



2011 SENATE BILL 265

October 28, 2011 - Introduced by Senator HARSDORF, cosponsored by Representatives KNUDSON and PETRYK. Referred to Committee on Transportation and Elections.

- 1 **AN ACT to amend** 114.11 (3) and 114.136 (1) (a) of the statutes; **relating to:** local
2 airports and authority to enact aerial approach ordinances.

Analysis by the Legislative Reference Bureau

Under current law, any county or city, village, or town (municipality) in this state may own and operate airports or airport facilities, such as landing fields or take-off strips, or spaceports or spaceport facilities (collectively “airports”), either within or outside the limits of the county or municipality. A county or municipality in this state may also own and operate airports in an adjoining state the laws of which permit reciprocal privileges. A county, municipality, or other political subdivision in an adjoining state may own and operate airports in this state if the laws of the adjoining state permit reciprocal privileges. If a county, municipality, or other political subdivision in an adjoining state owns and operates an airport in this state, this state’s laws apply with respect to the airport (except laws relating to financing the project), and the county, municipality, or other political subdivision in the adjoining state has all privileges, rights, and duties that would apply to a county or municipality in this state, including the right of eminent domain.

Also under current law, a county or municipality that owns an airport may protect the aerial approaches to the airport by adopting an ordinance regulating, restricting, and determining the use, location, height, number of stories, and size of buildings and structures and objects of natural growth in the vicinity of the airport (within three miles of an airport or five miles of a spaceport). An ordinance adopted under this authority is effective whether the airport and lands affected by the ordinance are located within or outside the limits of the county or municipality. The

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ordinance may be adopted, enforced, and administered without the consent of any other local governing body.

This bill specifies that a county, municipality, or other political subdivision in an adjoining state that owns and operates an airport in this state does not have authority to enact an aerial approach ordinance regulating, restricting, and determining the use, location, height, number of stories, and size of buildings and structures and objects of natural growth in the vicinity of the airport.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 114.11 (3) of the statutes is amended to read:

2 114.11 (3) The governing body of any municipality or other political subdivision
3 of an adjoining state whose laws permit, is hereby authorized to acquire, establish,
4 construct, own, control, lease, equip, improve, maintain and operate airports, or
5 landing fields, or landing and take-off strips or other aeronautical facilities, or
6 spaceports or spacecraft launch or landing areas or other astronomical facilities, in
7 this state, subject to all laws, rules and regulations of this state applicable to its
8 municipalities or other political subdivisions in such aeronautical or astronomical
9 project, but subject to the laws of its own state in all matters relating to financing
10 such project. Such Except as provided in s. 114.136 (1) (a), such a municipality or
11 other political subdivision of an adjoining state shall have all privileges, rights and
12 duties of like municipalities or other political subdivisions of this state, including the
13 right to exercise the right of eminent domain. This subsection shall not apply unless
14 the laws of such adjoining state shall permit municipalities or other political
15 subdivisions of this state to acquire, establish, construct, own, control, lease, equip,
16 improve, maintain, operate and otherwise control such airport, landing field or
17 landing and take-off strips or other aeronautical facilities, or spaceports or

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1 spacecraft launch or landing areas or other aeronautical facilities, therein with all
2 privileges, rights and duties applicable to the municipalities or other political
3 subdivisions of such adjoining state in such aeronautical or aeronautical projects
4 except privileges, rights, and duties of the kind described in s. 114.136.

5 **SECTION 2.** 114.136 (1) (a) of the statutes is amended to read:

6 114.136 (1) (a) Any county, city, village or town in this state that is the owner
7 of a site for an airport or spaceport which has been approved for such purpose by the
8 appropriate agencies of the state and the federal government may protect the aerial
9 approaches to such site by ordinance regulating, restricting and determining the use,
10 location, height, number of stories and size of buildings and structures and objects
11 of natural growth in the vicinity of such site and may divide the territory to be
12 protected into several areas and impose different regulations and restrictions with
13 respect to each area. The provisions of such ordinance shall be effective whether the
14 site and the lands affected by such ordinance are located within or without the limits
15 of such county, city, village or town, and whether or not such buildings, structures
16 and objects of natural growth are in existence on the effective date of the ordinance.
17 Such regulations, restrictions and determinations are declared to be for the purpose
18 of promoting the public safety, welfare and convenience, and may be adopted,
19 enforced and administered without the consent of any other governing body. Any
20 ordinance adopted under this section may be amended from time to time in the same
21 manner as is provided for the adoption of the original ordinance in sub. (2). The
22 authority granted in this section shall be independent and exclusive of any other
23 authority granted in the statutes. This section does not apply to a county, city,
24 village, town, or other political subdivision of an adjoining state.

25 **SECTION 3. Initial applicability.**

