

ORDINANCE NO. 5-995

REGULATING THE HEIGHT OF STRUCTURES AND
TREES IN THE VICINITY OF THE
IOWA COUNTY AIRPORT

MINERAL POINT, IOWA COUNTY, WISCONSIN

THE COUNTY BOARD OF SUPERVISORS, IOWA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section I - Definitions

As used in this ordinance, unless the context otherwise requires:

- (a) "Airport" means the Iowa County Airport located in Sections 2, 23, 26 and 27, Town 5N, Range 2E, Iowa County, Wisconsin.
- (b) "Airport hazard" means any structure or object of natural growth 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.
- (c) "Non-conforming use" means any structure or tree which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulation.
- (d) "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.
- (e) "Structure" means any object constructed or installed by man.
- (f) "Trees" do not include shrubs, bushes or plants which do not grow to a height of more than twenty feet.
- (g) "Runway" means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

Section II - Zones

All zones established by this section are as shown on the map dated August 2, 1995, entitled "Height Limitation Zoning Map, Iowa County Airport, Mineral Point, Wisconsin", which is attached hereto and adopted as part of this ordinance.

Section III - Height Limitation Zones

Except as otherwise provided in this ordinance, 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 Section II hereof.

Section IV - Use Restrictions

- (a) Exceptions. The restrictions contained in Section III shall not apply to objects which are less than thirty-five (35) feet in height above ground level at the object site within one-half mile of the airport boundary, or to structures less than fifty (50) feet in height above ground within the area beginning one-half mile from the airport boundary and extending to three miles from the airport boundary.

Section V - Non-conforming Uses

- (a) Not Retroactive. The regulations prescribed in Sections II or III of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided by Section VII(b).
- (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 ordinance, and if such is diligently prosecuted.
- (c) Removal. This section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

Section VI - Administration

It shall be the duty of the Iowa County Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to Scott Godfrey, Iowa County Zoning Administrator, upon a uniform form furnished by him. Applications for permits or variances shall be granted or denied within thirty (30) days of the date of filing of the applications, unless Federal Aviation Administration approval is requested. There shall be no charge for applications or permits.

Section VII - Permits

- (a) Future Uses. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section II of this ordinance until the owner or his agent shall have applied in writing for a permit thereof and obtained such permit from the Iowa County Zoning Administrator, except structures less than fifty (50) feet in height above the ground and within one-half mile of the airport boundary and structures less than one hundred (100) feet in height above the ground within the area beginning one-half mile from the airport boundary and extending to three (3) miles from the airport boundary. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use of which the permit is 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 prescribed. If such determination is in the affirmative, the zoning administrator shall issue the permit applied for. The zoning administrator shall have the right to trim, prune or remove at the owner's expense any tree which was planted after adoption of this ordinance and found to be in violation of the height restriction for the zone in which it is located.
- (b) Existing Uses. Before any non-conforming structure may be replaced, altered or rebuilt, a permit shall be applied for and secured in the manner prescribed by paragraph (a) authorizing such change, replacement or repair. No such permit shall be denied 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.

Section VIII - Appeals and Review

- (a) Variances. Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant such variance from the terms of this ordinance as will not be contrary to the public interest where owing to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this ordinance, 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 Iowa County Zoning Administrator made in his administration of this ordinance may appeal such decision or action to the Board of Appeals.
- (c) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Section 62.23(7)(e) of the statutes.

Section IX - Penalties

Any person violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than twenty-five dollars (\$25.00), nor more than two hundred fifty dollars (\$250.00) 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 cost are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

Section X - 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 XI - Effect

This ordinance shall take effect and be in force upon passage of the same ordinance by the Iowa County Board.

Section XII

This ordinance shall supersede and take precedence over any provision to the contrary in Iowa County Comprehensive Zoning Ordinance, which was adopted by the Iowa County Board of Supervisors on December 14, 1970, as amended to date.

Adopted this 21st day of September, 1995
Richard Scullion, Iowa County Board Chairman

Attest: David D. Meudt, Iowa County Clerk
Supt. Finkelmeyer moved for adoption of ordinance.
Supt. Luciani second the motion. Carried