TOWN OF GREEN BAY

BROWN COUNTY, WISCONSIN

**CAMPGROUND PERMIT ORDINANCE**

Section 1. Title and Purpose.

The title of this ordinance is the Town of Green Bay 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 Green Bay.

Section 2. Authority.

This Ordinance is adopted in accord with Wis. Stats. §§ 60.10(2)(c), 60.22(3), and 61.34(1) and (5) 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 Green Bay, County of Brown, 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.

1. Abrogation and Greater Restrictions.
2. Except when set forth expressly herein, it is not the intent of the Town Board to abrogate, annul or repeal another 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.
3. 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.
4. 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 Green Bay 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 Green Bay.
5. 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.

Section 6. Definitions.In this ordinance the following definitions shall apply:

1. “Auxiliary Structure.” A structure or structures on a campsite, including, but not limited to, a shed, deck, garage, or picnic shelter.
2. “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.
3. “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.
4. “Camping Party.” Any individual, family or non-family group consisting of not more than eight (8) persons who are seven (7) years of age or older, provided that such individual, family, or group is engaging in camping.
5. “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 70 of the Wis. Adm. Code: (a) individual campsite, (b) group campsite, (c) seasonal campsite, (d) rustic campsite.
6. “Camping Unit” means a structure, including a tent, camping cabin (as defined in Chapter ATCP 70 of the Wis. Adm. Code), yurt, recreational vehicle, mobile home, or manufactured home, bus, van, or pickup truck.
7. “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.”
8. “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.
9. “County” means Brown County, Wisconsin.
10. “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.
11. “Inspector.” The Town Building Inspector for the Town of Green Bay or other person designated by the Town Board.
12. “Licensee.” Any person licensed by the Town to operate and maintain a campground.
13. “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.

1. “Parcel or Lot.” A unit or parcel of land legally described and of record with the County Register of Deeds.
2. “Person.” Any natural person, partnership, limited liability company, corporation, or other form of association.
3. “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.
4. “Pre-existing Campground.” Any licensed campground in operation previous to the date of the passing of this ordinance.
5. “Town Board.” The Town Board of the Town of Green Bay.
6. “Town.” The Town of Green Bay, Brown County, Wisconsin.
7. “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.

Section 7.1 Licenses

1. No person shall own, operate, or maintain a campground on real estate in the Town of Green Bay 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 year except the initial license shall expire on June 30 of the next year (with the fee being prorated accordingly). All licenses will expire on June 30 of each year.
2. 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.
3. 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.
4. At the time of filing of a license application the applicant shall pay the Town the application fee in an amount established by resolution of the Town Board from time to time and on file in the office of the Town Clerk.
5. 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 Green Bay 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.
6. 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.
7. 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.
8. Licenses issued under this Ordinance are not transferable without the express, written approval of the Town Board.
9. Multiple licenses shall not be issued for a single parcel.
10. 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.

Section 7.2 New Applications to Operate a Campground

1. 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.
2. In considering the initial approval for any person or persons seeking to operate a campground in the Town of Green Bay, 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.
3. Persons wishing to establish a new campground or an addition to an existing campground in the Town of Green Bay shall:
4. 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.
5. 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 therefor to the owner or operator in writing.
6. 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.
7. The number, placement of, and dimensions of each campsite.
8. 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.
9. 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.
10. 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.

1. 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.
2. 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.
3. 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.
4. 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.

Section 7.3 Pre-existing Campgrounds

1. 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 9 of this Ordinance entitled “Operating Regulations.”
2. 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.
3. 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 Section 7.1.
4. Any pre-existing campground licensed per Section 7.3(c) above and subsequently allowing said license to lapse for a period of one (1) license cycle per Section 7.1(a) shall not be re-established except in conformity with all provisions pertaining to new campgrounds contained in this Ordinance.

Section 7.4 Renewal of Campground License

1. Applications for renewal of campground licenses must include:
2. 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.
3. Proof of required Onsite Waste Treatment System (POWTS) maintenance as required by Brown County and the State of Wisconsin.
4. A copy of the current County license for the campground plus a copy of the most recent County inspection report.
5. The appropriate fee according to the Town’s fee schedule.
6. No public hearing shall be required for renewal of a campground license.
7. 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

Section 8.1 Maximum Number of Sites.

For the purpose of preserving the rural character of the Town, there shall be a minimum of twenty (20) campsite per licensed campground.

1. A separate area may be designated in a campground for Group Camping in tents; however, such group camping shall not exceed two (2) weeks in any one time period and no more than twenty (20) tent units per acre shall be permitted. In addition, the group camping area must be provided with proper sanitary provisions as required by Chapter ATCP 79, Wis. Adm. Code.

Section 8.2 Density and Size of Campsites

Campsites shall be a maximum of ten (10) sites per acre with a minimum average of 2,200 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 Section 8.3(a), public areas and vehicle parking areas detached from campsites may not be included in the minimum average calculation.

Section 8.3 Buffers, Screening, and Noise

1. 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 fifteen (15) feet wide and the screening will not be less than eight (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.
2. 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 fifty (50) feet beyond the campground.
3. Between the hours of 6 p.m. and 9 a.m. 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 ATVs, UTVs, go-carts, or unlicensed motorized vehicles, shall NOT EXCEED L8.33 = 60 dBA measured at the property line.
4. Between the hours of 9 a.m. and 6 p.m. 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 ATVs, UTVs, go-carts, or unlicensed motorized vehicles, shall NOT EXCEED L8.33 = 80 dBA measured at the property line.

Section 8.4 Roadways and Parking

1. 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.
2. Where access drives or private roads are provided they shall meet the Town of Green Bay Driveway Ordinance specifications to allow for adequate access to each campsite for emergency vehicles.
3. 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.
4. 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 twenty (20) feet in length by ten (10) feet in width and shall not block access by emergency vehicles. Motor vehicles shall not be substituted for or used as camping units.

Section 8.5 Condominium Campgrounds

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

Section 8.6 Other Structures

1. 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.
2. No auxiliary or non-permanent structures larger than a combined two hundred (200) square feet shall be allowed at any campsite.
3. A fish and game cleaning station shall be provided that is reasonably fly-tight and vermin proof and maintained in a sanitary manner.
4. 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.
5. One (1) dwelling unit with an accessory building, to be occupied by the owner or manager, shall be allowed in a campground, which may be occupied year-round by the owner or manager.

Section 9 OPERATING REGULATIONS

Section 9.1 Postings and Inspections

1. 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.
2. 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.

Section 9.2 Health and Safety

1. The maximum number of overnight guests allowed at any one campsite shall be eight (8).
2. The maximum number of camper vehicles allowed at any one campsite shall be one (1).
3. 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.
4. 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 does, and laws.
5. 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.
6. 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.
7. 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 damages 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.
8. 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.
9. 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.
10. A camping unit shall not be occupied by the same individual for more than eight (8) continuous months in any twelve- (12) month period. However, a camping unit may remain on an individual campsite for an entire twelve- (12) month period.

Section 9.3 Camper Vehicle Licensing and Equipment Requirements

1. All camper vehicles must be maintained in legal roadworthy condition and licensed as required by Wisconsin DOT.
2. 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.
3. 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

Section 10.1 Violations

1. Any person, firm, or corporation who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of this Ordinance, refuses to comply with this Ordinance, or resists enforcement of any of its provisions shall be subject to a written notice of violation.
2. 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.
3. 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.
4. The Town of Green Bay 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.
5. This Ordinance is subject to the enforcement and appeals process as established by the Town of Green Bay.

Section 10.2 Penalties

1. Each written notice shall be considered a new violation of this Ordinance. Forfeitures shall be assessed in the following manner:
2. Failure to comply with first written notice: $250.00.
3. Failure to comply with second written notice issued within 90 days of first notice: $500.00.
4. 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 Tow 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

Variances to the standards of this Ordinance may be considered by the Town Board for the Town of Green Bay. 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 Green Bay and must, at a minimum, demonstrate that:

1. Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.
2. The hardship described in 12(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.
3. Granting of the variance will not be materially detrimental to the public health, safety, welfare, use, or interest.
4. The granting of the variance will not materially compromise the goals and policies of the Town of Green Bay, 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 I notice of the hearing with a written notice by US Mail to adjacent property owners for which the variance is requested and the Brown 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 Green Bay 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 Sec. 60.80, Wis. Stats.

The Town Clerk and Town attorney are authorized to take such further action as may be necessary to implement this Ordinance.

Adopted this 8th day of December, 2020.

TOWN OF GREEN BAY

By: */s/ Cary Dequaine* Cary Dequaine, Town Chairman

Attest:

*/s/ Debbie Mercier*

Debbie Mercier, Town Clerk