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February 6, 2012

JOHN KONOPACKI, TOWN OF STEPHENSON CHAIR
CRIVITZ MUNICIPAL AIRPORT
N9419 KISS LAKE LANE
CRIVITZ, WI 54114

Transmittal of Meeting Documents

Dear Mr. Konopacki,

Enclosed are the documents covered and topics discussed during a planning meeting at Crivitz Village Hall on Friday February 3, 2012. Persons in attendance included:

- Joe Banaszak, Crivitz Airport Manager
- John Deschane, Village of Crivitz President
- Nick Lakari, Marinette County Board of Supervisors, District 10
- Stacey Miller, WisDOT Bureau of Aeronautics

The purpose of the meeting was to discuss the expiration of 2009 General Aviation Entitlements, forming a "union airport" with other communities and future airport planning.

Please look over the meeting notes and Wisconsin State Statute 114.151 *Union Airports and Spaceport*.

Sincerely,

Stacey Miller
Airport Engineering Specialist
WisDOT - Bureau of Aeronautics
608-266-8167

Enclosures

Crivitz Municipal Airport

Feb. 3, 2012 Planning Meeting at Crivitz Village Hall

Attendees: J. Banaszak, S. Miller and J. Konopacki (via mail)

John Deschane, Village of Crivitz President
Nick LaKara, Marinette County Board of
Supervisors, District 10

1. 2009 GA Entitlements have expired and will need to be transferred
 - Mary Strait, P.E. will be sending the entitlement transfer document to you via email (include both J. Banaszak & J. Konopacki)
 - The 2009 Entitlements expire in 2012
 - GA Entitlements expire in 3 years if they are not "obligated"
 - GA Entitlements expire in 4 years if obligated, but not used
 - Town of Stephenson cannot "obligate" funds until a petition package is submitted to the Bureau of Aeronautics
 - Town of Stephenson still has 2010 & 2011 GA Entitlements @ 2.5% Local Share
 - Starting with 2012 GA Entitlements, it will likely be 5% Local Share

2010 & 2011 GA Entitlements - Share Distribution

Federal Share (95%)	\$150,000
State Share (2.5%)	3,947
Local Share (2.5%)	3,948
TOTAL YEARLY FUNDING	\$157,895

2012 & Future GA Entitlements - Share Distribution

Federal Share (90%)	\$150,000
State Share (5%)	8,333
Local Share (5%)	8,334
TOTAL YEARLY FUNDING	\$166,667

2. Forming a "Union Airport" with Other Municipalities
 - Wisconsin State Statute 114.151 *Union Airports and Spaceports* (see handout)
 - Discuss with other union airport commissions: Eagle River, Woodruff, Rhinelander and Baraboo-Dells for advise
 - There isn't guidance on "how" to do it, but some things to keep in mind...
 - Pass a resolution making the "union airport" official with all municipalities
 - Draft a charter or organizing agreement, for all to understand
 - Determine the number of votes needed to pass a Resolution
 - Does each community have equal votes?
 - Does the community which pays the most, have the most votes?
 - Is it set up like "corporate stocks" where votes are proportional to funding shares?

3. Future Projects (6 Year Plan) and Petition Process

- 6 year plan is due. Determine what work items the Town of Stephenson wants accomplished in the next 6 years.
- Things to keep in mind:
 - maintaining the airport vs. developing the airport
 - are these work items acceptable to the community
 - will we need to update the Airport Layout Plan (ALP)
- The Petition Process is...passing a resolution to petition the Secretary of Transportation for certain work items.
 - this is the necessary first step in order to access your GA Entitlements
 - Agency Agreement is part of process (formally allows WisDOT to administer airport projects, since WisDOT does not own the airport)
- Suggested work items, to only "maintain" the airport not "develop" the airport (do not require an ALP update):
 - Maintain, rehabilitate or reconstruct runway pavement
 - Maintain, rehabilitate or reconstruct taxiway pavement
 - Purchase snow removal equipment
 - Replace turf runway cones
 - Upgrade airfield lighting
 - Replace rotating beacon
 - Replace windsock

4. Questions or Comments?

CHAPTER 114

AERONAUTICS AND ASTRONAUTICS

SUBCHAPTER I
AIR TRANSPORTATION

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SUBCHAPTER I

AIR TRANSPORTATION

114.001 Definitions. In this chapter:

- (1) "Department" means the department of transportation.
 - (2) "Division of hearings and appeals" means the division of hearings and appeals in the department of administration.
 - (3) "Secretary" means the secretary of transportation.
- History:** 1977 c. 29; 1993 a. 16.

114.002 Definitions. As used in this chapter, unless the context otherwise requires:

- (1) "Aeronautics" means the science and art of aircraft flight and including but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.
- (2) "Aeronautics instructor" means any individual who for hire or reward engages in giving instruction or offering to give instruction in flying or ground subjects pertaining to aeronautics; but excludes any instructor in a public school, university or institution of higher learning duly accredited and approved for carrying on collegiate work, who instructs in flying or ground subjects pertaining to aeronautics, only in the performance of his or her duties at such school, university or institution.
- (3) "Aircraft" means any contrivance invented, used, or designed for navigation of or flight in the air, but does not include spacecraft.
- (5) "Airman" means any individual who engages, as the person in command, or as pilot, mechanic or member of the crew, in

the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft engines, propellers or appliances, and any individual who serves in the capacity of aircraft dispatcher, or air-traffic control-tower operator; but does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual.

(6) "Air navigation facility" means any facility, other than one owned or operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience to the safe take-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(7) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(8) "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

(9) "Air school" means any aeronautics instructor who advertises, represents or holds out as giving or offering to give instruction in flying or ground subjects pertaining to aeronautics; and any person who advertises, represents or holds out as giving or offering to give instruction in flying or ground subjects pertaining to

ordinance. The expansion or enlargement of a nonconforming use shall be in conformity with the ordinance. The governing body of the owner of the airport or spaceport site may remove such nonconforming use or acquire the necessary air right over the same by purchase or exercise of the right of eminent domain in the manner provided by ch. 32.

(4) **BOARD OF APPEALS.** (a) Any ordinance enacted under this section shall provide for a board of appeals. If the county, city, village or town which is the owner of the airport or spaceport has enacted a zoning ordinance under provision of law other than this section, the board of adjustment or board of appeals set up by that ordinance shall also function as the board of appeals under the ordinance enacted under this section.

(b) If there is no such board of appeals or board of adjustment, any regulations adopted under this section shall provide for a board of appeals. Where the airport or spaceport is owned jointly, the ordinance shall provide for a joint board of appeals. Such board shall be constituted and have all the powers, duties and functions as provided in s. 62.23 (7) (e), but not more than 2 members of such board shall be owners or occupants of the area affected by the ordinance.

(5) **ENFORCEMENT.** The governing body of the county, city, village or town owning the airport or spaceport site may provide for the enforcement of any ordinance or regulations enacted pursuant to this section. Such enforcement may be by a system of permits or any other appropriate method. The governing body enacting the ordinance may provide for the punishment of a violation of the ordinance by fine or imprisonment, or both.

History: 1979 c. 221; 1985 a. 29; 1993 a. 184, 246; 2005 a. 335.

This section is a limited grant of power to carry out a valid state police power to promote public safety along airport approaches. It does not violate the "one man, one vote" principle. *Schmidt v. City of Kenosha*, 214 Wis. 2d 527, 571 N.W.2d 892 (Ct. App. 1997), 96-2380.

The authority to regulate use and location of structures within the vicinity of airports is broad enough to encompass a restriction limiting individual residential units to a minimum of one acre. The restriction does not violate equal protection. *Northwest Properties v. Outagamie County*, 223 Wis. 2d 483, 589 N.W.2d 683 (Ct. App. 1998), 97-3653.

114.14 Equipment, control of airport; expense; regulations. (1) The governing body of a city, village, town or county which has established an airport or landing field, or landing and take-off strip, and acquired, leased or set apart real property for such purpose may construct, improve, equip, maintain and operate the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance and operation thereof in any suitable officer, board or body of such city, village, town or county. The expenses of such construction, improvement, equipment, maintenance and operation shall be a city, village, town or county charge as the case may be. The governing body of a city, village, town or county may adopt regulations, and establish fees or charges for the use of such airport or landing field, or may authorize an officer, board or body of such village, city, town or county having jurisdiction to adopt such regulations and establish such fees or charges, subject however to the approval of such governing body before they shall take effect.

(2) (a) The governing body of a city, village, town or county which has established an airport may vest jurisdiction for the construction, improvement, equipment, maintenance and operation of the airport in an airport commission. The governing body of such a city, village, town or county may determine the number of commissioners on the commission. The commissioners shall be persons especially interested in aeronautics. In the case of a county, the commissioners shall be appointed by the chairperson of the county board, subject to the approval of the county board; in the case of cities, villages and towns by the mayors or city managers, village presidents and town chairpersons, respectively.

(b) The terms of the commissioners shall be determined by the governing body.

(c) The commissioners' compensation and allowance for expenses shall be fixed by the governing body.

(d) The airport commission shall elect one member chairperson and one secretary who shall keep an accurate record of all its proceedings and transactions and report those proceedings and transactions to the governing body.

(e) The commission shall have complete and exclusive control and management over the airport for which it has been appointed.

(f) All moneys appropriated for the construction, improvement, equipment, maintenance or operation of an airport, managed as provided by this subsection, or earned by the airport or made available for its construction, improvement, equipment, maintenance or operation in any manner whatsoever, shall be deposited with the treasurer of the city, village, town or county where it shall be kept in a special fund and paid out only on order of the airport commission, drawn and signed by the secretary and countersigned by the chairperson.

(g) In case of union airports owned by 2 or more governmental units, each governmental unit shall appoint an equal number of commissioners to serve for terms that are determined by each of the governmental units that appoint the respective commissioners. The moneys available for union airports shall be kept in the manner provided in this subsection in the treasury of one of the governmental units selected by the commission, and paid out in like manner.

(3) (a) Except as provided in par. (b), in carrying out its duties the airport commission may do any of the following:

1. Employ a manager, who may be a member of the commission, and fix the manager's compensation.
2. Employ and fix the compensation of employees other than a manager that the commission considers necessary.
3. Make contracts or other arrangements that the commission considers necessary for the construction, improvement, equipment, maintenance or operation of the airport.
4. Contract with the United States or any agency.
5. Contract with private parties for a term not to exceed 10 years for the operation of the airport, including all necessary arrangements for the improvement, equipment and successful operation of the airport.

(b) The exercise of authority by the airport commission under par. (a) shall be subject to all of the following conditions:

1. The public may in no case be deprived of equal and uniform use of the airport.
2. No act, contract, lease or any activity of the airport commission shall be or become a binding contract on any government unit unless expressly authorized, and then only to the extent so expressly authorized.
3. No member of the commission may vote on the question of his or her selection as manager nor on any question as to his or her compensation.

History: 1979 c. 34; 1983 a. 192 s. 303 (1); 1993 a. 184, 492; 1995 a. 225, 405; 1997 a. 35; 1999 a. 83.

Under sub. (3) (b) 1., arbitrarily excluding members of the public, whether private or commercial, from the use of an airport constitutes depriving the public of equal and uniform use of airports. Precluding taxis without airport permits from providing prearranged services, when limousines were not required to have permits to provide the same service, conflicts with sub. (3) (b) 1. and was an invalid exercise of county authority. *County of Milwaukee v. Williams*, 2007 WI 69, 301 Wis. 2d 134, 732 N.W.2d 770, 05-2686.

This section does not provide a private right of action. *Miller Aviation v. Milwaukee County Board of Supervisors*, 273 F.3d 722 (2001).

114.15 Appropriation, taxation for airports. The local authorities of a city, village, town or county to which this chapter is applicable having power to appropriate money therein may annually appropriate and cause to be raised by taxation in such city, village, town or county, a sum sufficient to carry out the provisions of this chapter.

114.151 Union airports and spaceports. All powers conferred upon any county, city, village or town by ss. 114.11 to 114.15, relating to the acquisition, establishment, construction, ownership, control, lease, equipment, improvement, mainte-

nance, operation and regulation of airports or landing fields, or spaceports or spacecraft launch or landing areas, may be exercised by any 2 or more municipalities in the establishment, acquisition, equipment and operation of joint airports or landing fields, or spaceports or spacecraft launch or landing areas. The governing body of any county, city, village or town participating in the ownership or operation of a joint airport or spaceport as provided in this section may by resolution withdraw from such joint operation or control and may relinquish its interest in the airport or spaceport.

History: 2005 a. 335.

114.16 Pilots; federal license or permit. It shall be unlawful for any person to pilot within this state any civil aircraft, unless such person is the holder of a currently effective pilot's license or student's permit issued by the government of the United States; but this restriction shall not apply to any person operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

114.17 Mechanic's license, issue, presentation. Any person repairing, adjusting, inspecting or overhauling aircraft or aircraft engines within this state shall be in possession of a mechanic's license issued to the person by the federal government, which must be presented for inspection upon demand of any passenger, peace officer of this state, or any official, manager or person in charge of any airport or landing field in this state.

History: 1971 c. 192; 1993 a. 492.

114.18 Aircraft; airworthiness; federal license. It shall be unlawful for any person to operate, pilot or navigate, or cause or authorize to be operated, piloted or navigated within this state any civil aircraft, unless such aircraft has a currently effective license issued by the government of the United States or has been duly identified by the government of the United States but this restriction shall not apply to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft, or to a nonpassenger-carrying flight solely for inspection or test purposes authorized by the United States to be made without such license.

114.19 Display of licenses. The certificate of the license or permit respectively required of a pilot or a student shall be kept in the personal possession of the licensee or permittee when the licensee or permittee is operating an aircraft within this state. The certificate of the license required for an aircraft shall be carried in the aircraft at all times and shall be conspicuously posted therein in clear view of passengers. Such certificate of pilot's license, student's permit or aircraft license shall be presented for inspection upon the demand of any passenger, any peace officer of this state, any authorized official, or any official, manager or person in charge of any airport in this state upon which it shall land, or upon the reasonable request of any other person. In any criminal prosecution under any of the provisions of this chapter, a defendant who relies upon a license or permit of any kind shall have the burden of proving that he or she is properly licensed or is the possessor of a proper license or permit. The fact of nonissuance of such license or permit may be evidenced by a certificate signed by the official having power of issuance, or the official's deputy, under seal of office, stating that the official or deputy has made diligent search in the records of the official's office and that from the records it appears that no such license or permit was issued.

History: 1993 a. 492.

114.195 Ultralight identification. (1) In this section, "ultralight aircraft" means an aircraft which meets all of the following requirements:

(a) Is used or intended to be used for manned operation in the air by a single occupant.

(b) Is used or intended to be used for recreation or sport purposes only.

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(c) Does not have any U.S. or foreign air-worthiness certificate.

(d) If unpowered weighs less than 155 pounds or if powered weighs less than 254 pounds empty weight excluding floats and safety devices which are intended for use in catastrophic situation, has a fuel capacity not exceeding 5 gallons, is not capable of more than 55 knots calibrated air speed at full power in level flight and has a power-off stall-speed which does not exceed 24 knots calibrated air speed.

(2) No person may operate an ultralight aircraft within this state unless the aircraft displays an identification number assigned by an organization, approved by the department, which issues identification numbers for ultralight aircraft. The department shall maintain a list of organizations which qualify under this subsection. Any industry registration program approved by the federal aviation administration shall be approved by the department.

(3) Any person violating sub. (2) shall be required to forfeit not more than \$500.

History: 1983 a. 151.

114.20 Aircraft registration. (1) REGISTRATION REQUIRED.

(a) Except as provided under sub. (2), all aircraft based in this state shall be registered by the owner of the aircraft with the department annually on or before November 1 or, for aircraft with a maximum gross weight of not more than 3,000 pounds that are not subject to sub. (10), biennially on or before the first November 1. Annual registration fees shall be determined in accordance with sub. (9) or (10). Biennial registration fees shall be determined in accordance with sub. (9m).

(b) Aircraft determined by the department to be based in this state shall be subject to the annual or biennial registration fees under sub. (9) or (9m). Aircraft which are determined to be not based in this state shall be exempt from the annual or biennial registration fees.

(c) An aircraft is presumed to be based in this state if it is kept in the state for a period of 30 consecutive days or for a cumulative period of 60 days in any calendar year. An aircraft is not based in this state if it is brought into the state solely for the purpose of repair, maintenance or restoration.

(2) EXCEPTIONS TO REGISTRATION REQUIREMENTS. The registration requirements under sub. (1) do not apply to aircraft based in this state that are:

(a) Aircraft, as defined in s. 76.02 (1);

(b) Antique aircraft registered under sub. (6);

(d) Museum aircraft designated under sub. (4);

(e) Unairworthy aircraft designated under sub. (5);

(f) Amateur built aircraft registered under sub. (8); or

(g) Ultralight aircraft as defined in s. 114.195 (1).

(3) FEES IN LIEU OF PROPERTY TAXES. Fees paid on aircraft under this section are in lieu of general property taxes.

(4) MUSEUM AIRCRAFT. Any museum desiring to designate aircraft as museum aircraft shall, on or before November 1 of each year, submit to the department an inventory of all aircraft held by the museum for display or other museum purposes. The inventory shall identify the owner of the aircraft and whether it is being held by the museum under loan or other arrangements. The aircraft designated as museum aircraft are exempt from registration under this section during the time they are owned or held by the museum for display or other museum purposes and are not flown for any purpose except to and from displays. The museum shall promptly notify the department of any additions or deletions to the annual inventory of designated museum aircraft.

(5) UNAIRWORTHY AIRCRAFT. Any person desiring to have an aircraft designated as an unairworthy aircraft may apply to the department in the manner the department prescribes. No application may be acted upon unless all information requested is supplied. Upon receipt of an application and a registration fee to be established by rule and after determining from the facts submitted and investigation that the aircraft qualifies as an unairworthy air-