

Village of Colfax
CHARTER ORDINANCE 2011-01
§66.010; Wis. Stats.

ORDINANCE CREATING THE POSITION, DUTIES AND RESPONSIBILITIES OF THE "OFFICE OF VILLAGE ADMINISTRATOR/CLERK-TREASURER" AS CHAPTER 2-3-3. OF THE COLFAX VILLAGE CODE

The Board of Trustees of the Village of Colfax hereby ordains as follows:

Section 1. Chapter 2-3-3 of the Colfax Village Code is created to read as follows:

1A.01 Office of the Village Administrator/Clerk-Treasurer. In order to provide the Village of Colfax with an efficient, effective and responsible government under a system of a part-time president and part-time board of trustees ("Board"), at a time when Village government is becoming increasingly complex, hereby is created the Office of Village Administrator/Clerk-Treasurer ("Administrator"). This office is created pursuant to the authority of §66.010, Wis. Stats.

1A.02 Appointment, Term of Office and Removal. The Administrator shall be appointed on the basis of merit with regard to training, experience, administrative abilities and general fitness for the office, by a two-thirds vote of the Board. Upon completion of a two-year probation period, during which the Administrator may be dismissed without cause by a two-thirds vote of the Board, the Administrator shall hold office subject to removal at any time by a two-thirds vote of the Board. This section shall not preclude the Board from establishing other employment terms consistent with the Village's ordinances.

1A.03 Residency. The Administrator shall become a resident of the Village of Colfax within one year following the date of appointment and shall maintain primary residency during the term of this appointment.

1A.04 Functions and Duties of the Administrator. The Administrator shall be the chief administrative officer of the Village, responsible for the administration of the business affairs of the Village, pursuant to the directives of the Board, with powers and duties including, but not limited to the following:

ADMINISTRATION. The Administrator shall be responsible for the administration of all day-to-day operations of the Village government, including but not limited to:

GENERAL

- carrying out the directives of the Board that require administrative implementation and regular reporting on the status of Village operational functions
- representing the Village in intergovernmental and legislative affairs as directed by the Board
- regularly informing the full Board of committee resolutions and actions, and actions by other governmental or quasi-governmental entities affecting the functioning of the Village
- promote the economic well-being and growth of the Village through cooperation with the public and private sectors
- all duties and responsibilities as set forth in Wisconsin Statutes and the Village Code
- other responsibilities as set forth in the Administrator's position description

HUMAN RESOURCES

- administration, direction and coordination of all employees of the Village according to organization policies and procedures
- development, maintenance and modification of personnel policies and procedures, subject to Board review
- maintenance of personnel records
- evaluating the performance of employees who report directly to the Administrator and participating in the evaluation process of employees by their department head
- participation in labor contract negotiations and collective bargaining issues and assurance of compliance

CLERK

- administration of all election-related responsibilities required by the State of Wisconsin and other interested governmental entities

- preparation and maintenance of materials and records required by Wisconsin Statutes and Village Code for meetings of the Board and its committees, commissions and other entities under the authority of the Village
- maintenance of Village records according to Wisconsin Statute and Village Code requirements
- administration of issuance of licenses and permits pursuant to Wisconsin Statutes and Village Code, and annual review of fee schedules and recommendation to the Board of modifications for approval

TREASURER

- pursuant to Board guidance and direction, management of the investment portfolio of the Village
- development and presentation of monthly reports to the Board on the finances of the Village
- evaluation of insurance needs and recommendation of modifications in coverage, providers and other related issues to the Board
- administration of the budgeting process in accordance with State and municipal requirements, including but not limited to preparation of the annual budget in consultation with department heads and the Board; administering, monitoring and regular reporting on budget compliance throughout the year

Section 2: In accord with § 61.195, Wis. Stats., this constitutes a Charter Ordinance, to be adopted in accord with and subject to the provisions of § 66.0101, Wis. Stats. As a Charter Ordinance, and in accord with § 66.0101 (2)(b), Wis. Stats., this ordinance amends a part of the charter of the Village by constituting an election on the part of the Village Board to modify §§ 61.25 and 61.26, Wis. Stats., as they apply to the Village by combining the offices of clerk-treasurer with the office of administrator, which election on the part of the Village Board is deemed to be a matter of and falling within the confines of a matter of local affair and government of the Village of Colfax. To this effect and to the extent that the Village is altering the previously combined offices of clerk and treasurer by further combining them with the office of Village Administrator, §§ 61.25 and 61.26, Wis. Stats., are made inapplicable but in all other respects, §§ 61.25 and 61.26, Wis. Stats., shall remain in full force and effect.

Section 3: That the Deputy Village Clerk shall publish this ordinance in its entirety as a Class 1 publication under Ch. 985, Wis. Stats., and this ordinance shall be recorded by said officer in a permanent book kept for that purpose, together with a statement of the manner of its adoption. Further, a certified copy of this ordinance shall be filed with the State of Wisconsin, Secretary of State.

Section 4: In accord with § 66.0101 (5), Wis. Stats., this ordinance shall not take effect until sixty (60) days after its passage and publication. If within the said sixty (60) day period, a petition conforming to the provisions of § 8.40, Wis. Stats., signed by a number of electors of the Village equal to at least 7 % of the votes cast in the Village for governor in the last general election is filed with the office of the Clerk-Treasurer of the Village demanding that the ordinance be submitted to a vote of the electors, it may not take effect until it is submitted to a referendum and approved by a majority of the electors voting in the referendum. In the event that no such petition is filed, it shall take effect sixty (60) days after its passage and publication.

Section 5: That § 2-3-3 of the Village Code is hereby repealed, effective upon the date that this Charter Ordinance takes effect under Section Six, below. That in the event that this Charter Ordinance is taken to a referendum vote and the adoption of this Charter Ordinance is defeated by the electors at such time, this repeal of § 2-3-3 shall be vacated as if this section had never been adopted.

Section 6: That Sections Three, Four, Five and Six of this Charter Ordinance need not be codified.

Date enacted: January 31, 2011.

Village of Colfax

1st Reading: January 31, 2011

2nd Reading: [waived]

Published: February 9, 2011

Effective: April 10, 2011

Ordinance 2011-02
An Ordinance Repealing and Recreating
Title 10, Motor Vehicles & Traffic
Chapter 1, Traffic and Parking
Article C, Parking Regulations
Section 10-1-27, Street Maintenance Parking Restrictions

SEC. I.

The Board of the Village of Colfax hereby ordains Title 10, Chapter 1, Article C, Section 10-1-27, Street Maintenance Parking Restrictions, is hereby repealed and recreated as follows:

- (a) Between November 1 and May 1
 - I. parking shall be allowed on even house numbered side of streets on even calendar numbered days and on odd house numbered side of streets on odd calendar numbered days.
 - II. even and odd parking shall be determined by the date starting at 12:00 a.m. that a parking ticket would be issued.
- (b) Throughout the year, there shall be no parking on
 - I. Main Street between 2:30 a.m. and 6:00 a.m.
 - II. River Street from Pine Street to Cedar Street between 12:00 a.m. and 6:00 a.m.

SEC. II

This ordinance shall take effect after its passage and publication as provided by law.

SEC. III

Passed and approved and adopted by the Board of the Village of Colfax on the 28th day of March 2011.

Village of Colfax

Jean T. Olson, President

ATTEST:

Kathleen V. Morse, MMC/CMTW/WCPC
Interim Clerk-Treasurer

Adopted - March 28, 2011
Published - April 6, 2011

ORDINANCE 2011-03

An ordinance regarding the keeping and regulation of domesticated chickens in the Village.

THE VILLAGE BOARD OF THE VILLAGE OF COLFAX, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1. Section 7-1-13(e) of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows:

- (e) **Farm Animals; Miniature Pigs.** Except on properties zoned in an agricultural classification, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep, fowl (except as described in Subsection (f)), or rabbits (more than two). For purposes of this Subsection, the term 'swine' shall not include any miniature pigs of either sex weighing less than eight (80) pounds, which are intended for and kept as domestic pets.

SECTION 2. Section 7-1-13(f) of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby created as follows:

- (f) **Domesticated Chickens.** The purpose of this Subsection is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Village recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites and non-confined animals leaving the owner's property. This Subsection is intended to create licensing standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.
 - (1) Permit Required. An annual permit (July 1 – June 30) is required for the keeping of any domesticated chickens in the Village of Colfax. The fee for an annual permit to keep chickens is ten dollars (\$10.00) per parcel for ten (10) or less chickens.
 - (2) Number and Type of Chickens Allowed. The maximum number of chickens allowed is ten (10) per parcel. Only female chickens are allowed. There is no restriction on chicken species.
 - (3) Enclosures. Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if supervised. Chickens shall be secured within the henhouse during non-daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The hen house and chicken pen must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds and predators, including dogs and cats.

- (4) Henhouses. A henhouse shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood. The structures shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-proof wire of less than one (1) inch openings. The henhouse shall be well-maintained. Henhouses shall not be placed in the front yard.
- (5) Chicken Pens. An enclosed chicken pen must be provided consisting of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
- (6) Odor and Noise Impacts. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
- (7) Lighting. Only motion-activated lighting may be used to light the exterior of the henhouse.
- (8) Predators, Rodents, Insects and Parasites. The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- (9) Feed and Water. Chickens must be provided with access to feed and clean water at all times; such feed and water shall be made unavailable to rodents and predators.
- (10) Waste Storage and Removal. Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.
- (11) Application for Permit. Every applicant for a permit to keep domesticated chickens shall complete and file an application on a form prescribed by the Village and deposit the prescribed permit fee with the Village Clerk at the time the application is filed. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.
- (12) Approval of Permit. The Village Board shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this article.
- (13) Denial, Suspension or Revocation of Permit. The Village Board shall deny a permit if the applicant has not demonstrated compliance with all provisions of this Subsection. A permit to keep domesticated chickens may be suspended or revoked by the Village Board where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this Subsection or with the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing.
- (14) Penalty. In addition to any other enforcement action which the Village may take, violation of any provision of this Subsection shall be

a civil violation and a forfeiture not exceeding one hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

- (15) Removal of Chickens. In addition to the penalty, any violation of the provisions of this Subsection or of the permit shall be grounds for an order from the Village to remove the chickens and the chicken-related structures. The Police Chief may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.
- (16) Severability. In the event that any section, subsection or portion of this Subsection shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other Section, Subsection or portion of this Subsection.

SECTION 3. This ordinance shall take effect upon passage and publication as required by law.

Village of Colfax

Gary Stene, President

ATTEST:

Kathleen V. Morse, MMC/CMTW/WCPC
Interim Clerk-Treasurer

Adopted – May 9, 2011
Published – May 18, 2011

ORDINANCE 2011-04

**AN ORDINANCE REGARDING REGULATIONS CONCERNING
CONCEALED FIREARMS AND WEAPONS**

THE VILLAGE BOARD OF THE VILLAGE OF COLFAX, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1. Section 11-2-2(a) of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows:

(a) **Concealed Firearms Prohibition.**

- (1) Pursuant to Wisconsin Statutes 943.13(1m)(c)4., no person shall enter or remain in any part of a building owned, occupied or controlled by the State or local governmental unit if the State or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or specific type of firearm.
- (2) The Village Administrator-Clerk-Treasurer shall cause signage to be erected at all entrances to all buildings owned, occupied or under the control of the Village of Colfax providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- (3) Nothing in the subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding Wisconsin Statutes 939.22(22), for purpose of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.
- (4) Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wisconsin Statutes 941.23 or 941.235.

SECTION 2. Section 11-2-2(b) of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed.

SECTION 3. Section 11-2-2(c) of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows:

- (c) **Specific Concealed Weapons Prohibited.** No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous weapon within the Village. "Dangerous weapon" is defined as set forth in Wisconsin Statutes 939.22(10), except that, for purposes of this subsection only, firearms, loaded or unloaded, shall not be included in this definition.

SECTION 4. This ordinance shall take effect on November 1, 2011.

Village of Colfax

Gary Stene, President

ATTEST:

Kathleen V. Morse, MMC/CMTW/WCPC
Interim Clerk-Treasurer

Adopted – September 26, 2011
Published – October 5, 2011

Ordinance 2011-05

Ordinance to Change the Zoning District Designation for a Parcel Described as Lot 1, CSM 3883, Village of Colfax, Dunn County, Wisconsin from Single Family Residential Zoning District (R1) to Business Zoning District (B2) and Amending the Official Zoning Map

The Village of Colfax Board of Trustees do ordain as follows:

Section 1. That a property parcel described as Lot 1, CSM 3883, Village of Colfax, Dunn County, Wisconsin be amended from Single Family Residential District (R1) to Business District (B2).

The Board further ordains as follows:

That the Village's Official Zoning Map which is required by the Village Code of Ordinances, be changed accordingly

Section 2. Except as amended, the zoning map of the Village of Colfax and the zoning ordinances is hereby reaffirmed.

Section 3. This ordinance shall take effect after its passage and publication as provided by law.

Section 4. Passed, approved and adopted by the Village of Colfax Board of Trustees, Dunn County, Wisconsin, on September 29, 2011.

Village of Colfax

Gary Stene, President

ATTEST:

Kathleen V. Morse, MMC/CMTW/WCPC
Interim Clerk-Treasurer

Adopted – September 29, 2011
Published – October 5, 2011

Ordinance 2011-06

Ordinance Annexing Territory to the Village of Colfax and Establishing a Zoning Classification Therefore

The Village of Colfax Board of Trustees do ordain as follows:

Section 1. Section 13-1-100 of the Code of Ordinances of the Village of Colfax, Wisconsin, is hereby created as follows:

Section 13-1-100 Annexing Territory:

- a. Territory Annexed. In accordance with Section 66.0217, Wisconsin Statutes, the petition for direct annexation filed with the Village Clerk on August 12, 2011, signed by the owners of the land in the following described territory, in the Town of Colfax, Dunn County, Wisconsin, is annexed to the Village of Colfax:

Located in part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4), Section 16, Township 29 North, Range 11 West, Town of Colfax, Dunn County, Wisconsin, more particularly described as follows:

Commencing at the Center ¼ corner of said Section 16: Thence S00° 33'14"E 1323.35 feet along the north-south quarter line of said Section 16 to the northeast corner of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4); Thence N89° 13'05"W 229.53 feet along the north line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) to the point of beginning; Thence S00° 33'14"E 766.61 feet; Thence N86° 59'22"E 5.78 feet; Thence S00° 32'32"E 375.79 feet; Thence S88° 35'43"W 718.20 feet; Thence N00° 55'28"W 1169.63 feet; Thence S89° 13'05"E 720.19 feet to the point of beginning.

Said parcel contains 830,020 square feet (19.05 acres).

- b. Effect of Annexation. From and after the date of this ordinance, the territory described in Subsection a. shall be a part of the Village of Colfax for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Colfax.
- c. Zoning Classification. The territory annexed to the Village of Colfax by this section is designated to be part of the R5 District (Multiple-Family Residential District) of the Village for zoning purposes and subject to all provisions of Title 13, Code of Ordinances for the Village of Colfax entitled Land Use Regulations.

Section 2. This ordinance shall take effect after its passage and publication as provided by law.

Section 3. Passed, approved and adopted by the Village of Colfax Board of Trustees, Dunn County, Wisconsin, on October 24, 2011.

Village of Colfax

Gary Stene, President

ATTEST:

Kathleen V. Morse, MMC/CMTW/WCPC
Interim Clerk-Treasurer

Adopted – October 24, 2011
Published – November 2, 2011

Ordinance 2011-06

Ordinance Annexing Territory to the Village of Colfax and Establishing a Zoning Classification Therefore

The Village of Colfax Board of Trustees do ordain as follows: Section 13-1-100 of the Code of Ordinances of the Village of Colfax, Wisconsin, is hereby created as follows: Section 13-1-100 Annexing Territory: Territory Annexed. In accordance with Section 66.0217, Wisconsin Statutes, the petition for direct annexation filed with the Village Clerk on August 12, 2011, signed by the owners of the land in the following described territory, in the Town of Colfax, Dunn County, Wisconsin, is annexed to the Village of Colfax: Located in part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4), Section 16, Township 29 North, Range 11 West, Town of Colfax, Dunn County, Wisconsin, more particularly described as follows: Commencing at the Center ¼ corner of said Section 16: Thence S00° 33'14"E 1323.35 feet along the north-south quarter line of said Section 16 to the northeast corner of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4); Thence N89° 13'05"W 229.53 feet along the north line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) to the point of beginning; Thence S00° 33'14"E 766.61 feet; Thence N86° 59'22"E 5.78 feet; Thence S00° 32'32"E 375.79 feet; Thence S88° 35'43"W 718.20 feet; Thence N00° 55'28"W 1169.63 feet; Thence S89° 13'05"E 720.19 feet to the point of beginning. Said parcel contains 830,020 square feet (19.05 acres). Effect of Annexation. From and after the date of this ordinance, the territory described in Subsection a. shall be a part of the Village of Colfax for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Colfax. Zoning Classification. The territory annexed to the Village of Colfax by this section is designated to be part of the R5 District (Multiple-Family Residential District) of the Village for zoning purposes and subject to all provisions of Title 13, Code of Ordinances for the Village of Colfax entitled Land Use Regulations. This ordinance shall take effect after its passage and publication as provided by law. Passed, approved and adopted by the Village of Colfax Board of Trustees, Dunn County, Wisconsin, on October 24, 2011.

Copies of unabridged ordinances are on file at the Village Clerk's Office.

Thomas K. Cogswell,
Administrator - Clerk-Treasurer

Adopted – October 24, 2011

Published – November 2, 2011

Ordinance 2011-07
An Ordinance Repealing Title 2, Government & Administration
Chapter 3, Municipal Officers & Employees
Section 2-3-11, Municipal Judge
and 2-3-12, Clerk of Municipal Court

SEC. I.

The Board of the Village of Colfax hereby ordains Title 2, Chapter 3, Section 2-3-11, Municipal Judge and Section 2-3-12, Clerk of Municipal Court, are hereby repealed in their entirety.

SEC. II

The Board of the Village of Colfax will abolish its Municipal Court at the April 30, 2012 end of the term for which the Judge had been elected.

SEC. III

This ordinance shall take effect on May 1, 2012 after its passage and publication as provided by law.

SEC. IV

Passed and approved and adopted by the Board of the Village of Colfax on the 24th day of October 2011.

Village of Colfax

Gary Stene, President

ATTEST:

Thomas K. Cogswell
Village Administrator-Clerk-Treasurer

Adopted – October 24, 2011
Published – November 2, 2011

Ordinance 2011-07
An Ordinance Repealing Title 2, Government & Administration
Chapter 3, Municipal Officers & Employees
Section 2-3-11, Municipal Judge
and 2-3-12, Clerk of Municipal Court

The Board of the Village of Colfax hereby ordains Title 2, Chapter 3, Section 2-3-11, Municipal Judge and Section 2-3-12, Clerk of Municipal Court, are hereby repealed in their entirety. The Board of the Village of Colfax will abolish its Municipal Court at the April 30, 2012 end of the term for which the Judge had been elected. This ordinance shall take effect on May 1, 2012 after its passage and publication as provided by law. Passed and approved and adopted by the Board of the Village of Colfax on the 24th day of October 2011.

Copies of unabridged ordinances are on file at the Village Clerk's Office.
Thomas K. Cogswell
Village Administrator-Clerk-Treasurer

Adopted – October 24, 2011
Published – November 2, 2011

Ordinance 2011-08

An Ordinance regarding the licensing and regulation of pawnbrokers, secondhand article dealers and secondhand jewelry dealers

THE VILLAGE BOARD OF THE VILLAGE OF COLFAX, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1. Title 7 Chapter 10 of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby created as follows:

CHAPTER 10

Pawnbrokers, Secondhand Article Dealers and Second Hand Jewelry Dealers

7-10-1 Licensing and Regulation

SEC. 7-10-1 LICENSING AND REGULATION.

The provisions of Section 134.71, Wis. Stats., relating to the licensing and regulation of pawnbrokers, secondhand article dealers and secondhand jewelry dealers are incorporated herein by reference.

SECTION 2. This ordinance shall take effect upon passage and publication as required by law.

Village of Colfax

Gary Stene, President

ATTEST:

Thomas K. Cogswell
Village Administrator-Clerk-Treasurer

Adopted – November 28, 2011
Published – December 7, 2011

Ordinance 2011-08

An Ordinance regarding the licensing and regulation of pawnbrokers, secondhand article dealers and secondhand jewelry dealers

THE VILLAGE BOARD OF THE VILLAGE OF COLFAX, WISCONSIN, DO ORDAIN AS FOLLOWS: SECTION 1. - Title 7 Chapter 10 of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby created as follows: CHAPTER 10. Pawnbrokers, Secondhand Article Dealers and Second Hand Jewelry Dealers, 7-10-1 - Licensing and Regulation. SEC. 7-10-1 LICENSING AND REGULATION. The provisions of Section 134.71, Wis. Stats., relating to the licensing and regulation of pawnbrokers, secondhand article dealers and secondhand jewelry dealers are incorporated herein by reference. SECTION 2. This ordinance shall take effect upon passage and publication as required by law.

Copies of unabridged ordinances are on file at the Village Clerk's Office.
Thomas K. Cogswell
Village Administrator-Clerk-Treasurer

Adopted – November 28, 2011
Published – December 7, 2011

ORDINANCE 2011- 09

An ordinance regarding the amendment and/or repeal of various sections and subsections of the Village Code made necessary by the abolition of the Village of Colfax Municipal Court.

THE VILLAGE BOARD OF THE VILLAGE OF COLFAX, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1. The following sections or subsections of the Code of Ordinances for the Village of Colfax, Wisconsin, are hereby repealed:

Section 1-1-6(d)
Section 1-1-6(e)
Section 1-1-6(f)
Section 1-1-6(g)
Section 1-2-5
Section 1-2-6
Section 1-2-7
Section 10-1-51(a)(2)
Section 11-5-13

SECTION 2. Section 1-2-1 of the Code of Ordinances for the Village of Colfax, Wisconsin is hereby repealed and recreated as follows:

Sec. 1-2-1 AUTHORIZATION FOR USE OF CITATION.

The Village of Colfax hereby elects to use the citation method of enforcement of ordinances. All Village officers and other Village personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized, pursuant to Sec. 66.0133, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

SECTION 3. Section 1-2-3 of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows:

Sec. 1-2-3 CITATIONS AND DEPOSITS GENERALLY.

(a) Citation Contents And Form:

(1) The citation shall contain the following:

- a. The name and address of the alleged violator.
- b. Factual allegations describing the alleged violation.
- c. The time and place of the offense.
- d. The section of the ordinance violated.
- e. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.

- f. The time at which the alleged violator may appear in court.
- g. A statement which, in essence, informs the alleged violator:
 - 1. That a cash deposit based on the schedule established pursuant to section 1-2-4 of this chapter may be made which shall be delivered or mailed to the Dunn County Clerk of Courts prior to the time of the scheduled court appearance.
 - 2. That if a cash deposit is made, no appearance in court is necessary unless subsequently summoned.
 - 3. That if a cash deposit is made and the alleged violator does not appear in court, the nonappearance will be deemed a plea of no contest for which a forfeiture not to exceed the amount of the deposit is submitted, or, if the court does not accept the plea of no contest, a summons will be issued for the alleged violator to appear in court to answer the complaint.
 - 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture up to the maximum permitted by law.
- h. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subsection (b)(1)g. of this section has been read. Such statement shall be sent or brought with the cash deposit.

(2) The form of the citation shall be uniform and used by all law enforcement officers and other village officials.

- (b) Procedure: The provisions of section 66.0113(3), Wis. Stats. relating to violator's options and procedure on default are hereby adopted and incorporated herein by reference.
- (c) Nonexclusivity: Adoption of this chapter in no way precludes the adoption of any other chapter or section, or providing for the enforcement of any other law relating to the same or any other matter. The issuance of a citation under this chapter in no way precludes the proceeding under any other law relating to the same or any other matter.

SECTION 4. Section 1-2-4 of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows:

Sec. 1-2-4 SCHEDULE OF CASH DEPOSITS.

The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which shall be placed on file with the Village Administrator/Clerk-Treasurer. Each deposit referred to in this section shall be accompanied by such amounts as and for court costs, penalty assessments, surcharges, fees or other charges required by state law.

SECTION 5. Section 2-3-14(a) of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows:

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his/her duties and within five (5) days of his election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Administrator/Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

SECTION 6. This ordinance shall take effect on May 1, 2012, after its passage and publication as required by law.

Village of Colfax

Gary Stene, President

ATTEST:

Thomas Cogswell
Administrator/Clerk-Treasurer

Adopted – December 12, 2011
Published – December 21, 2011

ORDINANCE 2011- 09

An ordinance regarding the amendment and/or repeal of various sections and subsections of the Village Code made necessary by the abolition of the Village of Colfax Municipal Court.

THE VILLAGE BOARD OF THE VILLAGE OF COLFAX, WISCONSIN, DO ORDAIN AS FOLLOWS:

- SECTION 1. The following sections or subsections of the Code of Ordinances for the Village of Colfax, Wisconsin, are hereby repealed: Section 1-1-6(d), Section 1-1-6(e), Section 1-1-6(f), Section 1-1-6(g), Section 1-2-5, Section 1-2-6, Section 1-2-7, Section 10-1-51(a)(2), Section 11-5-13
- SECTION 2. Section 1-2-1 of the Code of Ordinances for the Village of Colfax, Wisconsin is hereby repealed and recreated as follows: **Sec. 1-2-1 AUTHORIZATION FOR USE OF CITATION.** The Village of Colfax hereby elects to use the citation method of enforcement of ordinances. All Village officers and other Village personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized, pursuant to Sec. 66.0133, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.
- SECTION 3. Section 1-2-3 of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows: **Sec. 1-2-3 CITATIONS AND DEPOSITS GENERALLY.** (a) Citation Contents And Form: (1) The citation shall contain the following: (a) The name and address of the alleged violator. (b) Factual allegations describing the alleged violation. (c) The time and place of the offense. (d) The section of the ordinance violated. (e) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so. (f) The time at which the alleged violator may appear in court. (g) A statement which, in essence, informs the alleged violator: 1. That a cash deposit based on the schedule established pursuant to section 1-2-4 of this chapter may be made which shall be delivered or mailed to the Dunn County Clerk of Courts prior to the time of the scheduled court appearance. 2. That if a cash deposit is made, no appearance in court is necessary unless subsequently summoned. 3. That if a cash deposit is made and the alleged violator does not appear in court, the nonappearance will be deemed a plea of no contest for which a forfeiture not to exceed the amount of the deposit is submitted, or, if the court does not accept the plea of no contest, a summons will be issued for the alleged violator to appear in court to answer the complaint. 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture up to the maximum permitted by law. a. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subsection (b)(1)g. of this section has been read. Such statement shall be sent or brought with the cash deposit. (1) The form of the citation shall be uniform and used by all law enforcement officers and other village officials. (a) Procedure: The provisions of section 66.0113(3), Wis. Stats. relating to violator's options and procedure on default are hereby adopted and incorporated herein by reference. (b) Nonexclusivity: Adoption of this chapter in no way precludes the adoption of any other chapter or section, or providing for the enforcement of any other law relating to the same or any other matter. The issuance of a citation under this chapter in no way precludes the proceeding under any other law relating to the same or any other matter.
- SECTION 4. Section 1-2-4 of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows: **Sec. 1-2-4 SCHEDULE OF CASH DEPOSITS.** The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which shall be placed on file with the Village Administrator/Clerk-Treasurer. Each deposit referred to in this section shall be accompanied by such amounts as and for court costs, penalty assessments, surcharges, fees or other charges required by state law.
- SECTION 5. Section 2-3-14(a) of the Code of Ordinances for the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows: (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering

upon his/her duties and within five (5) days of his election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Administrator/Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

SECTION 6. This ordinance shall take effect on May 1, 2012, after its passage and publication as required by law.

Copies of unabridged ordinances are on file at the Village Clerk's Office.

Thomas K. Cogswell
Village Administrator-Clerk-Treasurer

Adopted – December 12, 2011
Published – December 21, 2011

Ordinance 2012-01
An Ordinance Repealing Title 13, Land Use Regulations
Chapter 2, Floodplain Zoning and Recreating Title 13 Land Use Regulations
Chapter 2, Floodplain Zoning

SEC I. - The Board of the Village of Colfax hereby ordains Title 13, Land Use Regulations Chapter 2, Floodplain Zoning, is hereby repealed in its entirety. **SEC. II.** - The Board of the Village of Colfax hereby ordains Title 13, Land Use Regulations Chapter 2, Floodplain Zoning, is hereby recreated in its entirety. **SEC. III.** - This ordinance shall take effect on January 18, 2012 after its passage and publication as provided by law. **SEC. IV.** - Passed and approved and adopted by the Board of the Village of Colfax on the 9th day of January 2012.

An unabridged copy of this entire Ordinance is available for review at the Village Clerk's Office.

Thomas K. Cogswell
Village Administrator-Clerk-Treasurer

Ordinance 2012-01
An Ordinance Repealing Title 13, Land Use Regulations
Chapter 2, Floodplain Zoning and Recreating Title 13 Land Use Regulations
Chapter 2, Floodplain Zoning

SEC. I.

The Board of the Village of Colfax hereby ordains Title 13, Land Use Regulations Chapter 2, Floodplain Zoning, is hereby repealed in its entirety.

SEC. II

The Board of the Village of Colfax hereby ordains Title 13, Land Use Regulations Chapter 2, Floodplain Zoning, is hereby recreated in its entirety.

SEC. III

This ordinance shall take effect on January 18, 2012 after its passage and publication as provided by law.

SEC. IV

Passed and approved and adopted by the Board of the Village of Colfax on the 9th day of January 2012.

An unabridged copy of this entire Ordinance is available for review at the Village Clerk's Office.

Village of Colfax

Gary Stene, President

ATTEST:

Thomas K. Cogswell
Village Administrator-Clerk-Treasurer

Adopted – January 9, 2012
Published – January 18, 2012

Village of Colfax, County of Dunn, State of Wisconsin

I, Thomas K. Cogswell, Administrator-Clerk-Treasurer, for the Village of Colfax, do hereby certify on this day of January 9, 2012, the members of the Village of Colfax Board adopted the above ordinance on a 5 to 1 vote of the members present.

Thomas K. Cogswell,
Administrator-Clerk-Treasurer

Resolution No.

A Resolution of the Colfax Village Board Recognizing the Service and Sacrifice of our Emergency Services Personnel; and Proclaiming the week of Feb. 19-25, as "First Responders Recognition Week" in the Colfax/Elk Mound area, and Feb. 23 as First Responders Recognition Day to be observed during the Colfax/Elk Mound Boy's Basketball Game at Colfax High School.

Whereas, our nation's first responders are the local firefighters, paramedics, police officers and search and rescue workers, who are the first ones into an emergency and the last ones out; and

Whereas, these brave men and women work under the most extreme conditions to protect our communities and risk their own lives to save others, providing the first crucial line of defense; and

Whereas, nowhere was the courage of first responders more evident than on September 11, 2001, when emergency personnel rushed into danger after the horrific attacks on the World Trade Center and the Pentagon, in the fleeting hope of reaching anyone who needed their help; and

Whereas, September 11 was yet another painful reminder that the hazards of the job are sometimes just too great, forcing these selfless individuals to make the ultimate sacrifice in the line of duty; and

Whereas, eleven years after that infamous day, our appreciation for first responders in our villages and throughout the nation, has only deepened as we realize how fortunate we are to have these genuine heroes walking in our midst; and

Whereas, for the physically and emotionally demanding jobs they tirelessly perform each day so that we can continue to live our lives, first responders are deserving of our unending gratitude and profound respect; Now, Therefore,

BE IT PROCLAIMED by the Colfax Village Board:

That the Colfax Village Board recognizes the service and sacrifice of our emergency services personnel and proclaims the week of February 19-25, 2012, as "First Responders Recognition Week".

ADOPTED this
COLFAX VILLAGE BOARD

Sec. 9-1-1 Water Utility Regulations and Rates
ARTICLE A

Rates

SEC. 9-1-1 PUBLIC FIRE PROTECTION SERVICE – F-1.

- (a) For public fire protection service to the Village of Colfax, the annual charge shall be Sixty-three Thousand Two Hundred Sixty-two Dollars (\$63,262.00) to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main existing for the 1998 test year.
- (b) For all extensions of fire protection service, there shall be an additional annual charge of Five Hundred Sixty-three Dollars (\$ 563.00) per net hydrant added to the system in excess of ninety (90) hydrants.
- (c) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the municipal boundary. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- (d) The annual public fire protection charge shall never be less than the base amount.

SEC. 9-1-12 GENERAL SERVICE—METERED—MG-1.

(a) **Quarterly Service Charge:**

5/8-inch meter-		\$ 20.24
3/4-inch meter-		\$ 20.24
1-inch meter-		\$ 40.48
1-1/4-inch meter-		\$ 56.05
1-1/2-inch meter-		\$ 71.62
2-inch meter-		\$ 108.99
3-inch meter-		\$ 205.52
4-inch meter-		\$ 311.40
6-inch meter-		\$ 467.10
8-inch meter-		\$ 622.80

(b) **Plus Volume Charge:**

First	30,000	gallons used each quarter	\$3.01 per 1,000 gallons.
Next	70,000	gallons used each quarter	\$2.44 per 1,000 gallons.
Next	100,000	gallons used each quarter	\$2.08 per 1,000 gallons.
Over	200,000	gallons used each quarter	\$1.35 per 1,000 gallons.

(c) **Billing.**

Bills used for water service are rendered quarterly and become due and payable upon issuance following the periods for which service is rendered. A late payment charge of three percent (3%) but not less than fifty cents (\$.50) will be added to bills not paid within twenty (20) days of issuance. This one-time three percent (3%) late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all

ARTICLE B

Rate Schedule

SEC. 9-2-20 GENERAL SEWER SERVICE – METERED – SMG-1.

(a) **Quarterly Service Charge.**

5/8-inch water meter	\$ 21.80
3/4 –inch water meter	\$ 21.80
1-inch water meter	\$ 24.91
1-1/4-inch water meter	\$ 28.03
1-1/2-inch water meter	\$ 31.14
2-inch water meter	\$ 37.37
3-inch water meter	\$ 56.05
4-inch water meter	\$ 77.85
6-inch water meter	\$ 130.79
8-inch water meter	\$ 202.41

(b) **Plus Volume Charge.** For each one thousand (1,000) gallons domestic strength sewage discharged to the sanitary sewer system – Two and 77/100 Dollars (\$2.77) per one thousand (1,000) gallons.

(c) **Water Not Discharged to Sewer.** If a portion of the water furnished to any customer is not discharged into the sewer system, the amount of such water will be deducted in computing the sewer service charge, provided a separate meter is installed. The customer must, at his/her own expense, make necessary changes in the water piping and install couplings so that a meter can be set. See Schedule AM-1 for charges.

(d) **Lawn Sprinkling.** Where water is used for lawn sprinkling, the sewer bill for the months of July, August and September in each year shall be based on water consumption during the preceding billing period unless consumption during each preceding quarter was greater than in the summer quarter.

(e) **Billing.** Billing shall be the same as Schedule Mg-1.

SEC. 9-2-21 COMMERCIAL AND INDUSTRIAL SEWER SERVICE – METERED – SMG-2.

(a) **Calculation of Bill.** When the sewage from any contributor does not exceed the strength limitations of two hundred fifty (250) mg/1 for B.O.D. and for Suspended Solids, the sewer bill shall be calculated under Schedule Smg-1. Where the waste of any contributor exceeds the above strength, a periodic sampling shall be taken and the sewage analyzed to determine the strength of said waste, which will be billed at the following rates:

(b) **Quarterly Service Charge.** Same as Schedule SMg-1.

(c) **Volume Charge.** Charge shall be comprised as follows:

Volume -- \$2.77 per 1,000 gallons.

Bio-Chemical Oxygen Demand (B.O.D.) -- \$.16.1 per pound in excess of 250 mg/1.

Suspended Solids (S.S.) -- \$.16.4 per pound in excess of 250 mg/1.

(d) **Billing.** Same as Schedule Smg-1.

SEC. 9-2-22 GENERAL SEWER SERVICE – UNMETERED – SUM-1.

(a) **Applicability.** Service shall be billed at the rate of Fifty-seven and 81/100 Dollars (\$57.81) per quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost for thirteen thousand (13,000) gallons per quarter discharged to the sewer system. If it is determined by the utility that the user discharges more than thirteen thousand (13,000) gallons per quarter to the system, an additional charge of Two and 77/100 Dollars (2.77) per one thousand (1,000) gallons will be made for estimated additional usage.

(b) **Billing.** Same as Schedule Mg-1.

SEC. 9-2-23 WATER AND SEWER LATERAL INSTALLATION CHARGE – CZ-1

The initial water service lateral will be installed from the main through the curb stop and box and the initial sewer service lateral will be installed from the main to the property line by the utility, for which there will be made a charge as follows:

(a) 1-inch copper water service		Actual Cost
(b) 4-inch sewer service		Actual Cost
(c) Larger sized services		Actual Cost

Village of Colfax

Box 417 - Colfax, Wisconsin 54730 – Phone 715-962-3311
Fax 715-962-2221

Jean T. Olson, President
John A. Jahr, Clerk-Treasurer

AN ORDINANCE REGARDING THE CREATION OF AN AUDIT AND FINANCE COMMITTEE OF THE VILLAGE BOARD:

The Village Board of the Village of Colfax, Wisconsin, do ordain as follows:

SECTION 1. Section 2-2-4(b)(8) of the Code of Ordinances of the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows:

(8) Audit and Finance

SECTION 2. This ordinance shall take effect upon passage and publication as required by law.

Adopted: _____

Published: _____

Village President

Village Clerk-Treasurer

Village of Colfax

Box 417 - Colfax, Wisconsin 54730 - Phone 715-962-3311
Fax 715-962-2221

Gary L. Stene, President
John A. Jahr, Clerk-Treasurer

AN ORDINANCE REGARDING COMPRESSION BRAKING

The Village Board of the Village of Colfax, Wisconsin do ordain as follows:

Section 1. Section 10-1-40(h) of the Code of Ordinances of the Village of Colfax, Wisconsin, is hereby created as follows:

(h) Compression (Jake) Braking Prohibited

- (a) Definition. A compression brake, commonly referred to as a "Jacobs" brake, "Jake" brake, engine brake or dynamic braking device, means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of or in addition to wheel brakes.
- (b) Use prohibited. No person shall use a motor vehicle within the Village limits where the compression brake is in any way engaged or activated on such motor vehicle or any unit which is a part thereof except for the aversion of imminent danger.
- (c) Penalty Provision. A penalty shall be imposed upon violation of this ordinance as provided in the bond schedule. Any person who violates this section shall, upon conviction forfeit not less than \$10.00 nor more than \$100.00 and costs, for the first offense.

Section 2. This ordinance shall take effect upon passage and publication as required by law.

Adopted: _____

Published: _____

Village President

Village Clerk-Treasurer

AN ORDINANCE REGARDING IMPOSITION OF JUVENILE DISPOSITIONS AND SANCTIONS IN THE MUNICIPAL COURT

The Village Board of the Village of Colfax, Wisconsin, do ordain as follows:

SECTION 1. Section 11-5-13 of the Code of Ordinances of the Village of Colfax, Wisconsin, is hereby created as follows:

**Sec 11-5-13 MUNICIPAL COURT AUTHORITY TO IMPOSE
ALTERNATIVE JUVENILE DISPOSITIONS AND
SANCTIONS.**

- (a) For a juvenile adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in §§938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.
- (b) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §§938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
- (c) This section is enacted under the authority of §938.17(2)(cm), Wis. Stats.

SECTION 2. This ordinance shall take effect upon passage and publication as required by law.

Adopted: _____

Published: _____

Village President

Village Clerk



WISCONSIN DEPARTMENT OF NATURAL RESOURCES

MODEL FLOODPLAIN ORDINANCE

Revised February 2010

STATUTORY APPROVAL REQUIREMENTS

The public hearing notice must be published twice, THE SECOND TIME AT LEAST 7 DAYS BEFORE THE HEARING, to meet statutory notice requirements to legally adopt any zoning ordinance or amendment. The community must also furnish a certified copy of the ordinance and proof of publication or posting of the amended ordinance.

There are six places in this document where blanks must be completed. After filling in those blanks (and putting in proper map references), publishing a Class 2 public hearing notice, and conducting the hearing, this document may be adopted as is by the municipality's governing body.

This model ordinance includes both the minimum regulatory standards required in ch. NR 116, Wis. Admin. Code, and those of the National Flood Insurance Program. Section 87.30(1)(b), Stats., permits a county, city, village or town to adopt a floodplain zoning ordinance that is more restrictive than the provisions required by the State, but not less restrictive. Other model ordinances are available from DNR, or we will help you develop alternative regulations to meet state and federal guidelines.

Submit the proposed ordinance to the DNR Regional Office zoning specialist for review at least 30 days before the public hearing to determine whether it meets all minimum standards. After public hearing and adoption, it is an added expense to change unacceptable ordinance language. No floodplain zoning ordinance amendment is effective until officially approved by DNR. All amendments must also be submitted to the Federal Emergency Management Agency.

Model ordinances and FEMA flood insurance maps are periodically revised. Contact the DNR before public hearing or adoption to assure you are using the most recent and accurate map and ordinance text available.

A handbook entitled *The Floodplain-Shoreland Management Guidebook* has been developed and distributed to all counties, cities and villages with floodplain or shoreland zoning ordinances. Look for this blue-green 3-ring notebook in your municipal zoning office for answers to many questions about floodplain, wetland and shoreland zoning, dam safety, and the NFIP.

If possible, please submit your draft ordinance electronically. If you have made any changes to the model ordinance, please note the location of the changes in the draft.

The community must fill in these sections prior to adoption:

Section

1.4	<u>Insert community name</u>	2
1.5(2)	<u>Insert source, name, date, and location of official floodplain zoning maps and other related maps</u>	3
1.5(12)	<u>Insert name of your county</u> (Counties delete this section).....	5
7.1(2)(d)	<u>Insert permit expiration date</u>	19
7.2(1)	<u>Name of this committee</u>	20
9.0	<u>Insert correct amounts, both minimum and maximum</u>	25

Date of Public Hearing:_____ Class 2 Hearing Notice Publication

Date of Adoption:_____ Dates:

Date of Publication:_____ (Second must be at least 7 days before hearing, see definition)

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Chapter 2

Floodplain Zoning

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Colfax, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood. **Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Village of Colfax, Wisconsin Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Administrator/Clerk/Treasurer, Village of Colfax, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS : Based on the FIS: Flood Insurance Rate Map (FIRM), panel numbers 55033C0238C, 55033C0239C, 55033C0351C and 55033C0352C dated December 2, 2011; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated December 2, 2011, Volume number 55033CV000A

Approved by: The DNR and FEMA

(3) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 8.1 (6).

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

- (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on

or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Dunn County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(13) GENERAL DEVELOPMENT STANDARDS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and

floodway data for any development that meets the subdivision definition of this ordinance.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) Except as allowed in par. (3) below, no floodplain development shall:

(a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

(b) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.

(3) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.0.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to s. 8.0.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health Services.
- (2) A land use permit for the campground is issued by the zoning administrator.
- (3) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.
- (6) Only camping units are allowed.
- (7) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0 or s. 4.0 for the floodplain district in which the structure is located.
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- they are not prohibited by any other ordinance;
- they meet the standards in s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1:

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and

wild crop harvesting.

- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
- (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

(1) GENERAL

- (a) Any development in floodway areas shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
 - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.

(2) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following

criteria:

- (a) The structure is not designed for human habitation and does not have a high flood damage potential.
- (b) It must be anchored to resist flotation, collapse, and lateral movement;
- (c) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (d) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES

Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 2.1.

(4) FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

- (a) The requirements of s. 2.1 are met;
- (b) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved

campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;

- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS

S. 2.1 shall apply in addition to the following requirements according to the use requested.

(1) RESIDENTIAL USES

Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

- (a) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;

- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d).
- (d) In developments where existing street or sewer line elevations make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - 1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - 2. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(2) ACCESSORY STRUCTURES OR USES

- (a) Except as provided in par.(b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
- (b) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Sections 3.3 (2) (a),(b),(c) and (d) and 4.3 (5) below.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 7.5 to the flood protection elevation;
- (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All on-site sewage disposal systems shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(8) WELLS

All wells shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing

pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and
2. be anchored so they do not float, collapse or move laterally during a flood

- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) **MOBILE RECREATIONAL VEHICLES**

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 GENERAL FLOODPLAIN DISTRICT (GFP)

5.1 APPLICABILITY

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

5.2 PERMITTED USES

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodway (s. 3.2) and floodfringe areas (s. 4.2) are allowed within the general floodplain district, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
- (2) Require the applicant to furnish any of the following information deemed necessary by the

Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

- (a) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - (c) Profile showing the slope of the bottom of the channel or flow line of the stream;
 - (d) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (3) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2)(c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to

provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (e)
 - 1. Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
 - 2. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
- (f) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used.

6.2 FLOODWAY AREAS

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) Will not increase the obstruction to flood flows or regional flood height;

- (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation;
- (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. The use must be limited to parking or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE AREAS

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in s. 4.3, except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of par. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (a) No floor is allowed below the regional flood elevation for residential or commercial structures;

- (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, will not be installed;
 - (d) Flood depths will not exceed two feet;
 - (e) Flood velocities will not exceed two feet per second; and
 - (f) The structure will not be used for storage of materials as described in s. 4.3(5).
- (3) If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
- (a) Meets all other regulations and will be granted by permit or variance;
 - (b) Does not exceed 60 square feet in area; and
 - (c) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.
- (4) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

- (1) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (b) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
 - (bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
 - (c) Keep records of all official actions such as:

1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
4. All substantial damage assessment reports for floodplain structures.

(d) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
2. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(e) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(f) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
 - a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 - b. A map showing location and details of vehicular access to lands outside the floodplain; and
 - c. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire 1 (one) year after issuance.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of s. 7.5.

(4) OTHER PERMITS

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

(1) The Village of Colfax Zoning Administrator shall:

- (a) oversee the functions of the office of the zoning administrator; and
- (b) review and advise the Governing body on all proposed amendments to this ordinance, maps and text.

(2) This zoning agency shall not

- (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- (b) amend the text or zoning maps in place of official action by the Governing body.

7.3 **BOARD OF ADJUSTMENT/APPEALS**

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(1) **POWERS AND DUTIES**

The Board of Adjustment/Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) **APPEALS TO THE BOARD**

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) **NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES**

1. Notice - The board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent. The board shall:

- a. Resolve boundary disputes according to s. 7.3(3).
- b. Decide variance applications according to s. 7.3(4).
- c. Decide appeals of permit denials according to s. 7.4.

- (c) **DECISION:** The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (b) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

1. The variance may not cause any increase in the regional flood elevation;
2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district.
2. Be granted for a hardship based solely on an economic gain or loss.
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area.
5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.1.
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in s. 7.1(2).
 - (b) Floodway/floodfringe determination data in s. 5.4.
 - (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator.
 - (d) Other data submitted with the application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of s. 7.3;
 - (b) Consider zoning agency recommendations; and

- (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

7.5 FLOODPROOFING

- (1) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (2) Floodproofing measures shall be designed to:
 - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement; and
 - (d) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (3) Floodproofing measures could include:
 - (a) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or
 - (b) Adding mass or weight to prevent flotation.
 - (c) Placing essential utilities above the flood protection elevation.
 - (d) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
 - (e) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
 - (f) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

7.6 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) All real estate transfers should show what floodplain zoning district any real property is in.

8.0 AMENDMENTS

8.1 GENERAL

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (5) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- (6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. Such petitions shall include all necessary data required by ss. 5.4 and 7.1(2).

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.

- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- (4) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See s. 1.5(4).)

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$ 10.00 (ten dollars) and not more than \$100.00 (one hundred dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1) "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) "ACCESSORY STRUCTURE OR USE" - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- 3) "BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 4) "BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- 5) "BUILDING" - See STRUCTURE.
- 6) "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- 7) "CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is

advertised or represented as a camping area.

- 8) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- 9) "CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- 10) "CHANNEL" - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 11) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- 12) "DECK" - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- 13) "DEPARTMENT" - The Wisconsin Department of Natural Resources.
- 14) "DEVELOPMENT" - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 15) "DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 16) "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.
- 17) "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads

- 18) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 19) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.
- 20) "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 21) "FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- ✓ The overflow or rise of inland waters,
 - ✓ The rapid accumulation or runoff of surface waters from any source,
 - ✓ The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
 - ✓ The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- 22) "FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 23) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 24) "FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 25) "FLOOD INSURANCE STUDY" - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 26) "FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

- 27) "FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- 28) "FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- 29) "FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 30) "FLOODPROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 31) "FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- 32) "FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 33) "FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 34) "FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- 35) "HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.
- 36) "HEARING NOTICE" - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- 37) "HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 38) "HISTORIC STRUCTURE" - Any structure that is either:
- ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
 - ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,

- ✓ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
 - ✓ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- 39) "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- 40) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- 41) "MANUFACTURED HOME" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- 42) "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- 43) "MUNICIPALITY" or "MUNICIPAL" - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
- 44) "NAVD" or "NORTH AMERICAN VERTICAL DATUM" – Elevations referenced to mean sea level datum, 1988 adjustment.
- 45) "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.
- 46) "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- 47) "NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection

elevation, the structure is nonconforming.)

- 48) "NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- 49) "OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 50) "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
- 51) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.
- 52) "ORDINARY HIGHWATER MARK" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 53) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- 54) "PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- 55) "PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- 56) "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 57) "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 58) "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not

occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- 59) "STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 60) "SUBDIVISION" - Has the meaning given in s. 236.02(12), Wis. Stats.
- 61) "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 62) "UNNECESSARY HARDSHIP" - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 63) "VARIANCE" - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 64) "VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 65) "WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.
- 66) "WATER SURFACE PROFILE" - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 67) "WELL" - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

SEC. 9-2-11 MISCELLANEOUS RULES & REGULATIONS

- (a) The utility shall maintain the sewer service within the limits of the Village of Colfax. The property owner shall maintain the sewer lateral from the public sewer main to the structure or building on the owner's property, which maintenance shall include payment of all expenses associated with replacement, cleaning and maintenance of the lateral line. The utility shall be responsible for replacement cost of the curb, gutter, and any street repairs, except that the property owner shall be charged a street-opening fee of \$1,000.00. The property owner must notify the Village prior to initiating work on any lateral maintenance. It shall be the property owner's obligation to keep the sewer service lateral free of defective conditions at all times.
- (b) The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within thirty (30) days of notice in writing from the Village Board. Upon failure to so do the Board may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such costs shall be assessed as a special tax lien against the property, all pursuant to Sec. 281.45, Wis. Stats.; provided, however, that the owner may within thirty (30) days after the completion of the work file a written opinion with the Village Clerk stating that he cannot pay such amount in one (1) sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of twelve percent (12%) annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Sec. 281.45, Wis. Stats.

In lieu of the above the Village Board at its option may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system, of an amount equal to one hundred fifty percent (150%) of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Sec. 281.45, Wis. Stats.

This Section ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said Village of Colfax and fails to assure preservation of public health, comfort, and safety of said Village.

- (c) When any sewer service is to be re-laid, and there are two or more buildings on said service, each building shall be disconnected from said service, and a new sewer service shall be installed for each building.
- (d) A quarterly wastewater system maintenance fee of \$10.00 is hereby established, and will be applied to all classes of wastewater system users.