

ORDINANCE TO AMEND ORDINANCE 11-09
REGULATING LARGE SCALE COMMERCIAL ACTIVITY IN THE TOWN OF LAKETOWN

The Town Board of the Town of Laketown, hereby amends Ordinance 11-09 Regulating Large Scale Commercial Activity in the Town of Laketown.

1. **Purpose.** The purpose of this amendment is to clarify the Ordinance Regulating Large Scale Commercial Activity in the Town of Laketown (the “Ordinance”) to facilitate its purpose and to exclude farming and pre-existing facilities from the provisions of the Ordinance.
2. **Amendment.** The Ordinance is hereby amended as follows:
 - 2.1 Section 3.2 of the Ordinance is amended to read as follows:

“Large Scale Commercial Activity” means commercial activity that takes place in the Town and that, when operational, reasonably may be expected to possess two or more of the following characteristics: (i) it generates excess vehicular traffic; (ii) it generates excess stress on the road bed, bridges and other infrastructure; (iii) it generates excess noise; (iv) it generates excess levels of odor, dust, fumes, particulate matter, or radioactive material; (v) it requires or results in a major disturbance of the currently existing soil or topography; (vi) its activities in the Town require a license or permit from the Wisconsin Department of Natural Resources, the Wisconsin Waste Facility Siting Board, the Wisconsin Division of Gaming in the Department of Administration, the United States Environmental Protection Agency, the United States Army Corps of Engineers or any division thereof, or the United States Bureau of Alcohol, Tobacco and Firearms; (vii) its activities in the Town involve incarceration or preventive detention of persons charged with or convicted of a crime or crimes; (viii) its activities in the Town are subject to regulation under the Indian Gaming Regulatory Act of 1988. If the requirements of this sub-section 2.1 are met, Large Scale Commercial Activity includes all tangible physical activities taking place in the Town in anticipation of the production of goods or providing of services, including, without limitation, excavation and construction. Commercial activity that first becomes operational after the Effective Date that is not Large Scale Commercial Activity because it

does not meet the requirements of this sub-section 3.2, becomes Large Scale Commercial Activity subject to this ordinance if at any future time such commercial activity meets the requirements of this sub-section 3.2.

2.2 Sub-section 3.3 is amended to read as follows:

Farming Excluded. Notwithstanding any other provision of this ordinance, Large Scale Commercial Activity does not include farming, including the raising or management of livestock and poultry.

2.3 Sub-section 4.13 is stricken and the remaining sub-sections of section 4 are renumbered 4.13, 4.14, 4.15, and 4.16.

2.4 Section 13 is amended to read as follows:

Pre-Existing Facilities. This ordinance does not apply to any facility in actual operation in the Town on November 24, 2009.

3. **Effective Date.** This amendment of the Ordinance is effective immediately upon publication.

This ordinance was 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.

The town clerk shall publish this ordinance as required under Wis. Stat. § 60.80. This ordinance is effective immediately upon publication.

Adopted January 05, 2011.

By: Daniel King, Chairman
Daniel King, Town Chairman

By: Patsy Gustafson, Town Clerk
Patsy Gustafson, Town Clerk