

2 **RESOLUTION: Support an Amendment to § 114.136(2)(a), Wis Stats, to Authorize a**
3 **Committee of the Governing Body Owning an Airport or Spaceport Site**
4 **to Formulate an Ordinance to Protect the Aerial Approaches to he Airport**
5 **or Spaceport and to Conduct a Public Hearing or Hearings on Such an**
6 **Ordinance Before the Committee**
7

8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

9 **WHEREAS**, Winnebago County has adopted an ordinance, specifically, Chapter 24 of the General Code of
10 Winnebago County, pursuant to § 114.136, Wis Stats, which allows owners of airports or spaceports to protect, by
11 ordinance, the land use activity in the vicinity of aerial approaches of such airport or spaceport; and

12 **WHEREAS**, current provisions in § 114.136(2)(a), Wis Stats, provides that if the airport or spaceport is
13 owned by a county, the county park manager is solely authorized to formulate such an ordinance, including any
14 subsequent amendments to such an ordinance, and holding a public hearing or hearings relative to such an
15 ordinance without the oversight or approval of any committee of jurisdiction from the governing body; and

16 **WHEREAS**, without committee oversight or approval, in the process of formulating such an ordinance and
17 subsequently conducting a public hearing thereon, the representative interests of citizens and taxpayers of the
18 governing body owning the airport or spaceport is significantly compromised; and

19 **WHEREAS**, both the Winnebago County Legislative Committee and the Planning and Zoning Committee
20 feel it is in the best interests of Winnebago County and other governing bodies owning an airport or spaceport site to
21 amend § 114.136(2)(a), Wis Stats, to require oversight and approval from a committee of the governing body in
22 formulating an ordinance and holding a public hearing or hearings thereon before such a committee and removing
23 such authority from the county park manager.

24 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
25 seeks legislation to amend § 114.136(2)(a), Wis Stats, to read as follows:

26 **114.136 Airport and Spaceport Approach Protection**

27 **(2) Formulation of Ordinance, Public Hearing**

28 **(a)** Except as provided by sub. (1) (b) or (c), ~~the county park commission in the case of any county~~
29 ~~except any county with a county executive or county administrator in which case the county~~
30 ~~park manager, the city or village plan commission in the case of a city or village, or if there is~~
31 ~~no such commission or manager,~~ a committee of the governing body or bodies of the county, city,
32 village, or town, which owns the airport or spaceport site, shall formulate a tentative ordinance and
33 hold a public hearing or hearings thereon in some public place within the county, city, village, or
34 town. Notice of the hearings shall be given by publication of a class 3 notice, under ch. 985, in the
35 area affected by the proposed ordinance.

36 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby directs the
37 Winnebago County Clerk to forward a copy of this Resolution and proposed amendment to § 114.136(2)(a), Wis
38 Stats, a copy of which is attached hereto, to all State Legislators representing Winnebago County, the Wisconsin
39 Counties Association, and to other counties owning airports.
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Respectfully submitted by:
LEGISLATIVE COMMITTEE

Committee Vote: **12-0**

Respectfully submitted by:
PLANNING AND ZONING COMMITTEE

Committee Vote: **3-0**

Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this ____ day of _____, 2013.

Mark L Harris
Winnebago County Executive