

ORDINANCE 4-97
REGULATING THE HEIGHT OF STRUCTURES AND TREES
IN THE VICINITY OF THE PRICE COUNTY AIRPORT

The Price County does ordain as follows:

SECTION I. Statutory Authorization. This ordinance is adopted pursuant to §114.136, Wisconsin Statutes.

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

- a. "Airport" means the Price County Airport located in Section 6 and 7, Town 37 North, Range 1 East, Price County, Wisconsin.
- b. "Nonconforming use" means any structure which does not conform to the provisions of this ordinance or an amendment thereto, as of the effective date of this ordinance.
- c. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- d. "Structure" means any object, including a mobile object, constructed, installed or located by a person.
- e. "Height" means the elevation above Mean Sea Level of the top of the structure, including any appurtenance installed thereon.
- f. "Permit" means written permission from the Price County Zoning Administrator on a form provided by the municipality stating that the proposed structure site either conforms to the Height Zoning Ordinance or has been granted a variance, per Section VI.
- g. "Hazard" means any structure or object of natural growth, which obstructs the air space required for the flight of aircraft in landing and taking off at an airport or is otherwise hazardous to such landing or taking off.
- h. "Trees" do not include shrubs, bushes or plants which do not grow to a height of more than (25) twenty-five feet.

SECTION III. Airport Zones. All zones established by this section are as shown on the map dated 10/8/07 entitled, "Height Limitation Zoning Map, Price County Airport, Price County, Wisconsin", which is attached hereto and adopted as part of this ordinance.

- a. Not Retroactive. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by Section VI(b). Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction alteration of such was begun prior to the effective date of this ordinance, and if such is diligently prosecuted.
- b. Removal by Purchase. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

SECTION V. Airport Zone Height Limitations. No structure shall be constructed, altered or located to a height in excess of the elevation indicated on the map referred to in Section III of this ordinance. Any structure constructed, altered or located in violation of this ordinance shall be removed at the owner's expense.

No trees shall be allowed to grow, to a height in excess of the height limit indicated on the map referred to in Section III of this ordinance. Any tree not on county land exceeding the height limit will be purchased in accordance with Section III(b).

SECTION VI. Permits.

- a. Future Uses. No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by Section III of this ordinance until the owner of his/her agent shall have applied in writing and obtained a permit from the Price County Zoning Administrator. Application for such permit shall indicated the purpose of which the permit is desired, with sufficient information to permit the Price County Zoning Administrator to determine whether such structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
- b. Existing Uses. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed in Section VI(a). Authorizing such change, replacement or repair. Such permit shall be granted if the structure will not become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit was made.
- c. Exemptions. Permits are not required for structures which are less the thirty-five (35) feet in height above ground level at the structure site.
- d. Posting. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment.
- e. Variances. Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant a variance from the terms of this ordinance. Such variance shall not be contrary to the public interest or create a hazard to the safe, normal operation of aircraft. Before considering a variance request, the applicant must show the Board of Appeals a completed airspace study and determination from the Federal Aviation Administration (FAA). The WisDOT Bureau of Aeronautics is available to help the applicant initiate the airspace study.

SECTION VII. Administration. It shall be the duty of Price County Zoning Administration to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made on a form provided by Price County Zoning Administration. Applications for permits shall be granted or denied within 60 days of the date of filing. Applications for variances shall include evidence of Federal Aviation Administration review of the proposed construction (FAA form 7460-1 "Notice of Proposed Construction"). Appeals for hearing and decision. All

fees/charges for applications or permits will be administered by the Price County Zoning Office.

SECTION VIII. Board of Appeals. There is hereby created a Board of Appeals, consisting of five (5) members appointed by the County Board Chairman subject to confirmation by the full County Board for terms of three years, excepting that of those first appointed. The Board of Appeals shall have the following powers: (1) to hear and decide appeals from any determination made by the Price County Zoning Administration in the enforcement of this ordinance; and (2) to hear and decide specific variances. The Board of appeals shall adopt rules for its governance in harmony with the provisions of the ordinance.

Reference: Section 20, Price County Zoning Ordinance.

SECTION IX. Appeals and Review.

- a. Aggrieved Person. Any person aggrieved or affected by any decision or action of the Price County Zoning Administration made in the administration of this ordinance may appeal such decision or action to the Board of Appeals.
- b. Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by the applicable Wisconsin statutes.

SECTION X. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than \$25.00 dollar(s) nor more than \$250.00 dollar(s) for such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the Price County Jail until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

Reference: Section 3.12, Price County Zoning Ordinance.

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

SECTION XII. Conflicting Regulation. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance any other regulations applicable to the same area, whether the conflict be with respect to the height of the structure or any other matter, the more stringent limitations or requirements shall govern and prevail.

SECTION XIII. Effect. This ordinance shall take effect and be in force upon passage and publication. This ordinance supersedes any previous ordinance regulating the height of structures in the vicinity of the airport.

Adopted this 19th day of August, 2008.

Moved by Erickson, seconded by D Preisler to adopt said Ordinance. Motion carried.