

CHAPTER 68

AIRPORT MINIMUM STANDARDS ORDINANCE

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68.01 TITLE. This ordinance may be cited as the airport standards ordinance or as chapter 68 of the Dane County Code of Ordinances.

68.02 PURPOSE. It is intended by this ordinance to insure adequate aeronautical services and facilities and to foster the economic health and orderly development of aeronautical operations by specifying minimum standards and requirements for aeronautical services and related activities at the airport.

68.03 DEFINITIONS. As used in this chapter, the following words and phrases have the meanings indicated:

- (1) *Aeronautical activity* means any activity 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.
- (2) *Airport* means the Dane County Regional Airport.
- (3) *Board* means the Dane County Board of Supervisors.
- (4) *Commission* means the Dane County Regional Airport Commission created by act of the County Board of Supervisors of the County of Dane.
- (5) *County* means the County of Dane.
- (6) *Director* means the director of the Dane County Regional Airport or his or her designee.
- (7) *Operator* means any person, firm, corporation or other organization of persons or corporations conducting or intending to conduct commercial aeronautical services or activities at the airport.

68.04 ADMINISTRATION AND POLICY OVERSIGHT.

- (1) Administration of the terms of this ordinance shall be by the director and staff of the airport.
- (2) Policy making aspects of this ordinance shall be performed by the Commission with ultimate authority residing in the Board.

[68.05-68.10 reserved.]

68.11 EVIDENCE OF QUALIFICATIONS. Any operator seeking to conduct business activities at the airport must present evidence that it is qualified and has the necessary experience and financial resources to perform the intended aeronautical activity or service. At a minimum, the following information must be submitted at the time of application:

- (1) Intended scope of operation;
- (2) Amount of land to be leased;
- (3) Building space to be constructed or leased;
- (4) Number of aircraft to be provided;
- (5) Number of persons to be employed;
- (6) Hours of proposed operation;
- (7) Types of insurance coverage to be maintained;
- (8) Evidence of financial responsibility to perform and provide the proposed services and facilities;
- (9) Statement of past work experience in conducting the intended aeronautical operation.

68.12 PLAN REVIEW. Operators seeking to conduct business activities or actually conducting such activities at the airport shall not proceed with any construction or remodeling on the airport premises without first obtaining advance written approval of plans and specifications from the director.

68.13 CONDUCT OF BUSINESS. Each operator shall conduct its business in a manner that will reflect credit upon the business enterprise and the county; keep all facilities in a satisfactory condition; comply with all laws, rules, and regulations of the City of Madison and Dane County, the State of Wisconsin, and the Federal Government; accord all patrons courteous treatment; and offer and provide its services and employment opportunities without regard to race, creed, national origin, gender, handicap, sexual preference and other non-business related factors.

68.14 INSURANCE. Each operator shall procure and maintain premises liability insurance in the amount of at least \$1 million single limit bodily injury and property damage each occurrence and, in addition thereto, insurance of the types and minimum limits hereinafter set forth in the schedule of minimum standards for the respective categories of aeronautical services or activities. All insurance standards are minimums only and actual requirements may vary according to the scope of intended operation.

68.15 AUTO PARKING, PAVED WALKWAY AND AIRCRAFT APRON. Each operator shall provide paved auto parking within the leased area to accommodate at least ten vehicles; a paved walkway to accommodate pedestrian access to the operator's office; and a paved aircraft apron and/or taxiway between the operator's building and the Air Operations Area.

68.16 PERSONNEL, LIVING WAGE REQUIREMENT.

(1) Each operator shall have in its employ, and on duty during required operating hours, trained personnel in such numbers as are required to meet the minimum standards in an efficient manner for each aeronautical service being performed. Each operator shall insure that at least one employee is in attendance in the office at all times during operating hours.

(2) All employees of operators and tenants at the airport having access to the Security Identification Display Area (SIDA) as defined by the Transportation Security Administration, except those employees entering the SIDA exclusively as a means of accessing the loading dock, shall be paid no less than the living wage established under section 25.015(1)(f) of this ordinance. Notwithstanding the provisions of section 68.34 herein, enforcement of the living wage requirement under this section shall be in the manner set forth in section 25.015(10) through (13) of this ordinance.

[History: am., OA 32, 2003-04, pub. 05/28/04; (2) am., OA 6, 2004-05, pub. 05/28/04.]

NON-CODE PROVISION: The living wage applicable to employees of operators and tenants at the Airport under section 68.16(2) above shall, effective May 29, 2004, be eighty percent (80%) of Dane County's living wage through December 31, 2004, then ninety percent (90%) through December 31, 2005, then ninety-five percent (95%) through December 31, 2006. Effective January 1, 2007, it is established as the county's living wage as per section 25.015, D.C. Ords.

68.17 SPILL PLAN. Operators dealing directly with fuel, chemicals, or other products considered by federal, state, or local authorities to be pollutants or hazardous, shall provide a fuel and/or chemical spill plan for approval by the airport director and appropriate environmental agencies.

68.18 SUBLEASING. An operator subleasing from another operator on the airport shall meet all the minimum standards for the category(s) of services to be furnished, except for the lease of land and facilities. All subleases and sublessees must be approved by the county prior to operation.

[68.19 reserved.]

68.20 MINIMUM STANDARDS FOR AIRCRAFT SALES OPERATIONS.

(1) As used in this section, *aircraft sales operator* means a fixed base operator engaged in the sale of new or used aircraft and who provides such repair, services and parts as necessary to meet any guarantee or warranty on new or used aircraft sold.

(2) An aircraft sales operator shall lease from the airport not less than 20,000 square feet of ground space for outside display and storage of aircraft; on which shall be erected a building with at least 3,600 square feet of floor space for aircraft storage and at least 700 square feet of floor space for office, customer lounge and rest rooms.

(3) An aircraft sales operator shall provide satisfactory arrangements for repair and servicing of aircraft for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop operator at the airport. Aircraft sales operators shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. An aircraft sales operator who is engaged in the business of selling new aircraft shall have available or on call at least one fully-assembled demonstrator aircraft.

(4) Aircraft sales operators shall maintain in full force and effect Aircraft Liability insurance in the amount of at least \$1,000,000 single limit bodily injury and property damage subject to \$100,000 any one passenger.

(5) The premises of each aircraft sales operator shall be open and services available a minimum of eight hours daily, five days a week.

(6) Each aircraft sales operator shall employ, and have on duty during business hours, at least one person having a current commercial pilot certificate with single engine rating and instructor rating, except that if multi-engine aircraft are being sold by an aircraft sales operator, the pilot must have a multi-engine rating as well.

68.21 MINIMUM STANDARDS FOR AIRCRAFT POWERPLANT AND AIRFRAME MAINTENANCE AND REPAIR OPERATIONS.

(1) As used in this section, *repair operator* means an aircraft engine and airframe maintenance and repair operator who is a fixed base operator providing one or a combination of airframe and powerplant overhaul and repair services at the airport.

(2) A repair operator shall lease from the airport not less than 20,000 square feet of ground space; on which shall be erected a building with at least 4,800 square feet of floor space for airframe and powerplant overhaul and repair services, and at least 600 square feet of floor space for office, customer lounge and rest rooms.

- (3) Each repair operator shall provide sufficient equipment, supplies, and parts required for certification by the Federal Aviation Administration as an approved repair station.
- (4) Each repair operator shall maintain in full force and effect an insurance policy providing for Hangar Keepers Liability in the amount of at least \$300,000 any one aircraft/\$300,000 each occurrence, and Products Liability in the amount of at least \$1,000,000 each accident.
- (5) The premises of each repair operator shall be open and services available a minimum of eight hours daily, five days each week.
- (6) Each repair operator shall have on duty during business hours at least two trained personnel, one of whom shall be currently certified by the Federal Aviation Administration with rating appropriate to the work being performed and an aircraft inspector's rating.

68.22 MINIMUM STANDARDS FOR AIRCRAFT RENTAL OPERATIONS.

- (1) As used in this section, *aircraft rental operator* means a fixed base operator engaged in the rental of aircraft at the airport.
- (2) An aircraft rental operator shall lease from the airport not less than 20,000 square feet of ground space; on which shall be erected a building with at least 4,800 square feet of floor space for aircraft storage and at least 700 square feet of floor space for office, customer lounge and rest rooms.
- (3) Each aircraft rental operator shall have available for rental, either owned by or under written lease to aircraft rental operator, not less than two certified and airworthy aircraft, one of which must be a four-place (minimum) aircraft, and one of which must be equipped for, and capable of, flight under instrument conditions.
- (4) Each aircraft rental operator shall maintain in full force and effect Aircraft Liability insurance in the amount of at least \$1,000,000 single limit bodily injury and property damage subject to \$100,000 any one passenger, and Student and Renters' Liability in the amount of at least \$1,000,000 each accident.
- (5) The premises of each aircraft rental operator shall be open and services available a minimum of eight hours daily, six days a week.
- (6) Each aircraft rental operator shall have on duty during business hours at least one person having a current commercial pilot certificate with appropriate ratings, including instructor rating.

68.23 MINIMUM STANDARDS FOR FLIGHT TRAINING OPERATIONS.

- (1) As used in this section, *flight training operator* means a fixed base operator engaged in flight training and ground school instruction preparatory to taking written examinations and flight checks for the categories of pilots' licenses and ratings involved.
- (2) A flight training operator shall lease from the airport not less than 20,000 square feet of ground space; on which shall be erected a building with at least 4,800 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, classroom, briefing room, pilot lounge and rest rooms.
- (3) Each flight training operator shall have available for use in flight training, either owned by or under written lease to flight training operator, not less than three certified

and airworthy aircraft; one of which must be a four-place (minimum) aircraft and one of which must be equipped for, and capable of, instrument flight instruction.

(4) Each flight training operator shall maintain in full force and effect, Aircraft Liability insurance in the amount of at least \$1,000,000 single limit bodily injury and property damage subject to \$100,000 any one passenger, and Student and Renters' Liability in the amount of at least \$1,000,000 each accident.

(5) The premises of each flight training operator shall be open and services available a minimum of eight hours daily, six days a week.

(6) Each flight training operator shall employ at least two full-time flight instructors who have been properly certificated by the Federal Aviation Administration to provide the type of training offered; as a minimum, one shall be on duty during business hours and one shall be available on call.

68.24 MINIMUM STANDARDS FOR AIRCRAFT LINE SERVICES OPERATIONS.

(1) As used in this section, *line services operator* means a fixed base operator providing the sale and into-plane delivery of recognized brands of aviation fuels, lubricants and other aviation petroleum products; servicing of aircraft; ramp assistance; parking, storage and tiedown of aircraft within the leased area.

(2) A line services operator shall lease from the airport not less than 30,000 square feet of ground space; on which shall be erected a building with at least 4,800 square feet of floor space for aircraft storage and at least 800 square feet of floor space for office, customer lounge and rest rooms.

(3) Each line services operator shall:

(a) comply with the minimum standards for fueling operations as set forth in section 68.33 of this ordinance;

(b) provide aircraft cabin services and minor repair services that can be performed efficiently within the leased premises;

(c) procure and maintain tools, jacks, towing equipment, tire repair equipment, starters, heaters, fire extinguishers, and passenger loading steps as appropriate and necessary for the servicing of aircraft using the airport; and

(d) maintain and operate all vehicles and equipment in accordance with applicable federal, state or local law, regulation, policy or rule, including written directives issues by the Director of the Airport.

(4) Each line services operator shall maintain in full force and effect Hangar Keepers' Liability insurance in the amount of at least \$300,000 any one aircraft/\$300,000 each occurrence; Motor Vehicle Liability insurance providing coverage for Bodily Injury and Property Damage in the amount of at least \$1,000,000 each person and each accident; and Products Liability insurance in the amount of at least \$1,000,000 each accident.

(5) The premises of each line services operator shall be open and services available from sunrise to sunset, seven days a week, as a minimum, and shall provide on-call aircraft servicing during all other hours.

[History: (3)(g) am., 2018 OA-13, pub. 10/16/18; (3) am., 2021 OA-14, pub. 08/27/21.]

68.25 MINIMUM STANDARDS FOR RADIO, INSTRUMENT AND PROPELLER REPAIR OPERATIONS.

- (1) As used in this section, *repair station operator* means a fixed base operator engaged in the sale and repair of aircraft radios, propellers, instruments, and accessories, or any of the foregoing, at the airport. Each repair station operator shall hold appropriate repair shop certificates issued by the Federal Aviation Administration.
- (2) A repair station operator shall lease from the airport not less than 20,000 square feet of ground space; on which shall be erected a building with at least 3,600 square feet of floor space to accommodate at least one aircraft and to provide an office, shop, customer lounge and rest rooms.
- (3) Each repair station operator shall maintain in full force and effect Hangar Keepers' Liability insurance in the amount of at least \$300,000 any one aircraft/\$300,000 each occurrence, and Products Liability insurance in the amount of at least \$1,000,000 each accident.
- (4) The premises of a repair station operator shall be open and services available a minimum of eight hours daily, five days each week.
- (5) Each repair station operator shall have on duty during business hours at least two persons, at least one of whom shall be currently certified by the Federal Aviation Administration as a radio, instrument, or propeller repairman.

68.26 MINIMUM STANDARDS FOR SPECIALIZED COMMERCIAL FLYING OPERATIONS.

- (1) As used in this section, *specialized commercial flying services operator* is a fixed base operator providing the use of aircraft for activities such as (a) nonstop sightseeing flights that begin and end at the same airport within a 25 mile radius of the airport; (b) crop-dusting, seeding, and spraying; (c) aerial advertising; (d) aerial photography or survey; (e) fire- fighting; (f) power line or pipe line patrol; (g) any other operation specifically excluded from Part 135 of the Federal Aviation Regulations or other sections of this chapter.
- (2) Because of the variation in services performed, the land, building, and insurance requirements will be negotiated by the prospective operator and the airport. Such requirements shall be appropriate to the activity proposed.
- (3) A specialized commercial flying services operator engaged in performing services such as crop-dusting, aerial application, or other services involving commercial use of chemicals, shall provide a centrally drained and paved area of not less than 10,000 square feet for aircraft loading, washing and servicing. This area must be constructed to meet all current requirements of state, federal, and local agencies. The specialized commercial flying services operator shall provide for the safe storage and containment of chemical materials, tank trucks for the handling of liquid spray and mixing liquids, and adequate ground equipment for the safe handling and loading of dusting materials.
- (4) Each specialized commercial flying services operator shall provide, either owned by or under written lease to the specialized commercial flying services operator, not less than one certified and airworthy aircraft meeting all federal and state requirements and regulations with respect to the type of operation to be performed.

(5) Each specialized commercial flying services operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize the services of a specialized commercial flying services operator.

(6) Each specialized commercial flying services operator shall have at least one employee who shall have a current commercial pilot certificate and be properly rated for the aircraft to be used and the type of operation to be performed.

[68.27-68.29 reserved.]

68.30 MINIMUM STANDARDS FOR CERTAIN COMMERCIAL AIR CARRIER OPERATIONS.

(1) As used in this section, a *commercial air carrier* is an air taxi or charter operator providing on-demand, non-scheduled, air transportation services at the airport.

(2) A commercial air carrier shall lease from the airport not less than 20,000 square feet of ground space; on which shall be erected a building with at least 900 square feet of floor space for office, customer lounge and rest rooms.

(3) Each commercial air carrier shall provide, either owned by or under written lease to the carrier, not less than one certified and airworthy single-engine, four place aircraft and one multi-engine aircraft, both of which must be equipped for, and capable of, flight under instrument conditions.

(4) Each commercial air carrier shall maintain in full force and effect Aircraft Liability insurance in the amount of at least \$1,000,000 single limit bodily injury and property damage subject to \$100,000 any one passenger.

(5) The premises of each commercial air carrier shall be open and services available a minimum of eight hours daily, five days per week, and shall provide on-call service during other hours.

(6) Each commercial air carrier shall have on duty during business hours at least two personnel, one of whom, as a minimum, shall have a current commercial pilot certificate with appropriate ratings.

68.31 MINIMUM STANDARDS FOR CERTAIN MULTIPLE SERVICES OPERATIONS.

(1) As used in this section, a *multiple services operator* is a fixed base operator and/or commercial air carrier providing two or more services, for which minimum standards have been provided, at the airport. A multiple services operator may select any combination of aeronautical services. The minimum requirements will depend upon the nature of the individual services in such combination, but will not necessarily be cumulative.

(2) Each multiple services operator shall lease from the airport not less than 30,000 square feet of ground space; on which the multiple services operator shall erect a building with at least 4,800 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge and rest rooms. However, if the multiple services operator is engaged only in repair shop services, the operator shall lease not less than 20,000 square feet of ground space; on which shall be constructed a building of at least 3,600 square feet of floor space for repair operations and at least 500 square feet of floor space for office, customer lounge and rest rooms.

- (3) If flight training is one of the services offered, the multiple services operator shall provide classroom and briefing room facilities in the building.
- (4) Each multiple services operator shall provide the equipment and services required and comply with the aircraft requirements for each aeronautical service to be performed. A multiple services operator, except if performing a combination of multiple services for which aircraft are not required, shall have available for use, either owned by or under written lease to operator, not less than three certified and airworthy aircraft.
- (5) Each multiple services operator shall obtain, as a minimum, that insurance coverage which is equal to the highest individual insurance requirement of all the aeronautical services being performed by the operator.
- (6) Each multiple services operator shall adhere to the hours of operation required for each aeronautical service being performed.
- (7) Each multiple services operator shall have on duty during business hours, such numbers of personnel as are required to meet the minimum standards for each aeronautical service performed provided, however, multiple responsibilities may be assigned to employees where feasible.

68.32 MINIMUM STANDARDS FOR FLYING CLUB OPERATIONS.

- (1) As used in this section, a *flying club* is an organization of three or more persons who join together for the purpose of sharing the cost of ownership, operation, and maintenance of all its aircraft based at the airport.
- (2) Each flying club must be a non-profit Wisconsin corporation or partnership, and each member must be a *bona fide* owner of the aircraft. The club will maintain a current list of all members with addresses, telephone numbers and investment share held by each member.
- (3) When requested by the director, a flying club will make available for inspection club membership lists, club by-laws and rules, and a listing of club aircraft models and registration numbers.
- (4) A flying club's aircraft shall not be used by other than *bona fide* members for rental and by no one for hire. Student instruction may be given in club aircraft to club members provided such instruction is given on a noncommercial basis or by a fixed base operator providing flight training under written lease with the county in accordance with county ordinances.

68.33 MINIMUM STANDARDS FOR FUELING OPERATIONS.

- (1) No person or entity shall engage in the transportation, sale, handling, storage or dispensing of aviation fuels or petroleum products on Airport property ("Fueling Operations") unless expressly authorized to do so under the terms of a written contract entered into with County (the "Fueling Contract"). Fueling Operations conducted by a person or entity authorized to do so (a "Fueling Agent") shall be carried out by personnel employed directly by the Fueling Agent.
- (2) All Fueling Operations and equipment used for such operations shall be conducted and maintained in compliance with the Clean Water Act, 33 United States Code, Section 1251 et seq.; Title 14 Code of Federal Regulations, Part 139; laws codes, and regulations promulgated by the State of Wisconsin, County of Dane, and the City of Madison; Airport Operations Procedures; directives issued by the Airport Director; and

the standards, guidance, controls, and specifications set forth in the most current editions of the following policies, plans, and publications:

- (a)** Federal Aviation Administration ("FAA") Advisory Circular 150/5230-4 (Aircraft Fuel Storage, Handling and Dispensing on Airports);
 - (b)** FAA CertAlerts related to airport fueling;
 - (c)** National Fire Prevention Association (NFPA) Code 407 (Standard for Aircraft Fuel Servicing);
 - (d)** NFPA Code 30 (Flammable and Combustible Liquids Code);
 - (e)** Air Transport Association Specification 103 (Standards for Jet Fuel Quality);
 - (f)** Underwriters Laboratories 2085 (Protected Aboveground Tanks for Flammable and Combustible Liquids);
 - (g)** American Petroleum Institute Standard 1542 (Airport Equipment Marking for Fuel Identification);
 - (h)** Airport Storm Water Pollution Prevention Plan;
 - (i)** Airport Spill Prevention, Control, and Countermeasure Plan; and
 - (j)** the Fueling Plan approved under this section 68.33
- (3)** Prior to conducting Fueling Operations, a Fueling Agent shall prepare and have approved by the Airport Director a comprehensive Fueling Plan describing fueling facilities and equipment to be used in Fueling Operations, fuel storage capacities, fuel supply management and delivery programs, quality control standards, safety procedures, the training and certifications required of employees that will carry out Fueling Operations, and such other matters the Airport Director may require. The initial Fueling Plan approved hereunder shall be updated and is subject to approval by the Airport Director when the Fueling Agent revises fueling or training standards or procedures, or proposes the addition or removal of facilities or equipment from use in Fueling Operations.
- (4)** Fueling Agents shall maintain training records for all supervisors and line service personnel involved in Fueling Operations, including certificates establishing the successful completion of all initial and recurrent training and testing required under the approved Fueling Plan and regulations and publications referenced in subsection (2) above. Each Fueling Agent shall annually submit to the Airport Director written confirmation that the training required under this section 68.33 has been completed by all employees of the Fueling Agent that participate in Fueling Operations.
- (5)** Prior to conducting Fueling Operations, and annually thereafter, each Fueling Agent shall provide to the Airport Director proof of insurance coverage meeting the requirements established under the Fueling Contract authorizing the Fueling Agent's operations at the Airport.
- (6)** All fuel delivered to the Airport for use by a Fueling Agent shall be transferred directly into storage tanks owned by the Fueling Agent and located in the area designated as the Fuel Farm in the latest Airport Layout Plan approved by the Federal Aviation Administration. Each Fueling Agent shall maintain at the Airport sufficient quantities of fuel to fulfill the demands of the market served by the Fueling Agent.
- (7)** Vehicles used in Fueling Operations shall use only entrances, exits, routes, and staging, standing or parking areas on the Airport that have been approved by the Airport Director for the use of such vehicles.

(8) At least once every three months, each Fueling Agent shall permit and facilitate the inspection by Airport staff of the fueling facilities and equipment used on the Airport by the Fueling Agent.

(9) Upon written notice issued to a Fueling Agent by the Airport Director, the Fueling Agent shall replace or repair facilities or equipment used in Fueling Operations that the Airport Director or the Airport Director of Operations and Public Safety determine to be in a condition that may present a risk of injury or damage to persons or property. The Fueling Agent that operates fueling facilities or equipment that is the subject of a written notice issued under this subsection shall take the facilities or equipment identified in the notice out of service until the repair or replacement is completed and approved by the Airport Director.

(10) Each Fueling Agent shall prepare and submit a spill plan as required under section 68.17 of the Dane County Code of Ordinances and shall be liable for all costs, fees of any kind, and expenses related to control, investigations, containment, cleanup, remediation, disposal, damages, and any claims, actions or proceedings associated with the acts or omissions of the Fueling Agent or its employees while on the Airport.

(11) A Fueling Agent and its employees shall conduct Fueling Operations on the Airport only in full compliance with each provision of this section 68.33 and the Fueling Contract authorizing the Fueling Agent to conduct Fueling Operations.

(12) Notwithstanding leasehold and operational standards set forth in chapter 68 as applicable to operators generally, leasehold and operational standards established in a Fueling Contract shall be controlling to the extent of any conflict.

(13) The provisions of this section 68.33 shall be and hereby are incorporated into each Fueling Contract, and a Fueling Agent's failure to comply with any such provision shall be a material breach and ground for termination of the Fueling Contract under which the Fueling Agent conducts Fueling Operations.

[History: 68.33 am., 2021 OA-14, pub. 08/27/21.]

68.34 PENALTIES. The following penalties shall apply for violation of this ordinance, as specified:

(1) For any violation of secs. 68.11 through 68.33 of the Dane County Code of Ordinances, an amount not less than Twenty-Five Dollars (\$25), nor more than One Thousand Dollars (\$1,000). Each day that an offense continues shall be considered a separate offense.

(2) A violation of any section in Chapter 68 of the Dane County Code of Ordinances shall be considered a material breach of the covenants contained in any lease between Dane County and the operator and shall cause the cancellation thereof as provided under the terms of said lease agreement.

[68.35-68.99 reserved.]

END OF CHAPTER