

Chapter 26

AIRCRAFT OPERATIONS

26.01 **INTRODUCTION.**

- (1) **Purpose.** It is the purpose of this ordinance to promote public health, safety, convenience, and general welfare; to maintain safe and healthful conditions; and to protect the privacy of residents and visitors.
- (2) **Effective Date.** This ordinance shall become effective after a public hearing, adoption by the Village Board of Trustees, and publication or posting as required by law.
- (3) **Jurisdiction.** The jurisdiction of this ordinance shall include all the corporate limits of the Village of Elkhart Lake.

26.02 **GENERAL PROHIBITION.** Except as noted elsewhere in this ordinance, no person shall takeoff or land any aircraft, including gliders, balloons, helicopters, parachutes, manned or unmanned, within the village limits without prior written permission of the Village Board and the relevant property owner at which the activity is occurring. This ordinance shall not apply to emergency landings, military, public safety, emergency medical operations conducted in a manner that complies with FAA requirements.

26.03 **SPECIAL CIRCUMSTANCES.** The Village Board may permit the operation of manned or unmanned Parachutes, Hot Air and Helium Balloons, Helicopters and Unspecified Aircraft in connection with special events for a specified duration and defined hours of the day. The Village Board shall prescribe the manner in which permits for such events may be applied for and issued. The Village Board retains the sole discretion to approve, conditionally approve or deny permits. No applicant has a property right to the issuance of a permit under this ordinance nor is the permit assignable or transferable. In any event all such operations must be conducted in accordance Section 26.04 of this ordinance.

- (1) Among the general terms for the issuance of the permit include, but are not limited to:
 - a. Naming the Village as an additional insured, of a minimum of \$1 million dollars.
 - b. Submit a plan to control any crowds on the ground with regard to adequate separation from the event.
 - c. Provide experience and competency of the applicant and/or pilot.
 - d. Provide site requirements & limitations appropriate to the type of aircraft requested.
 - e. Other conditions consistent with the purposes described in Section 26.01(1), above.

26.04 **FLIGHT OPERATIONS.** (a) No person shall operate any aircraft manned or unmanned in the airspace above the village in violation of Federal or State of Wisconsin regulations, or in any manner which endangers public safety or interferes with or violates the privacy of persons on the ground conducting personal or commercial activities.

26.05 **PHOTOGRAPHY.** Using Drone Aircraft to take video or still photography or observe persons in non public areas is strictly prohibited and in violation of Wisconsin State Law. Such acts may be liable for civil action and will referred to the appropriate government agency for prosecution.

26.06 **AMATEUR MODEL ROCKET & FREE BALLOON FLIGHT.** Amateur model rockets and free balloon flights must comply with FAA Regulations. Personal injury or property damage resulting from such activity will be the responsibility of the operator. Violation will be referred to the appropriate government agency for prosecution.

26.07 **SCALE MODEL AIRCRAFT & DRONES.** The line of sight operation of non turbine powered scale model aircraft and drones for non business purposes are permitted from and over the owner's property and open public recreational areas when conducted in a safe manner that does not endanger persons or property. The FAA recommends that altitude should be restricted to 400 feet (AGL) or less.

26.08 **PENALTIES.** Any person who violates the provisions of Sections 26.02, 26.03, 26.06, or 26.07 of this ordinance shall upon conviction forfeit not less than \$200.00 and not more than \$500.00 together with

the cost of prosecution and any resulting damages for each occurrence. Anyone in default of such forfeiture may be imprisoned in the county jail for not more than 30 days for each day of continued violation.

26.09 SEVERABILITY. If any provision of this ordinance is held by a court or agency of competent jurisdiction to be invalid or unenforceable, the balance of this ordinance is severed and shall survive.