

TOWN OF BIG BEND
RUSK COUNTY, WISCONSIN
AN ORDINANCE REGULATING THE OPERATION OF
CAMPGROUNDS

ADOPTED JANUARY 02 2018

- SECTION 1.** **Title/Purpose, Authority and Scope**
- 1.1 Title/Purpose**
 - 1.2 Authority**
 - 1.3 Scope**
 - 1.4 Interpretation**
- SECTION 2.** **Definitions**
- SECTION 3.** **Licenses, Applications and Renewals**
- 3.1 Licenses**
 - 3.2 New Applications**
 - 3.3 Pre-existing Campgrounds**
 - 3.4 Renewals**

SECTION 4. Physical Layout

4.1 Maximum Number of Sites

4.2 Density and Size of Campsites

4.3 Buffers and Screening

4.4 Roadways and Parking

4.5 Condominium Campgrounds

4.6 Other Structures

SECTION 5. Operating Regulations

5.1 Postings and Inspections

5.2 Health and Safety

5.3 Licensing and Equipment

SECTION 6. Violations and Penalties

6.1 Violations

6.2 Penalties

**SECTION 7. Campground Ordinance Operation In
Addition To Other Ordinances, Laws and
Regulations**

SECTION 8. Variances

SECTION 9. Severability

Section one: To create Town of Big Bend Campground Ordinance

SECTION 1. TITLE/PURPOSE, AUTHORITY AND SCOPE

1.1 TITLE/PURPOSE

The title of this Ordinance is the Town of Big Bend Ordinance Regulating the Operation of Campgrounds

The provisions of this Ordinance are enacted for the purpose of protecting the public health, safety and general welfare of residents and transients 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 Big 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.

1.2 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 ATCP 79, Wis. Adm. Code and all other applicable codes shall be minimum standards and are supplemented with this Ordinance.

1.3 SCOPE

This Ordinance applies to all lands in the Town of Big Bend, County of Rusk, 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.

1.4 INTERPRETATION

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 Big 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 Big Bend.
- C. General. Where used herein the word “shall” is mandatory. The word “may” is permissive.
- D. 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 of a campground pursuant to authority granted under the terms and conditions of this Ordinance.

SECTION 2. DEFINITIONS

For the purpose of 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 shelter, such as a camper vehicle or tent, as a form of temporary residence or for sleeping purposes.

Campground. Any parcel or tract of land owned by a person, the state or local government, which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by four (4) or more camping units, or by one (1) to three (3) camping units if the parcel or tract of land is represented as a campground.

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

Campsite. Defined areas within a campground intended for the use of one camping party for overnight camping.

Camping Unit. Any single shelter, except sleeping bags and hammocks, used for a camp by a camping party.

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, park models, and tiny homes.

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. Rusk 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 Big 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, corporation or other form of association.

Plan Commission. The Town Plan Commission of the Town of Big Bend shall also be known as the Town Ordinance Committee.

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 Big Bend.

Town. The Town of Big Bend, Rusk 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 3. LICENSES, APPLICATIONS AND RENEWALS

3.1 Licenses

- A. No person shall own, operate or maintain a campground on real estate in the Town of Big 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 one (1) year, except the initial license shall expire on June 30 of the next or current year (with the fee being pro-rated accordingly).
- B. A copy of the current County license for the campground plus a copy of the most recent ATCP 79 inspection report must be submitted at the time of license application or renewal.
- C. No campground shall be operated without a valid license from the Town.
- 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 Big 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.

3.2 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

Big Bend, the Plan Commission 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 Big Bend shall:
 - 1. Appear before the Town Plan Commission and the Town Board for approval **before** seeking any required Land Use Permits from Rusk County.
 - 2. 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 Comm. 16 of the State Electrical Code, and Comm. 81 – 84 of the State Plumbing 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.

3.3 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 Section 5 of this Ordinance.
- 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. 3.1.
- D. Any pre-existing campground licensed per 3.3.C above and subsequently allowing said license to lapse for a period of one (1) license cycle per 3.1.A shall not be re-established except in conformity with all provisions pertaining to new campgrounds contained in this Ordinance.

3.4 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 Rusk 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 4. PHYSICAL LAYOUT

4.1 Maximum Number of Sites

For the purpose of preserving the rural character of the Town of Big Bend there shall be a maximum of 65 campsites per licensed campground.

4.2 Density and Size of Campsites

Campsites shall be a maximum of 15 sites per acre with a minimum average of 2900 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. 4.3.A, public areas and vehicle parking areas detached from campsites may not be included in the minimum average calculation.

4.3 Buffers and Screening

- 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.

4.4 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.

4.5 Condominium Campgrounds

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

4.6 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 5. OPERATING REGULATIONS

5.1 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.

5.2 Health and Safety

- A. The maximum number of overnight guests allowed at any one campsite shall be per ATCP 79.11(5)(a).
- 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 4.4 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 Wis. Adm. Code ATCP 79.26 without first obtaining the permission of the Town Board in consideration of the health, welfare, and safety of campers and residents of the Town.

5.3 Camper Vehicle Licensing and Equipment Requirements

- A. All camper vehicles must be maintained in legal road-worthy 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 6. VIOLATIONS AND PENALTIES

6.1 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 Big 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 Big Bend.

6.2 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: \$100.00
- ii. Failure to comply with second written notice issued within 90 days of first notice: \$150.00
- iii. Failure to comply with third written notice issued within 90 days of second notice: not less than \$150.00 or 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 7. 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 8. VARIANCES

Variances

Variances to the standards of this Ordinance may be recommended by the Town of Big Bend Plan Commission or designee and authorized by the Town Board. The Town Board shall consider the decision of the Town of Big Bend or designee as part of the variance request and shall provide written findings to support their decision. Applications for a variance must be accompanied by the appropriate payment of fees set forth by the Town of Big Bend and must 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 Big Bend and be inconsistent with other applicable regulations or 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 Rusk 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 Big Bend associated with the review of the variance shall be the responsibility of the applicant.

SECTION 9. SEVERABILITY

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance first approved _____, 2018
Ordinance first Adopted _____, 2018
Ordinance first Published _____, 2018

TOWN OF BIG BEND, RUSK COUNTY, WISCONSIN

TOWN BOARD CHAIR

Tom Meisner

SUPERVISOR

Mark Schmitt

SUPERVISOR

Bob DeVoe

TOWN CLERK

Sandy Rassbach

Should any section, paragraph or other provision of this Ordinance be declared by a court of competent jurisdiction to be illegal or unconstitutional, it shall be severed from the remainder of the Ordinance, which shall remain in full force and effect as if the offending portion was never adopted in the first place.

APPENDIX A - FEE SCHEDULE

To the Town of Big Bend Ordinance regulating the operation of Campgrounds

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

CAMPGROUND LICENSE (New and renewals of preexisting campgrounds)
\$50.00 Fee + \$25.00 Per Site

VARIANCE REQUEST

Variance request made at time of initial application	\$200.00
Variance request made subsequent to initial application	\$500.00

OTHER RELATED FEES

Late application penalty fee	\$ 50.00
Any required mailings to nearby landowners	<at cost>
Any additional studies or engineering analysis required by town	<at cost>
Any additional costs incurred by the Town in review of an application	<at cost>

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 or engineering analysis required by the Town
<at cost>

Any additional costs incurred by the Town in review of an application
<at cost>