

**STATE OF WISCONSIN**  
**Town of Ludington**  
**Eau Claire County**

**Home Rule on Businesses, Environmental Issues,  
and Emergency Management**

Ordinance #2017-01

The Title of this Ordinance is the Town of Ludington Home Rule on Businesses, Environmental Issues, and Emergency Management. The State of Wisconsin Constitution and subsequent State Statutes identify town governments as having regulatory authority in promoting health, safety, and citizen well-being. Included within the many elements local governments may use to assure these objectives for its citizens, are protection of property rights, promotion of opportunities for financial and societal prosperity and control on environmental issues.

This ordinance, in conformance with Wisconsin State Statutes and the Town of Ludington Comprehensive Plan, allows citizens to engage in legitimate business with minimal regulation, maintain property rights which do not interfere or have negative impacts upon their neighbors, and promotes environmental and social regulations based upon State Statute, and reaffirms Town of Ludington Emergency Management.

**BUSINESSES** – Opportunity, location, regulation, permits, fees:

Commercial businesses are encouraged to locate within the boundaries of the Town. They are governed by State Statute and Town Ordinance only. All regulations and permits on businesses within the Town shall be issued and approved by the State and/or the Town. In compliance with State law, permits other than those issued by the State or Town for businesses are considered encroachment on authorities granted to the Town and therefore not required or enforceable.

The Town of Ludington, having adopted Village Powers and being an unzoned Town, does not recognize regulation on businesses from other regulatory bodies other than the State of Wisconsin unless the State, by statute specifically specifies that a particular exception is allowed. Business fees, other than those adopted by the Town or specifically mandated by the State, must be approved by the Town before they may be levied.

**ENVIRONMENTAL** – Regulations, permits, fees:

Within the Town of Ludington all environmental opportunities not regulated by the State or specifically specified as a State agent for that specified opportunity will be monitored, administered, and governed by the Town Board or the Board's surrogate. This includes, but is not limited to, mining and mineral extraction, storm water and erosion control, shoreland protection, high pressure wells, subdivision development, construction and building permits, and Town road construction and maintenance.

All planning, execution, contracts, permits and fees for environmental actions not regulated by the State or specifically identified and delegated by the State to State agents must be approved by the Town Board of Ludington prior to initiation, including issuing of permits, charging of fees, and/or construction. Actions of Lake Districts, Watershed Districts, and interagency planning that affect land owners within the Town of Ludington must be approved by the Ludington Town Board prior to initiation or execution if such actions or elements are not conducted or sanctioned by a State agency or are not specifically identified by State Statute as a State allowable action for that entity within the Town.

Should a regulatory entity other than the State or State agency receive grants for environmental endeavors that affect property owners within the Town, regulations and guidelines to administer the grant, fees, or permits are not effective, assessed, or directive within the Town unless the Town Board approves such action.

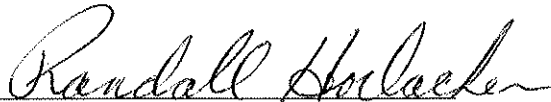
**EMERGENCY MANAGEMENT –**

The Wisconsin Constitution and State Statutes specify the Town Chairman, in consultation with the Town Board, shall be the sole governance of functions within the Town of all emergencies having or which may cause loss of life, bodily harm to individuals within the Town, or destruction and/or loss of property. No contract, Cooperative Agreement, Memoranda of Understanding, or Eau Claire County Ordinance shall diminish, alter, or change this governance unless such change has prior approval by two-thirds of Town residents present at a regularly scheduled Town of Ludington Annual Meeting. An item of such consideration must meet all legal postings required by State Statute or not be placed in consideration by or for citizens at the meeting.

This ordinance does not address fees or permits the Town Board may assess or require; those fees and permits will be articulated in the Town Fee Schedule. If any portion of the ordinance is determined to be in noncompliance with State Statute, the remainder of the Ordinance continues to be in effect.

This ordinance is effective upon notice of publication and approval of the Town Board of Supervisors. The Town Clerk shall properly post or publish this ordinance as required under ss. 60.80 Wis. Stats.

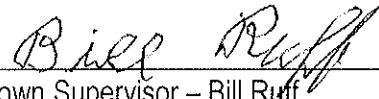
Adopted this 9<sup>th</sup> day of February, 2017



Town Chairman – Randall Horlacher



Town Supervisor – Ray Peterson



Town Supervisor – Bill Ruff



Town Clerk – Colleen Hawkins