanker capacity of the aircraft fuel servicing vehicles that are parked there, or (ii) in the area designated for aircraft fuel servicing parking pursuant to section 6-110;
4. Have marking and color coding in accordance with FAA Advisory Circular 150/5230-4, Aircraft Fuel Storage, Handling, and Dispensing On Airports, and appropriate lighting and radio communication equipment;
5. Be owned by or leased exclusively to the permittee, and
6. If used for off-site self-fueling, have a fuel metering device that is acceptable to the Commission.

(b) No later than 72 hours before an aircraft fuel servicing vehicle is placed in service for self-fueling, the permittee shall notify the Manager of the vehicle's intended use.

(c) The permittee shall operate the aircraft fuel servicing vehicle in a safe, efficient and clean manner, and shall not allow the use of a defective vehicle. The permittee shall perform such repair and maintenance upon the vehicle as is necessary to ensure its safe operation and as required by the lease.

(d) The operator of any aircraft fuel servicing vehicle that is on the Airport premises for any purpose related to self-fueling shall meet all of the following requirements:

1. Possess a valid Wisconsin operator's license;
2. Be an employee of the permittee, and
3. Comply with all NFPA and FAA requirements regarding operators of aircraft fuel servicing vehicles.

(Ord. No. 157-37, 08/19/02.)

### **Sec. 9-109 Fueling Operations**

(a) Any vehicle that is on the Airport premises for any purpose related to self-fueling shall use only such roadways or aircraft movement areas as are designated by the Manager.

(b) Fueling operations during which fuel is transferred between an aircraft fuel servicing vehicle and an aircraft shall occur only in areas designated for that purpose by the Manager.

(c) No individual may perform a fueling operation unless the individual meets all of the following requirements and does all of the following things:

1. Remains with the fueling apparatus at all times during the fueling operation;
2. Exercises extreme caution to prevent a fuel spill, and if a fuel spill occurs, immediately ceases fueling operations and notifies the Manager;
3. Is an employee of the permittee, but this requirement does not apply to an individual delivering fuel into a fuel storage tank;
4. For any fueling operation that results in the transfer of fuel into an aircraft, can demonstrate that he or she is authorized, trained and fully qualified to operate the fuel transfer equipment by (i) having completed, or been trained by an individual who has completed, an accepted FAA training program, and (ii) carrying with him or her an identification card issued by the employer which certifies his or her qualifications;
5. Complies with all NFPA and FAA requirements regarding fuel transfers for aircraft fuel servicing.

(d) The permittee shall keep training records for the employees who perform fueling operations for a minimum of two years, and shall make the training records available to the Manager upon request.

(e) Any vehicle that transfers fuel into a storage tank shall leave the Airport upon completion of the fueling operation.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

**Sec. 9-110 Parking: Off-site Method**

At any time that an aircraft fuel servicing vehicle that is used for self-fueling through off-site storage is not engaged in a fueling operation, when on airport premises shall be parked in an area designated for such purpose by the Manager. A reasonable fee for such parking shall be established by the Commission.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

**Sec. 9-111 Fuel Flowage Fee**

The permittee shall pay a fuel flowage fee of \$0.10 (10 cents) for each gallon of fuel (a) delivered to permittee's fuel tank system if the aboveground tank method or the underground tank method is used, and (b) transferred into an aircraft if the off-site storage method is used. Payment of the fee shall be made to the Manager on the 20th day of each month for fuel that was delivered or transferred during the previous month. Any late payment shall be subject to interest in the amount of 1.5% per month. With each payment, the permittee shall furnish the Manager with a statement and documentation showing the number of gallons delivered or transferred for the applicable payment period.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

**Sec. 9-112 National Fire Protection Association**

The County adopts and makes a part of this ordinance as though fully set forth all of the provisions of NFPA 30, 407 and 415. If there is any conflict between any provision of this ordinance and any provision of NFPA 30, 407 or 415, the provision that is more stringent shall apply. Any violation of NFPA 30, 407 or 415 is a violation of this ordinance.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

**Sec. 9-113 Compliance with other laws**

A permittee shall comply with all local, federal and state laws, codes, ordinances, rules and regulations now or hereafter in force and effect applicable to any activity associated with the storage and transfer of aircraft fuel. This includes, but is not limited to, compliance with ordinances of the City of Waukesha and rules of administrative agencies of the State of Wisconsin, including Wisconsin Administrative Code Chapter Commerce 10 Flammable and Combustible Liquids. A permittee shall also comply with all covenants of the Waukesha County Airport and all FAA Advisory Circulars and Orders pertaining to the storage, handling and dispensing of aircraft fuel and all amendments and revisions thereto. A violation of any law, code, ordinance, rule, regulation, circular or order referred to in this section is a violation of this ordinance.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

**Sec. 9-114 Inspections, Records and Audits**

(a) The permittee shall make daily, weekly and monthly inspections of any fuel tank system it has and the aircraft fuel servicing vehicles it uses as required by FAA Advisory Circular 150/5230-4, Aircraft

Fuel Storage, Handling and Dispensing on Airports, and shall maintain a written record of such inspections. The permittee shall also keep and maintain written records of all fuel brought to the Airport for self-fueling purposes (including dates, supplier and quantity) and of all fuel quantities transferred into aircraft by aircraft identification number. The permittee shall also maintain accurate records of fuel product monitoring to ensure that there is no leakage from any fuel storage tanks it has and from its aircraft fuel servicing vehicles. Copies of monthly leak detection reports generated by an underground fuel tank monitoring system, which reports must clearly identify the tank owner, the hangar location and the tank contents, shall be provided to the Manager every three months. The records required by this paragraph shall be kept for a minimum of two years and shall be made available to the Manager upon request.

(b) In addition to the records required by paragraph (a), the permittee shall (i) provide the Manager with information and records which are requested for the purpose of determining compliance with this ordinance including, but not limited to, records pertaining to business organization and ownership, ownership of equipment, and employee status, and (ii) promptly forward to the Manager copies of any fire or safety inspection reports, underwriting audits or insurance company reviews that relate to its self-fueling operations at the Airport, including its fuel tank system and aircraft fuel servicing vehicles. The permittee shall also allow the Manager to inspect the permittee's fuel tank system and aircraft fuel servicing vehicles for the purpose of determining compliance with this ordinance.

(c) The County shall have the right, during reasonable hours and upon reasonable advance notice, to audit permittee's records regarding its self-fueling operations at the Airport.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

#### **Sec. 9-115 Additional Requirements**

(a) The permittee shall provide for the adequate handling and disposal, away from the Airport, of all trash, garbage and other refuse generated as a result of its self-fueling operations.

(b) The permittee shall handle, use, store and dispose of fuel and all other materials, including hazardous materials, owned or used by it at the Airport in accordance with all applicable federal, state and local laws, codes, rules, regulations and ordinances, including rules of the Commission.

(c) If the aboveground tank method or the off-site method is used, then no later than six months after the permittee begins to self-fuel, it shall provide the Manager with a copy of the spill prevention, control and countermeasures plan as required by 40 CFR Part 112, Oil Pollution Prevention.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)

#### **Sec. 9-116 Enforcement**

(a) The failure to comply with any requirement of this ordinance is a violation of this ordinance. Any potential violation of this ordinance may be investigated by the Manager. If the Manager determines that a violation has occurred, he may do any or all of the following:

1. If the violation jeopardizes the safety of persons or property, order the permittee to cease self-fueling operations until the violation is corrected and take reasonable steps to ensure compliance with the order;
2. Issue a written or verbal warning, or

3. Make a written report of the violation to the Commission.

(b) If the Manager makes a written report of a violation to the Commission, the Commission shall schedule and conduct a hearing on the matter. A copy of the written report and due notice of the hearing shall be provided to the alleged violator no less than 15 days prior to the hearing. At the hearing, the Commission shall consider all relevant information and shall determine whether a violation of this ordinance occurred and, if a violation occurred, what consequences should be imposed. The determination must be by a majority of the Commission members present.

(c) If the Commission determines that a violation of this ordinance occurred, it may impose any or all of the following consequences:

1. Recommend legal action;
2. Order the permittee to take certain action consistent with this ordinance, the permit or the lease, or
3. Revoke the self-fueling permit for a time certain.

If the Commission determines that a violation occurred and either orders the permittee to take certain action or revokes the self-fueling permit, the permittee may appeal this determination pursuant to the administrative appeal procedure set forth in Chapter 2, Article VIII of the Waukesha County Code. Any permit revocation shall be stayed during the pendency of this appeal.

(d) Any person who violates any provision of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 for each day of each violation, together with the costs of enforcement. Each requirement of this ordinance that is violated constitutes a separate violation. In addition to a forfeiture, the County may seek such other relief, legal or equitable, as is available.

(Ord. No. 157-13, 5/28/02; Ord. No. 157-37, 08/19/02)