

## **Chapter 185**

### **AIRPORT**

**[HISTORY: Adopted by the Town Board of the Town of La Pointe as indicated in article histories. Amendments noted where applicable.]**

#### **ARTICLE I Height and Use Regulations [Adopted 11-6-1973]**

##### **§ 185-1. Definitions.**

As used in this article, unless the context otherwise requires, the following terms shall have the meanings indicated:

**AIRPORT** — The Madeline Island Airport located in Sections 20, 21, 28 and 29, Town 50N, Range 3W, Ashland County, Wisconsin.

**AIRPORT HAZARD** — Any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

**NONCONFORMING USE** — Any structure, tree or use of land which does not conform to a regulation prescribed in this article or an amendment thereto, as of the effective date of such regulation.

**PERSON** — Any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

**RUNWAY** — A level portion of an airport having a surface specially developed and maintained for the landing and takeoff of aircraft.

**STRUCTURE** — Any object constructed or installed by man.

**TREE** — Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than five feet.

##### **§ 185-2. Zones.**

All zones established by this article are as shown on the map dated August 1973 titled "Height Limitation Zoning Map, Madeline Airport, La Pointe, Wisconsin," which is attached hereto and adopted as part of this article.<sup>1</sup>

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1. Editor's Note: The current map is on file with the Town Clerk.

**§ 185-3. Height restrictions.**

Except as otherwise provided in this article, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to a height in excess of the height limit indicated on the map referred to in § 185-2 hereof.

**§ 185-4. Use restrictions.**

- A. Activities. Notwithstanding the provisions of § 185-3 of this article, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.
- B. Exceptions. The restrictions contained in § 185-3 shall not apply to legal fences or to farm crops which are cut at least once each year.

**§ 185-5. Nonconforming uses.**

- A. Not retroactive. The regulations prescribed in §§ 185-3 and 185-4 of this article shall not be construed to require the removal, lowering or other change or alteration of any nonconforming use or otherwise to interfere with the continuance of any nonconforming use, except as otherwise provided by § 185-7B.
- B. Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this article, and if such is diligently prosecuted.
- C. Removal. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

**§ 185-6. Administration.**<sup>2</sup>

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him. Applications which are by this article to be decided by the Zoning Administrator shall be granted or denied within 10 days of the date of filing of the application, unless FAA approval is requested. Applications for action by the Board of Appeals shall be forthwith transmitted by the Zoning Administrator to the Board for hearing and decision. Fees for applications and permits will be in accordance with the annual schedule of fees established by the Town Board.

**§ 185-7. Permits and leasing.**<sup>3</sup>

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- A. Future uses. No structure shall hereafter be constructed, erected, installed, or altered or be permitted to remain in any zone created by § 185-2 of this article until the owner or his agent shall have applied in writing for a permit therefor and obtained such permit from the Zoning Administrator, except structures more than 1/2 mile from the nearest airport boundary and less than 50 feet maximum height above ground level at the building site. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or alteration. The airport manager shall have the right to trim, prune, or remove at the owner's expense any tree which was planted after adoption of this article and found to be in violation of the height restriction for the zone in which it is located. Application for such permits shall indicate the use for which the permits are desired and shall describe and locate the use with sufficient particularity to permit the Zoning Administrator to determine whether such use would conform to the regulations herein described. If such determination is in the affirmative, the Zoning Administrator shall issue the permit applied for.
- 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 by Subsection A authorizing such change, replacement or repair. No altered nonconforming structure shall become a greater hazard to air navigation than it was on the effective date of this article, or than it was when the application for permit was made.
- C. Leases. The airport manager may collect fees for leasing land or facilities or use of the airport in accordance with the annual schedule of fees established by the Town Board.

**§ 185-8. Hazard marking and lighting.** <sup>4</sup>

Any permit or variance granted under § 185-7 or 185-10 may, if such action is deemed advisable by the Zoning Administrator or Board of Appeals to effectuate the purpose of this article and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the pilots the presence of an airport hazard.

**§ 185-9. Board of Appeals.**

The present Zoning Board of Appeals of the Town of La Pointe previously appointed and acting pursuant to the existing ordinance shall act as the Board of Appeals in connection with this article.

**§ 185-10. Variances and appeals.**

- A. Variances. Upon appeal in special cases the Board of Appeals may, after

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

investigation and public hearing, grant such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this article would result in unnecessary hardship and such relief will do substantial justice and be in accord with the spirit of this article and does not create a hazard to the safe, normal operation of aircraft.

- B. Aggrieved person. Any person aggrieved or affected by any decision or action of the Board of Appeals made in its administration of this article may appeal such decision or action of the Board of Appeals.
- C. Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by § 62.23(7)(e), Wis. Stats.

**§ 185-11. Violations and penalties.**

Any person violating any of the provisions of this article shall, upon conviction, forfeit not less than \$10 nor more than \$200 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 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.

ARTICLE II  
**Vehicular and Pedestrian Traffic**  
[Adopted 11-11-1997 by Ord. No. 97-11-11]

**§ 185-12. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

EMERGENCY EQUIPMENT — Crash, fire and rescue, or police motor vehicles and such other equipment as the airport manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

PEDESTRIAN — Any person afoot.

SERVICE, MAINTENANCE AND CONSTRUCTION EQUIPMENT — Approved equipment normally operated by the airport owner, its agents or under contract, fixed base operator(s), or other governmental agencies performing official duties on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the Town of La Pointe.

VEHICLE — Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.

**§ 185-13. Operation of vehicles on runways, taxiways and ramps.**

- A. No unauthorized vehicle shall enter or be driven upon or operated upon any airport runway, taxiway, ramp, 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 or service, maintenance, and construction equipment when engaged in performing normal duties.
- C. Aircraft owners and others may be granted authorization by the airport manager or his designated representative to operate a vehicle to reach aircraft in a tie-down area. Unless specifically authorized, authorized drivers shall not pass over any runway or taxiway and shall proceed through the tie-down area at a speed not to exceed 10 miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft.

**§ 185-14. Speed of vehicles.**

No vehicle shall be driven upon any road within the perimeter of the airport or upon other airport areas in excess of the speed limit posted, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicle traffic on or about the airport.

**§ 185-15. Pedestrian traffic.**

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

**§ 185-16. Vehicle parking.** [Amended 6-22-1999<sup>5</sup>]

There shall be a parking limit of 96 hours from April 1 to October 31 and 14 consecutive days from November 1 to March 31. Parking permits for longer periods related to aviation activities may be issued by the airport manager. The fee for long-term parking will be in accordance with the annual fee schedule established by the Town Board.

**§ 185-17. Enforcement.**<sup>6</sup>

It shall be the duty of the La Pointe Police Department of the Town of La Pointe to enforce the traffic and pedestrian provisions of this article.

**§ 185-18. Violations and penalties.**

Any person who shall violate any of the provisions of this article shall upon conviction thereof forfeit not less than \$10 nor more than \$200, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution may be imprisoned in the Ashland County Jail until said forfeiture and costs are paid, but not

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5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

exceeding 90 days.