

2021 OA-014

AMENDING CHAPTERS 2, 67, AND 68 OF THE DANE COUNTY CODE OF ORDINANCES REGARDING MINIMUM STANDARDS FOR FUELING OPERATIONS AT THE DANE COUNTY REGIONAL AIRPORT

The Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 2.02(11m) is created to read as follows:

2.02 ORDINANCES AFFECTED. Citations may be issued in the enforcement of the following chapters or sections of the Dane County Ordinances:

(11m) Chapter 68, Dane County Regional Airport Regulations.

ARTICLE 3. Section 2.03(2)(fm) is created to read as follows:

2.03 PERSONS AUTHORIZED TO ISSUE CITATIONS. The following persons may issue citations authorized under this ordinance:

(fm) Chapter 68, Dane County Regional Airport: Airport Director.

ARTICLE 4. Section 2.06(541) through section 2.06(555) are deleted:

2.06 SCHEDULE OF DEPOSITS

Sub. No.	Ordinance Number:	Offense:	
<del>(541)</del>	<del>67.62(1)</del>	<del>Failure to dispense aviation fuels in accordance with NFPA standards</del>	<del>\$30.00</del>
<del>(542)</del>	<del>67.62(2)</del>	<del>Use of substandard fueling equipment</del>	<del>\$50.00</del>
<del>(543)</del>	<del>67.62(3)</del>	<del>Fueling in restricted areas</del>	<del>\$30.00</del>
<del>(544)</del>	<del>67.62(4)</del>	<del>Parking of fueling vehicles in restricted areas</del>	<del>\$20.00</del>
<del>(545)</del>	<del>67.62(5)</del>	<del>Leaving fueling vehicle unattended</del>	<del>\$30.00</del>
<del>(546)</del>	<del>67.62(6)</del>	<del>Fueling aircraft in restricted manner</del>	<del>\$50.00</del>
<del>(547)</del>	<del>67.62(7)</del>	<del>Failure to ground aircraft and fueling equipment</del>	<del>\$50.00</del>
<del>(548)</del>	<del>67.62(8)</del>	<del>Failure to exercise care in fueling operations</del>	<del>\$40.00</del>
<del>(549)</del>	<del>67.62(9)</del>	<del>Use of substandard fueling devices</del>	<del>\$40.00</del>
<del>(550)</del>	<del>67.62(10)</del>	<del>Fueling motor vehicle at unauthorized location</del>	<del>\$30.00</del>
<del>(551)</del>	<del>67.62(11)</del>	<del>Allowing unauthorized person to dispense fuel</del>	<del>\$50.00</del>
<del>(552)</del>	<del>67.62(12)</del>	<del>Fueling aircraft contrary to NFPA standards, first offense</del>	<del>\$50.00</del>
<del>(553)</del>	<del>67.62(12)</del>	<del>Fueling aircraft contrary to NFPA standards, second offense within 12 month period</del>	<del>\$250.00</del>
<del>(554)</del>	<del>67.62(12)</del>	<del>Fueling aircraft contrary to NFPA standards, third and subsequent offenses within 12 month period</del>	<del>\$250.00</del>
<del>(555)</del>	<del>67.62(13)</del>	<del>Fueling near buildings</del>	<del>\$30.00</del>

47 ARTICLE 5. Section 2.06(578) is created to read as follows:

48 **2.06 SCHEDULE OF DEPOSITS.**

49 **Sub. Ordinance**

50 <b>No.</b>	<b>Number:</b>	<b>Offense:</b>	<b>Deposit</b>
51 <u>(578)</u>	<u>68.33(11)</u>	<u>Failure to comply with minimum fueling standards</u>	<u>\$200.00</u>

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53 ARTICLE 6. Section 67.91 is amended as follows to rescind the provisions therein  
54 referencing section 67.62(1) through section 67.62(12):

55 **67.91 PENALTIES.** Persons violating this ordinance shall pay forfeitures  
56 according to the following schedule:

57 <b>Violation</b>	<b>Not less</b>	<b>Not more</b>
58 <b>of section:</b>	<b>than:</b>	<b>than:</b>
59 <u>67.62(1)</u>	<u>\$10.00</u>	<u>\$100.00</u>
60 <u>67.62(2)</u>	<u>\$25.00</u>	<u>\$500.00</u>
61 <u>67.62(3)</u>	<u>\$10.00</u>	<u>\$100.00</u>
62 <u>67.62(4)</u>	<u>\$ 5.00</u>	<u>\$ 50.00</u>
63 <u>67.62(5)</u>	<u>\$10.00</u>	<u>\$100.00</u>
64 <u>67.62(6)</u>	<u>\$10.00</u>	<u>\$250.00</u>
65 <u>67.62(7)</u>	<u>\$10.00</u>	<u>\$250.00</u>
66 <u>67.62(8)</u>	<u>\$10.00</u>	<u>\$200.00</u>
67 <u>67.62(9)</u>	<u>\$10.00</u>	<u>\$200.00</u>
68 <u>67.62(10)</u>	<u>\$10.00</u>	<u>\$100.00</u>
69 <u>67.62(11)</u>	<u>\$25.00</u>	<u>\$500.00</u>
70 <u>67.62(12)</u>	<u>\$25.00</u>	<u>\$500.00</u>
71 <u>67.62(13)</u>	<u>\$10.00</u>	<u>\$100.00</u>

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73 ARTICLE 7. Section 68.24(3)(a) is amended to read as follows:

74 **68.24 MINIMUM STANDARDS FOR AIRCRAFT LINE SERVICES**  
75 **OPERATIONS.**

76 (3) Each line services operator shall:

- 77 ~~(a) provide a minimum of 40,000 gallons aggregate fuel storage in grades avgas~~  
78 ~~and jet fuel, as closely related as possible to the popular demand of airport users;~~  
79 (a) comply with the minimum standards for fueling operations as set forth in section  
80 68.33 of this ordinance;

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82 ARTICLE 8. Sections 68.24(3)(b), (c), and (d) are rescinded:

- 83 ~~(b) provide a minimum of 10,000 gallons of underground fuel storage for each~~  
84 ~~grade of fuel;~~  
85 ~~(c) maintain an adequate supply of fuel on hand at all times;~~  
86 ~~(d) provide filter-equipped fuel dispensers with separate dispensing pumps and~~  
87 ~~meter systems for each grade of fuel;~~

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89 ARTICLE 9. Sections 68. 24(3)(e), 68. 24(3)(f), and 68. 24(3)(g) are  
90 renumbered, respectively, as sections 68. 24(3)(b), 68. 24(3)(c), and 68.24(3)(d).

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92 ARTICLE 10. Section 68.33 is amended to read as follows:  
93 **68.33 MINIMUM STANDARDS FOR FUELING FARM OPERATIONS.** ~~(1) As~~  
94 ~~used in this section, fuel farm is an area of the airport that is designated and~~  
95 ~~reserved for the storage of fuel used in aircraft and tenant refers to any user of~~  
96 ~~the fuel farm. This section does not apply to operators meeting the minimum~~  
97 ~~standards as heretofore provided.~~  
98 ~~(2) Aviation fuel dispensing facilities and storage shall be installed in the~~  
99 ~~designated fuel farm located in the Southeast 1/4 of Section 30, T8N, R10E,~~  
100 ~~Dane County, Wisconsin, as shown in Certified Survey Map 1-258.~~  
101 ~~(3) At no time shall any tenant share, sublease, or in any other manner provide~~  
102 ~~fuel or fueling facilities to any other tenant or the aircraft of any other tenant.~~  
103 ~~(4) Each tenant shall install and maintain all fuel facilities within the fuel farm in~~  
104 ~~accordance with plans and specifications approved in writing by the director.~~  
105 ~~(5) Each tenant shall comply with all federal, state, and local codes and~~  
106 ~~regulations governing the installation, operation, and maintenance of all fueling~~  
107 ~~facilities, equipment, and dispensing trucks.~~  
108 ~~(6) Dispensing trucks, bulk fuel trucks, emergency vehicles, and other vehicles~~  
109 ~~approved by the director shall be the only vehicles permitted within the fuel farm.~~  
110 ~~(7) All fuel storage shall be in tanks of 10,000 gallon minimum capacity.~~  
111 ~~(8) Each prospective fuel farm tenant shall submit to the director a written~~  
112 ~~proposal which sets forth the extent of intended operations. Each such proposal~~  
113 ~~shall include: fuel grades; estimated annual volume; experience and training of~~  
114 ~~fuel handling personnel; type, size, and condition of all fueling facilities and~~  
115 ~~equipment to be used; provisions for the security and safety of the facility; and,~~  
116 ~~such information as the director may require from time to time.~~  
117 (1) No person or entity shall engage in the transportation, sale, handling, storage  
118 or dispensing of aviation fuels or petroleum products on Airport property ("Fueling  
119 Operations") unless expressly authorized to do so under the terms of a written  
120 contract entered into with County (the "Fueling Contract"). Fueling Operations  
121 conducted by a person or entity authorized to do so (a "Fueling Agent") shall be  
122 carried out by personnel employed directly by the Fueling Agent.  
123 (2) All Fueling Operations and equipment used for such operations shall be  
124 conducted and maintained in compliance with the Clean Water Act, 33 United  
125 States Code, Section 1251 et seq.; Title 14 Code of Federal Regulations, Part  
126 139; laws, codes, and regulations promulgated by the State of Wisconsin, County  
127 of Dane, and the City of Madison; Airport Operations Procedures; directives  
128 issued by the Airport Director; and the standards, guidance, controls, and  
129 specifications set forth in the most current editions of the following policies, plans,  
130 and publications:  
131 (a) Federal Aviation Administration ("FAA") Advisory Circular 150/5230-4 (Aircraft  
132 Fuel Storage, Handling and Dispensing on Airports);  
133 (b) FAA CertAlerts related to airport fueling;  
134 (c) National Fire Prevention Association (NFPA) Code 407 (Standard for Aircraft  
135 Fuel Servicing);  
136 (d) NFPA Code 30 (Flammable and Combustible Liquids Code);  
137 (e) Air Transport Association Specification 103 (Standards for Jet Fuel Quality);

138 (f) Underwriters Laboratories 2085 (Protected Aboveground Tanks for  
139 Flammable and Combustible Liquids);  
140 (g) American Petroleum Institute Standard 1542 (Airport Equipment Marking for  
141 Fuel Identification);  
142 (h) Airport Storm Water Pollution Prevention Plan;  
143 (i) Airport Spill Prevention, Control, and Countermeasure Plan; and  
144 (j) the Fueling Plan approved under this section 68.33.  
145 (3) Prior to conducting Fueling Operations, a Fueling Agent shall prepare and have  
146 approved by the Airport Director a comprehensive Fueling Plan describing fueling  
147 facilities and equipment to be used in Fueling Operations, fuel storage capacities,  
148 fuel supply management and delivery programs, quality control standards, safety  
149 procedures, the training and certifications required of employees that will carry out  
150 Fueling Operations, and such other matters the Airport Director may require. The  
151 initial Fueling Plan approved hereunder shall be updated and is subject to approval  
152 by the Airport Director when the Fueling Agent revises fueling or training standards  
153 or procedures, or proposes the addition or removal of facilities or equipment from  
154 use in Fueling Operations.  
155 (4) Fueling Agents shall maintain training records for all supervisors and line  
156 service personnel involved in Fueling Operations, including certificates  
157 establishing the successful completion of all initial and recurrent training and  
158 testing required under the approved Fueling Plan and regulations and  
159 publications referenced in subsection (2) above. Each Fueling Agent shall  
160 annually submit to the Airport Director written confirmation that the training  
161 required under this section 68.33 has been completed by all employees of the  
162 Fueling Agent that participate in Fueling Operations.  
163 (5) Prior to conducting Fueling Operations, and annually thereafter, each Fueling  
164 Agent shall provide to the Airport Director proof of insurance coverage meeting  
165 the requirements established under the Fueling Contract authorizing the Fueling  
166 Agent's operations at the Airport.  
167 (6) All fuel delivered to the Airport for use by a Fueling Agent shall be transferred  
168 directly into storage tanks owned by the Fueling Agent and located in the area  
169 designated as the Fuel Farm in the latest Airport Layout Plan approved by the  
170 Federal Aviation Administration. Each Fueling Agent shall maintain at the Airport  
171 sufficient quantities of fuel to fulfill the demands of the market served by the  
172 Fueling Agent.  
173 (7) Vehicles used in Fueling Operations shall use only entrances, exits, routes,  
174 and staging, standing or parking areas on the Airport that have been approved by  
175 the Airport Director for the use of such vehicles.  
176 (8) At least once every three months, each Fueling Agent shall permit and  
177 facilitate the inspection by Airport staff of the fueling facilities and equipment  
178 used on the Airport by the Fueling Agent.  
179 (9) Upon written notice issued to a Fueling Agent by the Airport Director, the  
180 Fueling Agent shall replace or repair facilities or equipment used in Fueling  
181 Operations that the Airport Director or the Airport Director of Operations and  
182 Public Safety determine to be in a condition that may present a risk of injury or  
183 damage to persons or property. The Fueling Agent that operates fueling facilities

184 or equipment that is the subject of a written notice issued under this subsection  
185 shall take the facilities or equipment identified in the notice out of service until the  
186 repair or replacement is completed and approved by the Airport Director.  
187 (10) Each Fueling Agent shall prepare and submit a spill plan as required under  
188 section 68.17 of the Dane County Code of Ordinances and shall be liable for all  
189 costs, fees of any kind, and expenses related to control, investigations,  
190 containment, cleanup, remediation, disposal, damages, and any claims, actions  
191 or proceedings associated with the acts or omissions of the Fueling Agent or its  
192 employees while on the Airport.  
193 (11) A Fueling Agent and its employees shall conduct Fueling Operations on the  
194 Airport only in full compliance with each provision of this section 68.33 and the  
195 Fueling Contract authorizing the Fueling Agent to conduct Fueling Operations.  
196 (12) Notwithstanding leasehold and operational standards set forth in chapter 68  
197 as applicable to operators generally, leasehold and operational standards  
198 established in a Fueling Contract shall be controlling to the extent of any conflict.  
199 (13) The provisions of this section 68.33 shall be and hereby are incorporated  
200 into each Fueling Contract, and a Fueling Agent's failure to comply with any such  
201 provision shall be a material breach and ground for termination of the Fueling  
202 Contract under which the Fueling Agent conducts Fueling Operations.

203  
204 *[EXPLANATION: These amendments establish, consolidate, and clarify the*  
205 *provisions of Chapters 2, 67 and 68 of the Dane County Code of Ordinances*  
206 *related to the minimum standards under which fueling operations are conducted*  
207 *at the Dane County Regional Airport.]*