

**ORDINANCE #4.38
TRESPASS TO LAND - SPECIAL
PRESENTED BY THE LAND AND DEVELOPMENT COMMITTEE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

SECTION I. APPLICABILITY

This ordinance applies to the following described property:

Government Lot 4, Section 11, Township 48 North, Range 14 West, Town of Superior, Douglas County, Wisconsin (Parcel No. TS-030-01309-00)

SECTION II. AUTHORITY

This ordinance is enacted pursuant to the authority of Sections 59.52(6) and 943.13 of the Wisconsin Statutes.

SECTION III. PURPOSE

The purpose of this ordinance is to place the general public on notice of contamination located upon the above-described property which may pose a threat to human health, safety and welfare; and to foreclose access to said property except by duly authorized personnel. Douglas County is not responsible for the presence of any of the contamination to be found upon this property nor for its remediation and accepts no responsibility for any harm or personal injury incurred by anyone on said property, including those who act in violation of this ordinance.

SECTION IV. PROHIBITION

No person may go upon the above-described property except law enforcement or emergency personnel acting in time of emergency or those duly authorized by the County Administrator or County Board Chairperson or their designees.

SECTION V. NOTICE

The above-described property shall be posted or fenced at least sufficiently to comply with the requirements of Section 943.13(2) of the Wisconsin Statutes and to place frequenters on notice of the presence of a human health hazard.

SECTION VI. PENALTY

Violations of this ordinance may be prosecuted under Section 943.13 of the Wisconsin Statutes or Douglas County Ordinance 4.15 and be subject to a Class B forfeiture of up to \$1,000.00.

SECTION VII. PUBLICATION

This ordinance shall take effect and be in force after its passage and publication as required by law.

Dated this 17th day of November, 2005.

(Committee Action: Unanimous)
(Fiscal Note: None)

ACTION: Motion by Allen, second Budnick, to adopt. Pat Heiser and Vicki Drake, Douglas County Health and Human Services Department, summarized the history of the land contamination since 1926, when the creosote plant was started. That was prior to many of the regulations on hazardous waste and chemical runoffs. It should be noted that the pollution was caused when Beazer operated the plant, not Koppers. Neighboring land owners are kept informed of contaminants that have been found. Drake indicated nothing has been found in the water, only in the soil and sediments. Fencing and signing of the area is underway, and several hundred signs have already been posted. The ordinance was suggested by EPA, Wisconsin Department of Health, and Douglas County Health Department. Because of potential usage of some areas of the land for recreation and hunting, flyers have been distributed to all small game and deer hunting retail outlets throughout the county. Harvesting animals who may move through that area should not be of concern. The resolution is the final step before remediation starts. Motion carried.

PLATS

Approval of Final Plat of “The Brothers Addition” (preliminary approved May 11, 2005), for Steve Long, Larry Long and Michael Miller by Hugh McDonald, located in the SE1/4 of the SE1/4 and in the SW1/4 of the SE1/4, Section 22, T45N-R12W, Town of Solon Springs. Motion by Baker, second Thompson, to approve. Motion carried.

Approval of Preliminary and Final Plat of “Whippoorwill Ridge” (variance to create two lots exceeding the 3:1: length to width ratio, approved October 12, 2005) for Robert and Sheila Bristol by John Ripley, located within Government Lot 1, Lot 4 of CSM 834, Section 25, T43N-R13W, Town of Wascott. Motion by Baker, second Martin, to approve. Motion carried.

RESOLUTIONS

RESOLUTION #123-05

RESOLUTION BY THE LAND AND DEVELOPMENT COMMITTEE