

ORDINANCE NO. _____

STATE OF WISCONSIN
TOWN OF NORTH BEND
JACKSON COUNTY

THE TOWN BOARD OF THE TOWN OF NORTH BEND HEREBY ORDAIN AS FOLLOWS:

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the *Town of North Bend Campground Permit Ordinance*. The provisions of this Ordinance are enacted for the purpose of protecting the public health, safety and general welfare of residents and guests in the Town, to prevent overcrowding and unsanitary conditions on real estate and to establish minimum requirements for the establishment and operation of campgrounds in the Town of North Bend. The standards and requirements of this Ordinance are intended to provide a wholesome community environment, adequate public services, and the conservation of natural resources, resulting in a desirable recreational facility. This is not a town zoning ordinance.

SECTION 2– AUTHORITY

This Ordinance is adopted in accord with §§60.10(2)(c), 60.22(3), & 61.34(1)&(5) Wis. Stats., pursuant to which the Town Board is authorized to adopt police power ordinances for and on behalf of the health, safety, welfare, and convenience of the public by necessary and convenient means. The requirements of Chapter ATCP 79, Wis. Adm. Code and all other applicable codes shall be minimum standards and are supplemented with this Ordinance.

SECTION 3 – ADOPTION OF ORDINANCE AND SCOPE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, applies to all lands in the Town of North Bend, County of Jackson, Wisconsin. The Town Board shall be responsible to administer this Ordinance. No new or expanded campgrounds may be constructed unless all required approvals have been given.

SECTION 4 – INTERPRETATION

A. Abrogation and Greater Restrictions

(1) Except when set forth expressly herein, it is not the intent of the Town Board to abrogate, annul or repeal any other ordinance of the Town or to alter the applicability of laws which are not of statewide concern within the Town. To the extent that a conflict arises between this and any other ordinance, rule, or regulation, the more restrictive of them shall control.

(2) Private Covenants. These regulations are not intended to abrogate any easement, covenant, deed restriction, or any other private agreements, or restrictions, provided that where the provisions of these regulations are more restrictive than such easement, covenant, deed restriction or other private agreements or restrictions, the requirements of these regulations shall govern.

B. Liberal Construction. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The provisions of this Ordinance shall be liberally and broadly construed in favor of the Town of North Bend to promote the purposes for which they are adopted and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of North Bend.

C. General. Where used herein the word “shall” is mandatory. The word “may” is permissive.

SECTION 5 – NON-LIABILITY

(1) The Town does not guarantee, warrant, represent, or hold itself liable for any defects in plans or specifications, false information provided, plan omissions, examination, or inspection oversight, construction, or damage that may result in or after installation, and reserves the right to order changes or additions if conditions arise pertaining to the public health, safety, or welfare.

(2) The Town assumes no responsibility for any property damage related to flooding, or any other form of injury which are the result of the construction or operation of a campground pursuant to authority granted under the terms and conditions of this Ordinance.

SECTION 6 – DEFINITIONS

In this ordinance the following definitions shall apply:

Auxiliary Structure. A structure or structures on a campsite, including, but not limited to, a shed, deck, garage, or picnic shelter.

Camp or Camping. The use of a camping unit, shelter, such as a camper vehicle or tent, as a form of temporary residence or for sleeping purposes.

Campground. means a parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing three (3) or more campsites offered with or without charge, for temporary overnight sleeping accommodations.

Camping Party. Any individual, family, or non-family group occupying a campsite.

Campsite. means an area of a campground that is designated by the operator as capable of accommodating an independent or dependent camping unit. A campsite may be one or a combination of the following as referenced and defined in Chapter ATCP 79 of the Wis. Adm. Code:

- (a) Individual campsite.
- (b) Group campsite.
- (c) Seasonal campsite.
- (d) Rustic campsite.

Camping Unit. means a structure, including a tent, camping cabin (as defined in Chapter ATCP 79 of the Wis. Adm. Code), yurt, recreational vehicle, mobile home, or manufactured home, bus, van, or pickup truck.

Camper Vehicle. Means a vehicle, whether factory or home built, whether on or off wheels, whether towed or carried on a motor vehicle or self-propelled, including, but not limited to, recreational vehicles, hitch mount pull behind trailers, pop up tent trailers, campers meant to be affixed to the bed of trucks and converted vehicles such as buses, trucks, or trailers. Such vehicles may be with or without complete kitchen and toilet facilities, self-contained water and sewage systems and designed to be used as a temporary dwelling for travel, recreation, or vacation use and having a maximum main floor area of four hundred (400) square feet. "Camper Vehicle" does not include mobile homes, Manufactured homes, and "Park Models".

Condominium Campground. A campground in which sites are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium campground is a legal form of ownership and not a specific campground type or style.

County. Jackson County, Wisconsin

County Highway. A highway, inclusive of all public ways and thoroughfares and all bridges on the same, operated by the County for public travel purposes.

Inspector. The Town Building Inspector for the Town of North Bend or other person designated by the Town Board.

Licensee. Any person licensed by the Town to operate and maintain a campground.

Non-permanent structure. A physical shelter having form and substance, including, but not limited to floor, walls, windows, doors, and a roof, which is not permanently affixed to a foundation and whose supplies of potable water, sewage disposal and electrical current, among other utility services, are not permanently attached or incorporated into the design of the structure in accord with applicable state or local codes. This includes, but is not limited to, what are commonly referred to as tents and tent platforms.

Parcel or Lot. A unit or parcel of land legally described and of record with the county Register of Deeds

Person. Any natural person, partnership, limited liability company, corporation, or other form of association.

Police Power Ordinances. The government's right to impose laws, statutes, and ordinances, including zoning ordinances and building codes, to protect the public health, safety, and welfare.

Pre-existing Campground. Any licensed campground in operation previous to date of the passing of this ordinance.

Town Board. The Town Board of the Town of North Bend.

Town. The Town of North Bend, Jackson County, Wisconsin.

Town Road. A highway, inclusive of all public ways and thoroughfares and all bridges on the same, operated by the Town for public travel purposes.

SECTION 7 – LICENSES, APPLICATIONS, AND RENEWALS

7.1 Licenses

A. No person shall own, operate, or maintain a campground on real estate in the Town of North Bend without first having obtained a license for such campground from the Town Board in accord with this Ordinance. Campground licenses shall be valid for two (2) years, except the initial license shall expire on June 30 of the next or current even-numbered year (with the fee being pro-rated accordingly). All licenses will expire on June 30 of even-numbered years.

B. A copy of the current County license for the campground (if required by the County) plus a copy of the most recent application and permit issued to the applicant by the State of Wisconsin pursuant to Chapter ATCP 79 of the Wis. Adm. Code must be submitted at the time of license application or renewal.

C. No campground shall be operated without a valid license from the Town, except for those campgrounds that existed as of the date of this Ordinance.

D. At the time of filing of a license application the applicant shall pay the Town the application fee in an amount established by a resolution of the Town Board from time to time and on file in the office of the Town Clerk.

E. All reasonable costs incurred by the Town Board or its agents to properly review the Campground license application, and any proposed variance, including the employment of the necessary services of engineers, attorneys, planners, and other professional consultants for said review, shall be the responsibility of the applicant who shall timely and fully reimburse the Town of North bend for these costs. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance. The Town Board may also establish a deposit schedule for review fees.

F. Should the license application not be timely (within fifteen (15) days of its being due), there shall be a penalty fee as stipulated in Appendix A imposed in addition to the regular license fee.

G. The license application shall include the name, address, telephone number, fax number and email address, if any, of each owner or operator of the campground and the legal description of the property on which the campground is located.

H. Licenses issued under this Ordinance are not transferable without the express, written approval of the Town Board.

I. Multiple licenses shall not be issued for a single parcel.

J. No person shall apply for and no campground license shall be issued for a campground which occupies all or portions of adjoining parcels or lots. Each applicant shall be required to prove to the Town Board that all of the land upon which the campground is proposed to be situated is owned or controlled by the applicant under a lease from the owner and the Town Board reserves the right to require of the applicant, where the campground site extends over lot lines onto two or more parcels owned or controlled by the applicant, that the applicant combine those legal descriptions through the creation of a certified survey map. Nor may any person apply for or receive multiple campground licenses with which to operate separate campgrounds on the same or adjoining parcels or lots.

7.2 New Applications to Operate a Campground

A. Applications for new campgrounds or additions to existing campgrounds shall be subject to approval or denial by the Town Board acting in accord with the requirements and restrictions of this Ordinance and all other applicable ordinances and laws.

B. In considering the initial approval for any person or persons seeking to operate a campground in the Town of North Bend, the Town Board will, at a minimum, weigh its compatibility with the State and County regulations, with the conservation of natural resources, and with this Ordinance.

C. Persons wishing to establish a new campground or an addition to an existing campground in the Town of North Bend shall:

1. Provide the legal description of the property and photos showing pre-construction ground surface slope, roads, paths, and other natural aspects of the land along with a scaled plan or map of the proposed campground.

D. Before approval for the use of land for a new campground or for modifications to or expansion of an existing campground, the Town Board shall hold a public hearing on a Class II Public Notice. In the event that approval is denied, the Town Board shall provide the reasons therefore to the owner or operator in writing.

E. The application for the license for the operation of a campground or campground addition must include the following items. The application shall not be considered complete and no license to operate will be issued until all items are submitted to the satisfaction of the Town.

1. The number, placement of and dimensions of each campsite.
 2. The location and size of all washrooms, restrooms, solid waste disposal facilities and sanitary waste disposal facilities, the number and construction and maintenance of which shall be in accord with applicable state, county and local health and safety standards. In addition, the plan shall reflect the location of all private sanitary disposal systems, natural gas lines, oil or gas storage facilities, public telephones, storm shelters and other buildings which are located upon the campground, including those made available to camping parties and those whose use is restricted or personal to the owner or operator.
 3. Location, size and purpose or function of all other facilities made available to the use of camping parties and situated in and upon the grounds of the campground.
 4. Proof of compliance with all applicable sections of Wisconsin Commercial Building Code for electric and plumbing as found in Chapter SPS 362 of the Wis. Adm. Code. This proof shall be in the form of all inspection reports for rough-in and final inspections done by credentialed commercial plumbing and commercial electrical inspectors. This proof shall be submitted whenever available at a date later than the application.
 5. For applicants who do not own the property on which the proposed campground is located, a copy of the lease or other contract by which permission or authority to make use of the real estate for purposes of operation of a campground have been granted to the applicant by the owner thereof.
 6. Such other and further information or plans as are deemed by the Town Board to be necessary for it to fully consider and where appropriate to grant a campground license under this Ordinance.
- F. The campground operator shall provide to the Town, prior to the issuance of its campground license, a performance bond in the amount, not to be less than Five Thousand Dollars (\$5,000) or such additional amounts as the Town Board deems to be appropriate based on the size and improvements of the campground, to guarantee to the Town that upon loss or surrender of its campground license, the operator shall remove all camping units from the licensed parcel or lot and properly dispose of all debris and solid waste remaining upon its cessation of operation. The Town Board shall approve of both the amount of the bond as well as its issuer and the Town shall be named as the beneficiary of the said bond.

G. No campground license shall be issued for a proposed campground layout that is bisected by a County Highway or Town Road. All campground facilities and all campsites in a campground shall be located together on one side of the right-of-way of a highway or road that physically divides an applicant's parcel or lot.

7.3 Pre-existing Campgrounds

A. Any campground in operation at the time of adoption of this Ordinance or any amendments hereto may continue to be operated even though the manner in which the business is conducted is not in full conformity with the provisions hereof. The only exception to this is that all campground operators shall conform their operations with the Section 9 of this Ordinance entitled OPERATING REGULATIONS.

B. No pre-existing campground may be expanded or added to except in conformity with this Ordinance. In cases where a campground is expanded or added to, only the area expanded or added to must conform to this ordinance.

C. A lawful pre-existing campground shall be required to apply for a license within 60 days of the passage of this Ordinance, in compliance with Sec. 7.1.

D. Any pre-existing campground licensed per 7.3.C above and subsequently allowing said license to lapse for a period of one (1) license cycle per 7.1.A shall not be re-established except in conformity with all provisions pertaining to new campgrounds contained in this Ordinance.

7.4 Renewal of Campground License

A. Applications for renewal of campground licenses must include:

1. The name, address, telephone number, fax number and email address, if any, of each owner or operator of the campground and the legal description of the property on which the campground is located.
2. Proof of required Onsite Waste Treatment System (POWTS) maintenance as required by Jackson County and the State of Wisconsin.
3. A copy of the current County license for the campground plus a copy of the most recent County inspection report.

4. The appropriate fee according to Appendix A

B. No public hearing shall be required for renewal of a campground license.

C. Prior to the approval of the campground renewal the Town may require an inspection of the campground to assure ongoing compliance with this Ordinance.

SECTION 8 – PHYSICAL LAYOUT

8.1 Maximum Number of Sites

For the purpose of preserving the rural character of the Town, there shall be a maximum of 150 campsites per licensed campground.

8.2 Density and Size of Campsites

Campsites shall be a maximum of 20 sites per acre with a minimum average of 2200 square feet per site. Roads, driveways, and vehicle parking areas adjacent to campsites may be included in the minimum average computation. Buffer screening areas as required in Sec. 8.3.A, public areas and vehicle parking areas detached from campsites may not be included in the minimum average calculation.

8.3 Buffers, Screening, and Noise

A. All campgrounds shall be buffered and screened for all seasons. Where no vegetative screening exists, screening will be developed and maintained. The buffer zone must be at least 15 feet wide and the screening will not be less than 8 feet high containing trees, shrubs, berms, or any combination thereof to screen the boundaries visible from public roads adjacent property or adjacent waterways. This screening shall be made of natural materials to enhance the surrounding landscape. An exception is made for visual or physical access ways to an adjacent waterway that are consistent with state and county shoreline codes.

B. All exterior lighting shall be fitted with opaque shields to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than 50 feet beyond the campground.

C. Between the hours of 6pm and 9am each day, the decibel level of any activity related to camping and any ancillary activity offered by the owner of the campground to its guests, including but not limited to, that noise coming from recreational or off-road vehicles such as

ATV's, UTVs, go-carts, or unlicensed motorized vehicles, shall NOT EXCEED 60 dBA measured at the property line.

D. Between the hours of 9am and 6pm each day, the decibel level of any activity related to camping and any ancillary activity offered by the owner of the campground to its guests, including but not limited to, that noise coming from recreational or off-road vehicles such as ATV's, UTVs, go-carts, or unlicensed motorized vehicles, shall NOT EXCEED 80 dBA measured at the property line.

8.4 Roadways and Parking

A. Each campsite designed for vehicular camping units shall have frontage upon an access drive or private road maintained by the campground for the purpose of vehicular and pedestrian access to and from an adjoining public highway.

B. Where access drives or private roads are provided they shall not be less than twelve (12) feet in width and sixteen (16) feet overhead clearance to allow for adequate access to each campsite for emergency vehicles.

C. Where crossing a County Highway or Town Road is necessary to access a river, stream, lake or pond, a County or Town approved pedestrian crosswalk shall be required.

D. Whether attached to individual campsites or otherwise, each campground shall provide adequate space for the parking of at least two (2) motor vehicles per campsite in addition to the site provided for the camping unit which occupies each such site. Each such parking space shall be at least 20 feet in length by 10 feet in width and shall not block access by emergency vehicles. Motor vehicles shall not be substituted for or used as camping units.

8.5 Condominium Campgrounds

The provisions of this ordinance shall be applicable to any proposed condominium campground.

8.6 Other Structures

A. No auxiliary or non-permanent structure shall be fixed, mounted or attached to a camper vehicle in any manner which would prevent the ready removal and transport of the camper vehicle.

B. No auxiliary or non-permanent structures larger than a combined two-hundred (200) square feet shall be allowed at any campsite.

C. A fish and game cleaning station shall be provided that is reasonably fly-tight and vermin-proof and maintained in a sanitary manner.

D. In areas of the campgrounds where open fire is permitted, rings, no more than two (2) feet in diameter, will be established and provided by the campground operator in a safe manner as determined by local officials.

SECTION 9 – OPERATING REGULATIONS

9.1 Postings and Inspections

A. A copy of this Ordinance, the campground license and emergency contact numbers shall be posted conspicuously on a bulletin board on the campground premises for public review.

B. All portions of the real estate upon which a licensed campground is located and which are open to the public, including all open spaces and enclosures, buildings or other structures used or made available for use by the public in association with the operation of said campground and structures outside of the designated campground area that supply or house utilities, shall be open to the Town, its officers, inspectors, health officers, law enforcement officers, firefighters and ambulance and emergency rescue personnel for purposes of inspection of the premises for compliance with this Ordinance. The licensee, by applying for and holding a Town license, shall be deemed to have consented to said entry of the aforementioned officers, at reasonable hours of the day.

9.2 Health and Safety

A. The maximum number of overnight guests allowed at any one campsite shall be six (6).

B. The maximum number of camper vehicles allowed at any one campsite shall be one (1).

C. With the express exception of motor vehicles parked on campsites in accord with Section 8.4 D., above, only camper vehicles shall be allowed on campsites.

D. It shall be the responsibility of each campground owner/operator to maintain the campground in a clean, orderly, safe, and sanitary condition and comply with this Ordinance and all other applicable ordinances, administrative codes, and laws.

E. All plumbing, sanitary and electrical facilities, gas distribution lines and other public facilities in each campground shall be constructed, operated, and maintained in accord with all applicable state, county and local laws, ordinances, and regulations at the time that such systems were installed.

F. One (1) Type 2A10BC fire extinguisher shall be provided for each public building in the campground and no campsite shall be more than seventy-five (75) feet from a Type 2A10BC fire extinguisher. It shall be the responsibility of the operator to ensure that all required fire extinguishers are in operating order at all times that the campground is open to the public.

G. No camping unit that has been damaged by fire or other casualty or which is deemed to be uninhabitable due to structural reasons, plumbing, or electrical malfunctioning, or disconnection, shall be allowed to be inhabited until proper repairs or reconnections to utilities have been made. Each camping unit that has been damaged or which is otherwise deemed to be uninhabitable for one of the reasons set forth in this paragraph shall either be fully repaired or restored to serviceable use or, in the alternative, shall be removed from the campground within thirty (30) days of the date when it was damaged or became uninhabitable. Should such action not be taken, the operator of the campground shall be subject to sanctions under this Ordinance, whether or not the operator owns the camping unit or it is the property of a third party.

H. Camping units that are deemed uninhabitable by the Town will not be allowed to be placed, parked, or stored on any campground in the town.

I. No person shall establish a special events campground pursuant to Chapter ATCP 79 of the Wis. Adm. Code without first obtaining the permission of the Town Board in consideration of the health, welfare, and safety of campers and residents of the Town.

9.3 Camper Vehicle Licensing and Equipment Requirements

A. All camper vehicles must be maintained in legal roadworthy condition and licensed as required by Wisconsin DOT.

B. The wheels or similar devices for transportation of any camper vehicle shall not be removed except for repairs lasting no more than ten (10) days.

C. No camper vehicle shall be fixed, mounted, or attached to the ground, another vehicle, auxiliary or non- permanent structure in any manner which would prevent the ready removal and transport of the camper vehicle.

SECTION 10 – VIOLATIONS AND PENALTIES

10.1 Violations

A. Any person, firm, or corporation who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of the Ordinance, refuses to comply with this Ordinance, or resists enforcement of any of its provisions shall be subject to a written notice of violation.

B. The Building Inspector, a law enforcement officer, or any other authority authorized by the Town Board may require by written order any premises violating this Section to be put in compliance within thirty (30) days or other time as specified in such order.

C. If the premises are not brought into compliance within the time specified in the written violation, then The Town Board, a law enforcement officer or any other authority authorized by the Town Board may issue citations or bring civil actions before the circuit court to collect forfeitures as may from time to time be determined by the Town Board.

D. The Town of North Bend retains the right to revoke, suspend, or place limitations on a campground license if the Town Board has evidence that the campground is in habitual violation of this Ordinance or if there are habitual law enforcement issues at the campground.

E. This Ordinance is subject to the enforcement and appeals process as established by the Town of North Bend.

10.2 Penalties

A. Each written notice shall be considered a new violation of this Ordinance. Forfeitures shall be assessed in the following manner:

i. Failure to comply with first written notice: \$250.00

ii. Failure to comply with second written notice issued within 90 days of first notice: \$500.00

iii. Failure to comply with third written notice issued within 90 days of second notice: not less than \$500.00 nor more than \$1,000.00 for each day of continued non-compliance following the expiration of the notice period contained in the notice served.

SECTION 11 – CAMPGROUND ORDINANCE OPERATION IN ADDITION TO OTHER ORDINANCES, LAWS and REGULATIONS

Except as to provisions of other ordinances of the Town which are expressly in conflict with the provisions of this Ordinance, which prior ordinances shall be deemed to be repealed or replaced by this Ordinance, it is not the intent of this Ordinance to repeal or amend any other ordinances and to the extent that other ordinances of the Town or of the County or laws or regulations of the State of Wisconsin may regulate the operation of campgrounds, they shall remain in full force and effect in the Town.

SECTION 12 – VARIANCES

Variations to the standards of this Ordinance may be considered by the Town Board for the Town of North Bend. The Town Board shall provide written findings to support their decision to either grant or deny the request for variance. Applications for a variance must be accompanied by the appropriate payment of fees set forth by the Town of North Bend and must, at a minimum, demonstrate that:

A. Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.

B. The hardship described in para. A., above, shall of necessity relate to special circumstances pertaining to the applicant and may not be based on mere inconvenience or financial hardship to the applicant, or be a self-created hardship of the applicant.

C. Granting of the variance will not be materially detrimental to the public health, safety, welfare, use, or interest.

D. The granting of the variance will not materially compromise the goals and policies of the Town of North Bend, be inconsistent with other applicable regulations, or be inconsistent with the purpose of this Ordinance.

Applications for a variance shall require a public hearing with a Class 1 notice of the hearing with a written notice by U.S. Mail to adjacent property owners for which the variance is requested and the Jackson County Zoning Administrator. The Town shall send the written

notice by certified mail at least five (5) working days prior to the public hearing on the variance. All reasonable costs incurred by the Town of North Bend associated with the review of the variance shall be the responsibility of the applicant, including all legal and engineering fees.

SECTION 13 – SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 14 – EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this _____ day of _____, 2019.

In Favor:

Opposed:

Attest:

Town Clerk

APPENDIX A - FEE SCHEDULE

TO THE TOWN OF NORTH BEND CAMPGROUND PERMIT ORDINANCE

The Town of North Bend has established the following fee schedule for campgrounds in the Town of North Bend to be paid by the applicant at time of initial application or renewal, or as otherwise stipulated by the Town Board.

NEW CAMPGROUND LICENSE

1 TO 25 SITES \$500
26 TO 50 SITES \$750
51 TO 100 SITES \$1000
101 TO 150 SITES \$1500

RENEWALS AND FIRST APPLICATION OF A PRE- EXISTING CAMPGROUND

1 TO 25 SITES \$250
26 TO 50 SITES \$500
51 TO 100 SITES \$750
101 TO 150 SITES \$1000

VARIANCE REQUEST

VARIANCE REQUEST MADE AT TIME OF INITIAL APPLICATION \$250
VARIANCE REQUEST MADE SUBSEQUENT TO INITIAL APPLICATION \$500

OTHER RELATED FEES

Late application penalty fee \$50 in addition to regular license fee
Any required mailings to nearby landowners <at cost>
Any additional studies, legal fees, or engineering analysis required by the Town <at cost>

ORDINANCE NO. _____

STATE OF WISCONSIN
TOWN OF NORTH BEND
JACKSON COUNTY

THE TOWN BOARD OF THE TOWN OF NORTH BEND HEREBY ORDAIN AS FOLLOWS:

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the *Town of North Bend Driveway Permit Ordinance*. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town of North Bend, and to regulate roadway access by motor vehicles to any town roadway in the town. This is not a town zoning ordinance.

SECTION II – AUTHORITY

The town board has the specific authority under ss. 66.0425 and 86.07, Wis. stats., to adopt a town roadway access permit ordinance, and has the general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of certain driveways in the town.

SECTION IV – DEFINITIONS

In this ordinance:

- A. “Driveway” means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public roadway, and will provide vehicular access from the public Roadway to a residence, business, recreational site, or other similarly appropriate use.

- B. “Emergency vehicle” means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.
- C. “Town” means the Town of North Bend, Jackson County, Wisconsin.
- D. “Town board” means the board of supervisors for the Town of North Bend, Jackson County, Wisconsin, and includes any designee of the board authorized to act for the board.
- E. “Town clerk” means the clerk of the Town of North Bend, Jackson County, Wisconsin.
- F. “Wis. stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V – COVERAGE

- A. No person may establish or construct a driveway or reconstruct, reroute, or alter any public roadway access onto a public roadway without first obtaining a ***Town Driveway Permit*** to be issued by the town board or its designee.
- C. Any person prior to and at the time of seeking a ***Town Driveway Permit*** must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

SECTION VI – SPECIFICATIONS

- A. All driveways in the town for which a ***Town Driveway Permit*** is required under Section V shall meet all of the following minimum requirements. No permit shall be issued unless the materials submitted as required under Sections VII demonstrate compliance with the requirements of this section:
 1. All driveways shall have a fifteen-foot (15’) setback from an adjacent property line.
 2. There shall be a minimum spacing of seventy-five feet (75’) between any driveway or access points to a public roadway measured from the pavement edge or the edge of improved portion of a non-paved driveway.
 3. All driveways shall have culverts of an appropriate size to maintain proper ditching unless deemed unnecessary by official decision of the town board.

4. Driveways shall be constructed to provide adequate access for emergency vehicles to access any buildings to which the driveway serves.

SECTION VII – APPLICATION AND PERMIT PROVISIONS

A. The town board shall approve a form for application for both the *Town Driveway Permit*, which shall be available from the town clerk.

B. The applicant for a *Town Driveway Permit* shall submit to the town clerk a completed application for each with the appropriate fee and with the following attachments:

1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions of the project.

2. Plat Map. A plat map indicating the location and dimensions of the desired driveway location, as well as the parcels immediately adjacent to the applicant's property.

3. Other Documents. The town board may require other documents to be attached to the Driveway Permit Application.

C. The town board shall approve or deny every Town Driveway Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the permittee. Reasons for denying a Town Driveway Permit Application may include, but are not limited to:

1. The inconsistency or nonconformance of the proposed driveway with any of the following:

- a. This ordinance.
- b. Any existing town comprehensive plan, master plan, or land use plan.
- c. Town ordinances, rules, regulations, or plans.
- d. Any applicable county, state, or federal laws, ordinances, rules, regulations, or plans.

2. The driveway as proposed would be dangerous or unsafe for use by persons in the town.

3. The application as filed and submitted is incomplete or contains false material as determined by the town board.

4. Alternative driveway locations will be safer for persons ingressing or egressing on the driveway and access point by motor vehicle or for persons traveling on the adjacent public roadway by motor vehicle.

5. The driveway will not provide timely and adequate ingress and egress for emergency vehicles.

D. A ***Town Driveway Permit*** is effective for 12 months from the date of issuance. Each permit shall automatically expire after 12 months unless renewed.

E. Each permit may be renewed for one additional period of 6 months. If the driveway has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.

F. The applicant shall notify the Town Board Chairperson or his/her designee within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway. Within 30 days of notification, the town shall conduct an inspection of the driveway to ensure full compliance with all of the permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the town board shall issue a ***Town Driveway Occupancy Permit***.

G. An application fee that is nonrefundable in an amount which can be changed by a resolution of the town board will be charged for each permit application as follows:

1. Initial Town Driveway Permit Fee **\$25.00**

H. In the event of a denial of a Town Driveway Permit Application, the Town Board, or its designee shall recite in writing the particular facts upon which the town board based its denial of the permit. The Town Board shall also afford the applicant, upon timely notice by the applicant to the Town Board, an opportunity for review of the decision and to present evidence at a public hearing after a Class 1 Notice under section 985.07, Wis. Stats., of the hearing. Thereafter, the decision may be affirmed, reversed, or modified.

SECTION VIII – PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this

ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION IX – SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting.
The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this _____ day of _____, 2019.

In Favor:

Opposed:

Attest:

Town Clerk