

- D. "County" means Eau Claire County.
- E. "FAA" means the Federal Aviation Administration.
- F. "Fixed Base Operator", also referred to as an "F.B.O.", means a person or company providing a minimum of 4 aeronautical services described in 12.01.005 A. One of the 4 services shall be flight training.
- G. "Flying clubs" are noncommercial, nonprofit entities organized for the purpose of providing their members with any number of aircraft for their personal use and enjoyment.
- H. "Operator" means the owner or manager of an aeronautical service described and subject to this code. (Ord. 157-13, Secs. 1-2, 2013; Ord 152-6, Sec. 1, 2008; Ord. 147-84, Sec. 3, 2003; Ord. 136-33, 1992; Ord. 133-80 Secs.1-4, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.01.010 Building requirements--General. The minimum space requirements as provided in Title 12 shall be satisfied with one building, attached buildings, or separate buildings. All buildings must comply with all local and state codes.

A. Operators and F.B.O.'s shall meet the building square footage requirements set forth in Chapters 12.02 through 12.09 plus the requirements in C., D. and E.

B. Privately owned aircraft storage hangars shall meet the requirements under Chapter 12.11 plus the requirements in D. and E.

C. Operator's and F.B.O.'s buildings shall include as a minimum hot and cold running water, one or more restrooms, and be fully heated. The building owner shall be responsible for installation of sewer and water lines to the nearest publicly owned sewer and water mains acceptable to the City of Eau Claire Utilities Department.

D. A written request for a land lease must be submitted to the airport director before the director will approve a land lease. Land lease requests must include:

1. Size of proposed hangar.
2. Land area to be leased.
3. Proposed construction materials to be used.
4. Buildings must be white in color unless otherwise authorized by the commission.
5. Appropriate sketch(es) of planned hangar.
6. Planned construction schedule.

E. Heated hangars, only where natural gas hookup is not available, using tanks for heating fuel storage shall have such tanks located above ground, within leased lot lines and in full compliance with all local and state codes. (Ord. 160-9, Sec. 2, 2016; Ord. 157-13, Sec. 3, 2013; Ord. 156-38, Sec. 9, 2013; Ord 152-6, Secs. 2-4, 2008; Ord. 147-84, Sec. 4, 2003; Ord. 133-80 Sec.5, 1990; Ord. 130-77 Secs.1,2, 1987; Ord. 80-81/405 Sec. 1 (part), 1981).

12.01.020 Personnel certificates and ratings. All personnel required to hold Federal Aviation Administration certificates and ratings shall maintain such certificates and ratings. Hangar tenants shall maintain an appropriate FAA certificate or for ultra light owners an USUA, EAA, or ASC certificate. (Ord. 147-84, Sec 5, 2003; Ord. 80-81/405 Sec. 1 (part), 1981).

12.01.030 Use of premises to conform with Chapter 12.26. Each operator and F.B.O. in the course of his or her business and in the supervision of his or her agents, employees and customers, shall comply with Chapter 12.26, Airport Regulation of Vehicular and Pedestrian Traffic. (Ord. 133-80 Sec.6, 1990; Ord. 80-81/405 Sec.1 (part), 1981).

12.01.040 Insurance coverage. Each operator and F.B.O. shall carry in full force at all times when it is operating upon and from the airport, insurance, issued by a company licensed to do business in the State of Wisconsin, naming the county as additional insured.

A. Coverage shall include workers compensation and employers liability; aviation general liability to include premises liability, contractual liability, products/completed operations coverage hangar keepers liability, and medical payments coverage; aircraft liability to include bodily injury and property damage and passenger liability for those operations offering services under 12.02 through 12.05 and 12.09 of the Eau Claire County Code; property damage; student and renters liability for those operations offering services under 12.02, 12.03 and 12.09 of the Eau Claire County Code; and environmental repair insurance.

B. Required minimum amounts of insurance are:

1. Workers compensation for employees shall be in amounts set by Wisconsin Statutes or administrative rules. Employers liability \$1,000,000 each accident.

2. Aviation general liability insurance coverage, for operators and F.B.O.'s \$7,000,000 each occurrence bodily injury and property damage combined single limit \$7,000,000 aggregate. Aviation general liability insurance coverage for commercial airlines, \$12,000,000 each occurrence bodily injury and property damage combined single limit, \$12,000,000 aggregate.

3. Products/Completed operations coverage, \$2,000,000 each occurrence combined single limit without sublimits, \$2,000,000 aggregate.

4. Contractual liability \$2,000,000 each occurrence for bodily injury and property damage.

5. Hangar keeper's liability \$250,000 each aircraft, \$1,000,000 each occurrence.

6. Aircraft liability, for rental and instruction aircraft; \$1,000,000 each occurrence, and \$100,000 per passenger sublimits are acceptable. For charter aircraft, \$1,000,000 each occurrence without any passenger sublimits.

7. Student and renters liability, \$200,000 each occurrence.

8. CFI nonowned liability, \$1,000,000 each occurrence combined single limit with \$100,000 per passenger sublimits.

9. Environmental liability insurance coverage, \$1,000,000 each occurrence, \$1,000,000 aggregate. Environmental liability insurance shall comply with all federal and state laws and financial responsibility regulations and at a minimum will cover liability resulting from fueling and deicing operations.

10. Auto liability insurance: \$1,000,000 combined single limit for any vehicles to be operated on the airport property. For mobile equipment that is not licensed for on road use, confirmation from insurance carrier that coverage is provided as part of the aviation general liability policy.

C. General Requirements

1. Certificates of Insurance shall be furnished to the airport director. The lessor and Eau Claire County must be listed as an additional insured.

2. Insurance shall be continuously in force.

3. Policies shall contain a provision that coverage will not be cancelled or materially changed unless 30 days prior written notice is given to the airport director.

4. All private Certified Flight Instructors and Certified Flight Instructors - Instrument operating from the airport shall have insurance as set forth in B. 6. This insurance shall be individually furnished and proved through a certificate of insurance or shall be through co-insurance on the policy of an operator or F.B.O. (Ord. 160-9, Sec. 3, 2016; Ord. 158-25, Sec. 1, 2014; Ord. 156-38, Sec. 9, 2013; Ord. 145-53, Secs. 1,2 & 4, 2001; Ord. 133-80 Sec.7, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.01.050 Operators and fixed base operators to provide certain services. Each operator and F.B.O. shall supply the following, in conjunction with its ground operations:

- A. Telephone facilities and computer weather information service for public use;
- B. Adequate heat and light for the operations building;
- C. A paved walkway within the leased premises to provide pedestrian access to its offices;
- D. A paved aircraft apron within the leased premises to accommodate aircraft movement from the operations building to the taxiway to airport runways.
- E. An adequate number of paved parking spaces for employees and customers with the following minimums;
  - 1. One space minimum per two on site employees plus customer spaces.
  - 2. Three spaces minimum for customers of operators offering services under Chapters 12.05 through 12.08.
  - 3. Five spaces minimum for customers of operators offering services under Chapters 12.02 and 12.03.
  - 4. Ten spaces minimum for customers of operators offering services under Chapters 12.04 and 12.09.
  - 5. Paved parking spaces shall be installed on the ground space to be leased as part of the airport facilities for the service to be offered. Said paved spaces shall be constructed and paid for by the lessee. (Ord. 147-84, Sec. 6., 2003; Ord. 133-80 Sec.8, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.01.060 Operators subleasing from another commercial operator on the airport.

- A. Prior to finalizing an agreement, the lessee and sub-lessee shall obtain the written approval of the commission for the business proposed. Said sublease shall define the type of business and service to be offered by the sub-lessee operator.
- B. The sub-lessee operator shall meet all of the minimum standards and pay all fees established by the commission for the categories of services to be furnished by the operator. The minimum standards may be met in combination between lessee and sub-lessee. The sublease agreement shall specifically define those services to be provided by the lessee the sub-lessee that shall be used to meet the standards.
- C. The sublease agreement shall specifically identify the portion of facilities to be used by sub-lessee and the financial agreement entered into for the sub-lessees use of such facilities. (Ord. 147-84, Sec. 7, 2003)

12.01.070 Enforcement. The commission or its designee shall have the authority to request enforcement through the City of Eau Claire Police Department, airport director, airport security police or prosecution by the corporation counsel for any violations of the terms and conditions of this Subtitle. The commission reserves the right to waive, modify or eliminate any or all minimum standards temporarily or permanently consistent with Wisconsin Bureau of Aeronautics and Federal Aviation Administration guidelines at its sole discretion if it deems it to be in the best interest of the airport. (Ord. 160-9, Sec. 4, 2016; Ord. 147-84, Sec. 8, 2003)

12.01.080 Penalties. Any person or persons, party, firm or corporation who shall violate any of the provisions of this Subtitle shall, upon conviction thereof, be punished by a fine of not less than \$50.00, nor more than \$1,000, together with the costs of prosecution and in default of payment of forfeiture and costs of prosecution shall be imprisoned until such forfeiture and costs are paid, but not exceeding 30 days. Each day's failure to comply with any of the provisions of this Subtitle shall constitute a separate violation. (Ord. 147-84, Sec. 9, 2003)

## Chapter 12.02

### AIRCRAFT SALES AND RENTAL

#### Sections:

- 12.02.005 Definitions.
  - 12.02.010 Rental aircraft availability.
  - 12.02.020 Airport facilities.
  - 12.02.030 Hours of operation.
  - 12.02.040 Personnel availability.
  - 12.02.050 Parts and servicing.
  - 12.02.060 Aircraft Brokerage
- (Ord. 155-20, Sec. 1, 2011)

#### 12.02.005 Definitions.

A. An operator or F.B.O. engaged in sales shall have available new or used aircraft and shall provide on site such repair services and parts as may be necessary to meet any guarantees or warranties on aircraft sold by the operator or F.B.O.

B. An operator or F.B.O. engaged in rental functions shall have aircraft available for rental by the public at large. (Ord. 156-38, Sec. 10, 2013; Ord. 133-80 Sec.9, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.02.010 Rental aircraft availability. An operator or F.B.O. engaged in rental operations to the general public shall have available for rental not less than 2 certified and currently airworthy aircraft, at least 1 of which shall be a 2-place or larger, training type aircraft; and at least 1 shall be a 4-place or larger aircraft with at least 1 certified for IFR flight and is complex as defined in FAR 61.31 (e). (Ord. 147-84, Sec. 10, 2003; Ord. 133-80 Sec.10, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

#### 12.02.020 Airport facilities.

A. Operators and F.B.O.'s subject to this chapter shall lease a minimum of 15,000 sq. feet of ground space whether engaged solely in aircraft sales or rentals or in both activities.

B. Upon each leasehold described generally at A., the operator or F.B.O. shall have erected or shall lease from the county a building of at least 6,400 sq. feet for the purposes of aircraft storage, offices, a customer lounge and restrooms. (Ord. 133-80 Sec.12, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.02.030 Hours of operation. Each operator or F.B.O. shall be open for business for a minimum of 8 hours per day, 6 days per week. (Ord. 133-80 Sec.12, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.02.040 Personnel availability. Each operator and F.B.O. shall have in its employment and on duty during its designated business hours, trained personnel in such numbers as are needed to provide minimal services in an efficient manner but never less than one person having a current commercial pilot certificate with single engine rating and instructor rating. (Ord. 133-80 Sec.13, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.02.050 Parts and servicing. Each sales operator and F.B.O. shall provide necessary and 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 or F.B.O. at the airport. The operator or F.B.O. shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. (Ord. 133-80 Sec.14, 1990; Ord. 80-81/405 Sec.1(part), 1981)

12.02.060 Aircraft Brokerage. An operator or F.B.O. may engage in brokerage, as defined as brokering, acquisition and sales of aircraft but shall not be required to comply with the provisions of this Chapter. Aircraft brokerage requires approval of the airport director and may be subject to Chapter 12.11 commercial lease provisions.(Ord. 160-9, Sec. 5, 2016; Ord 155-20, Sec. 2, 2011)

### Chapter 12.03

#### FLIGHT TRAINING

##### Sections:

<u>12.03.001</u>	Purpose.
<u>12.03.020</u>	Required aircraft.
<u>12.03.025</u>	Airport facilities
<u>12.03.030</u>	Hours of operation.
<u>12.03.040</u>	Personnel availability.

12.03.001 Purpose. This chapter shall govern the functions of flight training operators and F.B.O.'s at the airport who are engaged in the business of instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and who provide such related ground school instruction as is necessary to prepare students for knowledge tests as well as practical tests for the type of pilot certificate and ratings being pursued by individual students. (Ord. 147-84, Sec. 11, 2003; Ord. 133-80 Sec.16, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.03.020 Required aircraft. Each operator or F.B.O. must have available for flight training, either owned or leased, a minimum of two properly certified aircraft, at least one of which shall be equipped for and capable of use in instrument flight instruction. (Ord. 133-80 Sec.17, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.03.025 Airport facilities.

A. Operators and F.B.O.'s subject to this chapter shall lease a minimum of 15,000 sq. feet of ground space.

B. Upon each leasehold described generally at A., the operator or F.B.O. shall have erected or shall lease from the county a building of at least 6,400 sq. feet for the purpose of aircraft storage, offices, customer lounge, restrooms, a classroom and a briefing room. (Ord. 133-80 Sec.18, 1990)

12.03.030 Hours of operation. Each operator or F.B.O. shall be open for business a minimum of 8 hours per day, 6 days per week. (Ord. 133-80 Sec.19, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.03.040 Personnel availability. Each operator or F.B.O. shall have in its employment and on duty during its designated business hours at least one pilot/flight instructor who has an FAA rating of Certified Flight Instructor or Certified Flight Instructor - Instrument. (Ord. 133-80 Sec.20, 1990; Ord. 80-81/405 Sec.1(part), 1981).

Chapter 12.04

AIRCRAFT CHARTER AND AIR TAXI SERVICES

Sections:

- 12.04.001 Purpose.
- 12.04.010 Airport facilities.
- 12.04.020 Required aircraft.
- 12.04.030 Hours of operation.
- 12.04.040 Personnel availability.

12.04.001 Purpose. This chapter shall govern the functions of aircraft charter and air taxi operators and F.B.O.'s at the airport who are engaged in the business of providing passenger or freight air transportation, available to the general public, either by providing aircraft for hire or as an air taxi operator. (Ord. 133-80 Sec.21, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.04.010 Airport facilities. Operators and fixed base operators subject to this chapter shall lease, at a minimum 15,000 sq. feet of ground space, on which there shall be situated a building with at least 6,400 sq. feet of floor space for the purposes of aircraft storage, an office, a customer lounge and restrooms. (Ord. 133-80 Sec.22, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.04.020 Required aircraft. Operators or F.B.O.'s that provide charter service must have available for charter and air taxi services a minimum of 2 aircraft, either multi-engined or single engine turbine powered. All aircraft shall be either owned, leased, or operated under a written agreement by the operator or F. B. O. and shall meet the requirements of the air taxi commercial operator certificate held by the operator or F.B.O., including instrument operations. (Ord. 155-20, Sec. 3, 2011; Ord. 147-84, Sec. 12, 2003; Ord. 133-80 Sec.23, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.04.030 Hours of operation. Each operator or F.B.O. shall be open for business a minimum of eight hours per day, six days per week. During nonscheduled hours on-call service shall be provided. (Ord. 133-80 Sec.24, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.04.040 Personnel availability. Each operator or F.B.O. shall have in its employment and on duty during its designated business hours, trained personnel in such numbers as are required to meet the minimum standards of this chapter but never less than 1 pilot holding a current commercial pilot certificate issued by the FAA, rated to provide the flight activity offered. (Ord. 147-84, Sec. 13, 2003; Ord. 133-80 Sec.25, 1990; Ord. 80-81/405 Sec.1(part), 1981).

## Chapter 12.05

### SPECIALIZED COMMERCIAL FLYING SERVICES

#### Sections:

<u>12.05.001</u>	Purpose.
<u>12.05.010</u>	Airport facilities.
<u>12.05.020</u>	Required aircraft and equipment.
<u>12.05.030</u>	Availability of service.
<u>12.05.040</u>	Personnel availability.

12.05.001 Purpose. This chapter shall govern the functions of specialized commercial flying services operators and F.B.O.'s at the airport who are engaged in the following types of air transportation for hire:

- A. Nonstop sightseeing flights that begin and end at the airport and have a radius of 25 miles;
- B. Seeding and bird chasing;
- C. Banner towing and aerial advertising;
- D. Aerial photography or surveying;
- E. Firefighting;
- F. Powerline or pipeline patrol;
- G. Other operations specifically excluded from Part 135, Federal Aviation Regulations.
- H. Crop dusting, spraying or any activity dealing with hazardous materials.

These services can meet minimum standards through sub-lease from an operator that does meet standards only through written agreement with the airport subject to approval by the airport director. (Ord. 160-9, Sec. 6, 2016; Ord. 147-84, Sec. 14, 2003; Ord. 133-80 Sec.26, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.05.010 Airport facilities.

A. Operators and F.B.O.'s subject to this chapter shall lease, at a minimum, 4,000 sq. feet of ground space, on which there shall be situated a building with at least 1,764 sq. feet of floor space for the purpose of aircraft storage, an office, and restrooms.

B. Operators or F.B.O.'s who dust crops or make aerial application of or other commercial use of chemicals shall have a centrally drained, paved area of a minimum of 2,500 sq. feet leased in addition to that required in A., to be used for aircraft loading, washing and servicing. They shall also provide for the safe storage and containment of noxious and toxic chemical materials in full compliance with federal, state and local regulations. No operator or F.B.O. shall engage in such services without first having obtained the permission of the county, as to the scope and place of operations. (Ord. 147-84, Sec. 15, 2003; Ord. 133-80 Secs.27 & 28, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.05.020 Required aircraft and equipment.

A. Each operator or F.B.O. shall have available, either owned or leased, at least one aircraft which is airworthy and which meets FAA and state regulations for the specified operations.

B. For crop dusting and other aerial applications, each operator or F.B.O. shall provide tank trucks for the handling of liquid spray and the mixing of liquids. Adequate ground equipment shall also be provided to handle and load dusting materials. (Ord. 133-80 Sec.29, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.05.030 Availability of service. Each operator or F.B.O. shall provide the general public with a means of contact, through telephone or an office, whereby its services can be procured. (Ord. 133-80 Sec.29, 1990; Ord. 80-81/405 Sec.1(part), 1981).