

CHAPTER 27 RIDING STABLES

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27.01 Purpose. The provisions of this ordinance are an exercise of police power for the protection of the public welfare, health and safety of the citizens of the Village and visitors who attend and patronize stables; carriage rides and trail rides in this Village. The purpose and intent of this chapter is to provide certain minimum standards, provisions and requirements for the clean, safe operations of stables, carriage rides and riding trails within the Village of Lake Delton to protect the safety of the general public; to regulate the management of equine wastes and protect the waters of Lake Delton from animal waste run-off; to regulate the use of public roadways; and to establish remedies and penalties for violations.

27.02 Definitions. As used in this chapter the following terms are defined as set forth below:

- a.** Drainage area: any tributary, banks, upland area, public watercourse, in the Village of Lake Delton including Dell Creek, Spring Brook, Lake Delton, Blass Lake, the Wisconsin River, Lost Canyon, Hulbert Creek, Trout Lake, Mirror Lake, Lost Canyon regional detention facility, Beaver Spring and backwaters of Lake Delton, and any areas designated as wetlands which discharges into any of the above identified waterways.
- b.** Licensee: an individual or entity licensed to operate a stable or conduct carriage rides or trail rides in the Village of Lake Delton.
- c.** Licensed premises: The property upon which horses are stabled, temporarily stationed or used including riding trails.

27.03 License required. No individual, partnership, corporation or other entity shall operate a stable or offer any horseback rides, trail rides or rides on carriages, wagons, sleighs, or other vehicles pulled by horses, whether or not for compensation, anywhere in the village without having a license issued pursuant to the requirements of this chapter. The Village Building Inspector, or his designee, shall verify that the applicant has complied with this chapter and, all other provisions of the Village of Lake Delton Municipal Code. As an additional requirement for any commercial operation, the licensee must also obtain an amusement license. Prior to and as a condition for issuance of a license, the Village Clerk shall verify the license fee has been paid, that all fees, personal property taxes, real property taxes and special assessments and charges due and owing to the Village have been paid.

27.04 Fees. The Village Board shall establish the fees for licenses issued under this chapter from time to time, by resolution.

27.05 Application. Each applicant for a license issued under this chapter shall complete an application form to be created by the Village Building Inspector. The building inspector shall distribute a map designating drainage areas within the village to all applicants. The application shall require that the applicant provide the following information:

- a. The identity of the individual or entity applying for the license.
- b. The location of the licensed premises.
- c. A site map showing the location of the site for temporary manure storage, pastures, stables and proposed trail rides located within the village.
- d. The location of any lake, stream, or drainage area of a wetland located on, or within 100 feet of, the licensed premises.
- e. Any proposed use of the public right of way by horses and horse drawn vehicles.
- f. A description of the animals and equipment to be used under the license.
- g. The locations where the animals and equipment used in the operation are stationed while in the village.
- h. Maps showing the locations where the rides are offered and the routes and trails including any public right of way that are used.
- i. Identification of the personnel certified in First Aid.
- j. Proof of insurance.
- k. An evacuation plan.
- l. Erosion control plan
- m. Animal waste control plan

27.06 Review of an application for license; approval. In reviewing the application, the Village Board shall consider information provided by the applicant, and determine whether or not the criteria of this chapter are met. The board may request additional information it deems relevant to the consideration of issuance of a license. Failure to completely disclose requested information may result in the denial of the application.

27.07 Rules governing licensees. Each licensee shall comply with all provisions of this ordinance and all other applicable village, state and federal regulations. Licensees shall meet the following requirements:

a. Operate in accordance with the provisions of this ordinance and all applicable village ordinances and state and federal laws and regulations.

b. Each licensee shall file with the Village Clerk, a true and correct copy of the licensee's liability insurance policy, in full force and effect during the license term, with minimum coverage limits of \$1,000,000 per person for personal injury and \$100,000 property damage. The insurance policy shall be issued by an insurance company approved by the Office of the Commissioner of Insurance for the State of Wisconsin. The insurance policy shall provide that in the event of cancellation of the policy, the Village Clerk is to be immediately notified. Each licensee is required to post on the licensed premises and include in any ticket, or contract, a Notice of Insurance identifying that the licensee and the licensed premises is insured.

c. Licensees shall provide a minimum of two guides for every riding group with more than 12 horses. In riding groups of more than 12, at least one guide shall be at least 18 years of age. Every guide shall be at least 16 years old, equipped with a two-way radio and carry a first aid kit of at least 16 units as defined in the First-Aid Manual of the American Red Cross. Licensees shall have someone be certified in first aid by the American Red Cross, National Ski Patrol, American Safety and Health Institute, National Safety Council or a first responder licensed by the State of Wisconsin on the premises at all times when horseback rides, trail rides, wagon or carriage rides are being conducted.

d. The licensee shall inform each rider of the trails and locations where the horses may be ridden. In the case of trail rides to be led by an employee of the licensee, such information need not be given to the customer if the customer is told to follow the leader of the trail ride.

e. Trail rides may only be conducted on approved trails.

f. All trail rides shall be completed before sunset.

g. Each licensee shall prepare an evacuation plan, which shall be maintained at the office of the licensee and copies shall be provided at licensees cost to the Village Police Department, Delton Fire Department and Dells Delton Emergency Medical Service.

h. For horse drawn vehicles offering rides on private property, the licensee shall include in its license application the routes to be taken by the horse drawn vehicles to and from the stables subject to the approval of the Village Board when reviewing the application. This provisions does not apply if the horses and horse drawn vehicles are transported to the site

i. Horse drawn vehicles shall not transport passengers on the public right of way without the approval of the Village Board. No horse drawn vehicle shall be operated within the public right of way without a slow moving vehicle sign affixed to the vehicle as required under s. 347.245 Wis. Stats.

j. Each licensee shall have a waste management plan as required under s. 27.10 (c)

k. Each licensee shall have an erosion control plan as provided under 27.10 (d)

27.09 Operation in right of way.

a. No commercial licensee shall operate in any public park, or on any public road, without the approval of the Village Board.

b. A commercial Licensee may be allowed the use of public right of way upon a finding by the Village Board that the use of the right of way does not pose a significant danger to the riders, the horses or motor vehicles.

c. The Village Board may place restrictions and conditions on the use of the right of way by commercial licensees, including time and frequency of use, the number of horses or horse drawn vehicles, and portion of right of way to be used and/or crossed and other reasonable restrictions or requirements. In the event of a crossing of a right of way, the commercial licensee shall be authorized to stop traffic while the horses are crossing.

d. As a condition for use of any public right of way, the commercial licensee must clean that portion of its trail that uses the public right of way by removing equine waste on a daily basis.

27.10 Protection of Natural Resources. Each licensee shall comply with the following requirements to ensure that its operations do not adversely impact the environment:

a. Each draft horse shall be equipped with a bag to collect equine waste while pulling a wagon, carriage sled or other vehicle, and at all times when in a drainage area or a public right of way.

b. The licensee shall clean up equine waste in any drainage area or public right of way used by the licensee

c. Animal Waste Storage Facility Plan. Each application for a license under this chapter shall include a plan for manure handling, approved by the Building Inspector. Approval of the plan is conditioned upon the following criteria:

- 1.** A formal plan, drafted by an engineer or other professional experienced in the field of storm water and animal waste management, complying with the Conservation Practice Standards of the Natural Resources Conservation Service Code 635 pertaining to Waste Water Treatment Strip and Code 634 pertaining to Manure Handling.
- 2.** For licenses with fewer than 25 horses and operating less than 90 days a year, an informal plan may be submitted establishing compliance with the Conservation Practice Standards set forth in subparagraph 2 above.
- 3.** In lieu of a formal plan under sub. 1, any licensee submitting a plan that provides for the daily removal of animal waste from the licensed premises and for disposal of the waste outside the village, is exempt from the provisions of this subparagraph c.
- 4.** Failure to comply with an approved plan shall constitute a violation of this ordinance and may result in the suspension of the license.

d. Erosion control. As horses and horse, drawn vehicles cause significant land disturbance and the potential for discharge of soil from the property, as a condition or issuance of a license each licensee shall submit an erosion control plan in compliance with the erosion control standards set forth in the Wisconsin Construction Site Best Management Practices Handbook. For licenses with fewer than 25 horses and operating less than 90 days a year, an informal erosion control plan may be submitted as provided for under s. 59.26 of the Village of Lake Delton Municipal Code.

27.11 Special Permits. Licensees may apply to the Village Board for special permits for the use of horses or horse-drawn vehicle(s) for special events in the Village of Lake Delton provided said events are conducted pursuant to a valid stable license. Licensee operating under such special permits shall comply with all other provisions of this chapter. The special permit shall be for a period not to exceed 3 days.

27.12 Animal Care and Safety. Each licensee shall comply with the provisions of Chapter 951 Wisconsin Statutes entitled Crimes Against Animals and as amended. Violation of that Chapter constitutes sufficient grounds for revocation of the stable license and for non-renewal of a stable license.

27.13 Permission to enter and inspect. All applicants for a license shall grant permission to the Building Inspector, or his designee, to enter the premises at any reasonable time, without a warrant, for the purpose of inspecting the premises and conducting tests on water, soil and animals in order to determine whether or not the premises are suitable for licensing.

27.14 Inspection. Each licensed premises is subject to inspection testing by the Village, its employees, agents, contractors or representatives to ensure compliance with the requirements of this chapter. As a condition of issuance and maintenance of a license under this chapter, each licensee grants permission to the Building Inspector, or his designee, to enter the premises at any reasonable time, without a warrant, for the purpose of inspecting the premises and conducting tests on water, soil and animals in order to determine whether or not the licensed premises are in compliance with the requirements of this chapter and all other Village codes and state and federal laws and regulations. Failure to permit entry and inspection shall result in the immediate suspension of the license.

27.15 Enforcement. This chapter shall be enforced by the Village Building Inspector. Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided.

27.16 Notices and orders. All notices and orders issued by the Building Inspector or his designee shall be in writing and include a statement of the reasons why it is being issued. Except in the case of harm or threat of harm to the public, the notice or order should allow a reasonable time for the performance of any act it requires. Each notice or order should be served upon the licensee, his agent, or by posting on the licensed premises or by any other method authorized under the laws of this state. Each notice or order should contain the sanctions imposed for violation of the chapter, including a suspension of the license. Such notice may contain an outline of remedial action, which, if taken, will bring the licensed operation into compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto. The notice or order should set forth the appeal rights and procedures. Failure of the notice or order to meet all of these criteria will not affect the enforceability thereof.

27.17 Appeal. A licensee may request and shall be granted a hearing on the matter before the Village Board. Such person shall file with the Building Inspector a written petition requesting such a hearing setting forth a brief statement of the grounds thereof within 10 days of the day the notice was served. Failure to appeal a notice of corrective action or order issued by the Building Inspector shall constitute an acknowledgement of the violation of this chapter.

27.18 Hearing on Appeal. Upon receipt of such petition, the Building Inspector shall advise the Village Clerk-Treasurer-Coordinator, who shall set a time and place for such a hearing, which shall be within 10 days, and shall give the Licensee written notice hereof. At such a hearing, the licensee shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

27.19 Decision on Appeal. After such hearing, the Village Board may sustain, modify or withdraw the notice, depending upon its finding as to whether this Chapter and the rules and regulations adopted pursuant thereto have been violated. The proceedings at such hearing, including the findings and decision of the Village Board shall be summarized, reduced to writing and entered as a matter of public record in the office of the Village Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. In the event the order appealed from is reversed, the hearing fee shall be returned to the appellant. Appeal from the decision of the Village Board shall be to the Circuit Court for Sauk County.

27.20 Service of Notice or Order. The order shall be served upon the licensee, his agent, or by any other method authorized or required under the laws of this state. Notwithstanding any other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Village Board, shall be afforded a hearing as soon as possible.

27.21 Sanctions; Civil Forfeiture. In addition to any other penalties set forth herein, any licensee violating any provision of this chapter shall, upon conviction thereof, forfeit the following amounts:

- a. First offense: \$100.00 with a deposit of \$100.00.
- b. Second offense: \$500.00 with a deposit of \$500.00.
- c. In addition to the forfeitures set forth in paragraphs a and b, the violator shall reimburse the Village for the costs of inspection, sampling and reports arising from said violations.
- d. If the licensee fails to pay such forfeiture and costs, the license will be suspended until such time as payment is made in full including statutory interest. Satisfaction of any and all judgments shall be a condition precedent to reinstatement and/or renewal of any license. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- e. In addition to the penalties set forth above, if any licensee violates any provision of this chapter, said license may be suspended or revoked by the Village Board after a hearing for good cause shown, or in any case where the provisions of this chapter are violated. Any hearing on the suspension or revocation of a license by the Village Board shall be conducted pursuant to the provisions of s 27.15 above.

27.22 Reimbursement. In the event that the Village undertakes any remediation for damage, or takes any action to prevent any damage or threat of damage, to public or private property or navigable waters located within the Village of Lake Delton, the Licensee shall reimburse the Village for all reasonable costs incurred, including the cost of the Village employees, the Village Engineer, Village Attorney, any consultants or experts hired by the Village, and any other public or private contractors or agencies.

27.23 License period; Renewal. The license shall be for one (1) year from July 1 through June 30, unless revoked by action of the Village Board. As a condition of renewal of the stable licensee, the licensee shall certify in its application for renewal that the licensed premises meets all of the requirements for issuance of a license. A Village Board determination that the certification is false may result in the suspension or revocation of the license.

27.24 Nuisance. In accordance with the provisions of Chapter 813 Wisconsin Statutes, repeated violation of this chapter may constitute a nuisance. In addition to any other relief provided by this chapter, the village attorney may apply to a court of competent jurisdiction for enforcement of this chapter and for any relief under Chapter 813, Wisconsin Statutes, or as otherwise provided by law.

27.25 Severability. The provisions of this chapter are severable. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter, which can be given effect without the invalid provision, or application.

27.26 Repeal and recreation. Chapter 27 of the Village of Lake Delton Municipal Code is repealed and recreated as set forth hereinabove and shall be inserted into the Lake Delton Municipal Code by the Village Clerk. This chapter shall be effective from and after its passage and publication as provided by law.

(Recreated with ordinance 05-003)