

Ordinance No. \_\_\_\_\_

**AN ORDINANCE TO AMEND SECTION 10.015 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO CAMPGROUND LICENSING AND OPERATION**

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

**Section I:** Section 10.015 of the Municipal Code of the Village of Bagley shall be and hereby is amended to read as follows:

**“10.015 CAMPGROUND LICENSING AND OPERATION**

(1) Purpose and Authority.

(a) 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 Village, to prevent overcrowding and unsanitary conditions on real estate and to establish minimum requirements for the establishment and operation of campgrounds in the Village of Bagley. The standards and requirements of this Ordinance are intended to provide a wholesome community environment, adequate public services, and the conservation of natural resources.

(b) This Ordinance is adopted in accord with Wis. Stat. sec. 61.34(1) and (5), pursuant to which the Village 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 DHS 178, Wis. Adm. Code and all other applicable codes are incorporated by reference and shall be minimum standards and are supplemented with this Ordinance. This Ordinance shall be applied in accordance with the Village of Bagley Comprehensive Plan.

(2) Scope. This Ordinance applies to all lands in the Village of Bagley, County of Grant, Wisconsin. The Village Board shall be responsible to administer this Ordinance. No new or expanded campgrounds may be constructed unless all required approvals have been given.

(3) Interpretation

(a) Abrogation and Greater Restrictions

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

(ii) 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 Village of Bagley 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 Village of Bagley.

(c) **Non-Liability.** The Village 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. The Village 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.

(4) **Definitions.** For the purpose of this Ordinance, the definitions provided in s. DHS 178.03 shall apply together with the additional definitions provided below:

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

(b) **Camp or Camping.** The use of a shelter, such as a camper, yurt or tent, as a form of temporary residence or for sleeping purposes.

(c) **Inspector.** The Village Building Inspector.

(d) **Licensee.** Any person licensed by the Village to operate and maintain a campground.

(e) **Parcel or Lot.** A unit or parcel of land legally described and of record with the Grant County Register of Deeds.

(f) **Plan Commission.** The Plan Commission of the Village of Bagley.

(g) **Village Street.** A highway, inclusive of all public ways and thoroughfares and all bridges on the same, operated by the Village for public travel purposes.

(5) Licenses, Applications and Renewals

(a) Licenses.

(i) No person shall own, operate or maintain a campground on real estate in the Village of Bagley without first having obtained a license for such campground from the Village 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.

(ii) A copy of the most recent DHS 178 inspection report and permit, where required, must be submitted at the time of license application or renewal.

(iii) No campground shall be operated without a valid license from the Village.

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

(v) All reasonable costs incurred by the Village 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 Village of Bagley for these costs. The Village Board may require that all or a portion of the known costs of application approval and variance review be paid in advance. The Village Board may also establish a deposit schedule for review fees.

(vi) 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.

(vii) 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.

(viii) Licenses issued under this Ordinance are not transferable without the express, written approval of the Village Board.

(ix) Multiple licenses shall not be issued for a single parcel.

(x) 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 Village 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 Village 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. No person may apply for or receive multiple campground licenses with which to operate separate campgrounds on the same or adjoining parcels or lots.

(b) New Applications to Operate a Campground.

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

(ii) In considering the initial approval for any person or persons seeking to operate a campground in the Village of Bagley, the Plan Commission will, at a minimum, weigh its compatibility with the tenets of the Village's Comprehensive Plan, with state regulations, with the conservation of natural resources and with this Ordinance.

(iii) Persons wishing to establish a new campground or an addition to an existing campground in the Village of Bagley shall:

1. Appear before the Village Plan Commission and the Village Board for approval.

2. Provide the legal description of the property along with a scaled plan or map of the proposed campground.

(iv) Before approval for the use of land for a new campground or for modifications to or expansion of an existing campground, the Village Board shall hold a public hearing. In the event that approval is denied, the Village Board shall provide the reasons therefore to the owner or operator in writing.

(v) 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 Village.

1. The number, placement of and dimensions of each campsite.

2. The location and size of all washrooms, restrooms and a waste disposal plan (both solid waste and sanitary waste). 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 the State Electrical Code, and the State Plumbing Code as the same may be amended from time to time. 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.

(vi) 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.

(vii) Such other and further information or plans as are deemed by the Village Board to be necessary for it to fully consider and where appropriate to grant a campground license under this Ordinance.

(viii) The campground operator shall provide to the Village, 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 Village Board deems to be appropriate based on the size and improvements of the campground, to guarantee to the Village 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 Village Board shall approve of both the amount of the bond as well as its issuer and the Village shall be named as the beneficiary of the said bond.

(c) Pre-existing Campgrounds

(i) 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.

(ii) 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. (5)(a).

(d) **Renewal of Campground License**

(i) 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. The appropriate fee according to Appendix A

(ii) Prior to the approval of the campground renewal the Village may require an inspection of the campground to assure ongoing compliance with this Ordinance.

(6) **Physical Layout**

(a) **Maximum Number of Sites.** For the purpose of preserving the rural character of the Village as set forth in the Village of Bagley Comprehensive plan, there shall be a maximum of 150 campsites per licensed campground.

(b) **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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

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

(i) 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.

(7) Operating Regulations

(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 Village, 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 Village license, shall be deemed to have consented to said entry of the aforementioned officers, at reasonable hours of the day.

(c) Health and Safety

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

(ii) The maximum number of camping units allowed at any one campsite shall be one (1).

(iii) With the express exception of motor vehicles parked on campsites, above, only camping units shall be allowed on campsites.

(iv) 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.

(v) 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.

(vi) 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.

(vii) 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.

(viii) Camping units that are deemed uninhabitable by the Village will not be allowed to be placed, parked or stored on any campground in the Village.

(c) **Vehicle Licensing and Equipment Requirements**

(i) All camping units that are vehicles must be maintained in legal roadworthy condition and licensed as required by Wisconsin DOT.

(ii) 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.

(iii) 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.

(8) **Violations and Penalties**

(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 Village 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 Village Board, a law enforcement officer or any other authority authorized by the Village 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 Village Board.

(d) The Village of Bagley retains the right to revoke, suspend, or place limitations on a campground license if the Village 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) Penalties

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

1. Failure to comply with first written notice: \$100.00
2. Failure to comply with second written notice issued within 90 days of first notice: \$150.00
3. Failure to comply with third written notice issued within 90 days of second notice: not less than \$150.00 nor more than \$1,000.00 for each day of continued noncompliance following the expiration of the notice period contained in the notice served.

(9) Variances. Variances to the standards of this Ordinance may be recommended by the Village of Bagley Plan Commission or designee and authorized by the Village Board. The Village Board shall consider the decision of the Village of Bagley 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 Village of Bagley 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 subs. (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 Village of Bagley Comprehensive Plan, be inconsistent with other applicable regulations or inconsistent with the purpose of this Ordinance. Applications for a variance shall require a public hearing.

(10) Exceptions.

Any person may permit one or more camping unit to be placed, parked or located on his or her property for the purpose of allowing family members or guests to use such camping unit while visiting under the following rules:

(a) The camping unit must be located on property owned by the person whom the occupants of the camping unit are visiting.

(b) The camping unit may not be attached to Village utilities.

(c) The total number of days in any 12-month period in which a property owner may allow visiting camping units is fifteen (15).

**APPENDIX A - FEE SCHEDULE TO THE VILLAGE OF BAGLEY ORDINANCE  
REGULATING THE OPERATION OF CAMPGROUNDS**

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

**NEW CAMPGROUND LICENSE**

1 TO 25 SITES \$100

26 TO 50 SITES \$150

51 TO 100 SITES \$200

101 TO 150 SITES \$250

**RENEWALS AND FIRST APPLICATION OF A PRE- EXISTING CAMPGROUND**

1 TO 25 SITES \$50

26 TO 50 SITES \$75

51 TO 100 SITES \$100

101 TO 150 SITES \$125

**VARIANCE REQUEST**

VARIANCE REQUEST MADE AT TIME OF INITIAL APPLICATION \$200

VARIANCE REQUEST MADE SUBSEQUENT TO INITIAL APPLICATION \$500

**OTHER RELATED FEES**

Late application penalty fee \$50 in addition to regular license fee

Any additional studies or engineering analysis required by the Village <at cost>

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

**Section II:** This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
David Schott, Village President

COUNTERSIGNED:

\_\_\_\_\_  
Amber Martin, Village Clerk

Date adopted: \_\_\_\_\_

Date recorded: \_\_\_\_\_

Date posted: \_\_\_\_\_

Date affidavit filed: \_\_\_\_\_

Effective date: \_\_\_\_\_