

**Village of Colfax
Village Board Meeting**

Monday, April 9th, 2018 @ 7 p.m. – Regular Board Meeting

LOCATION:

**Colfax Community Fire Hall
407 County Road M, Colfax, WI 54730**

1. Call to Order
2. Roll Call
3. Public Comments
4. Communications from the Village President
5. Consent Agenda
 - a. Minutes
 - i. Regular Board Meeting Minutes – March 26, 2018
 - ii. Special Board Meeting Minutes - March 28, 2018
 - b. Training Request – none
 - c. Facility Rental - none
 - d. Licenses - none
6. Consideration Items
 - a. Sex Offender Ordinance review and possible action
 - b. 4-H project request to raise ducks
7. Review/Approval – Bills – March 26, 2018 to April 8, 2018
8. Committee/Department Reports – (no action)
 - a. Village Administrator-Clerk-Treasurer Report
9. Adjourn

Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact: Lynn Niggemann, Administrator-Clerk-Treasurer, 613 Main Street, Colfax, WI (715) 962-3311 by 2:00 p.m. the Friday prior to the meeting so that any necessary arrangements can be made to accommodate each request.

It is possible that members of and possibly a quorum of members of the governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Village Board Meeting – March 26th, 2018

On March 26th, 2018, the Village Board meeting began at 6:00 p.m. with a Public Informational Session and the Regular Board meeting at 7:00 p.m. at the Colfax Community Fire Hall, 407 County Road M, Colfax, WI 54730. Members present: Trustees Davis, Jenson, Burcham, Rihn, Wolff, Halpin and Stene. Other Present: Sue Klemann and Sarah Aho – Wisconsin Sex Offender Registry Specialist from the Department of Corrections, Police Chief Anderson, Administrator-Clerk-Treasurer Niggemann and LeAnn Ralph with the Messenger.

Public Information Session – Sarah Aho and Sue Klemann gave a presentation which addressed many issues regarding sex offenders. They explained that there are different levels of crimes and expressed that the level of crime does not always represent exactly what the crime may have been. It is more beneficial to find out what the crime actually was versus making assumptions by the level of crime that was charged. Other topics discussed were the state laws, difficulties in placing offenders into communities with ordinances relative to restricting residency to a concentrated area, statistics regarding ordinances versus no ordinances and many other topics. The audience was able to ask specific questions throughout the presentation.

Minutes - Regular Board Meeting –March 12, 2018 - A motion was made by Trustee Halpin and seconded by Trustee Rihn to approve the Regular Board meeting minutes from March 12, 2018. Voting For: Trustees Davis, Burcham, Jenson, Rihn, Wolff, Halpin and Stene. Voting Against: none. Motion carried.

Joint Village Board/Personnel Committee Meeting Minutes – March 5th, 2018 – A motion was made by Trustee Halpin and seconded by Trustee Davis to approve the Joint Village Board/Personnel Committee Meeting minutes for March 5th, 2018. Voting For: Trustees Halpin, Wolff, Rihn, Jenson, Burcham, Davis and Stene. Voting Against: none. Motion carried.

Training Request: Don Knutson-Midwest EMS Expo Leaders Training Leaders – May 2-3, 2018 in LaCrosse, WI – A motion was made by Trustee Wolff and seconded by Trustee Halpin to approve Don Knutson's request to attend the Midwest EMS Expo Leaders Training Leaders. Voting For: Trustees Davis, Burcham, Jenson, Rihn, Wolff, Halpin and Stene. Voting Against: none. Motion carried.

License – Operator's Licenses – March 26, 2018 to June 30, 2018 – Jessica Lorenzen – The Blind Tiger – A motion was made by Trustee Rihn and seconded by Trustee Halpin to approve the license for Jessica Lorenzen. Voting For: Halpin, Wolff, Rihn, Jenson, Burcham, Davis and Stene. Voting Against: none. Motion carried.

Consideration Items

2006 Chevy Impala Bid Award – There were three bids received; Jeremy Seehaver -\$2,700, Wade Aspen - \$412, Chicago Motors - \$707. A motion was made by Trustee Halpin and seconded by Trustee Wolff to accept the bid from Jeremy Seehaver for \$2,700. Voting For: Trustees Jenson, Burcham, Davis, Rihn, Wolff, Halpin and Stene. Voting Against: none. Motion carried.

2004 Silverado White 8' Pickup Bed with Rack and Tool Boxes Bid Award – there were two bids received; Bobcat Pro - \$501.01 and Wade Aspen – \$303.00. A motion was made by Trustee Halpin and seconded by Trustee Rihn to accept the bid from Bobcat Pro for \$501.01. Voting For: Trustees Stene, Halpin, Wolff, Rihn, Jenson, Burcham and Davis. Voting Against: none. Motion carried.

2018 Street Sweeping Bid Award – The Village only received one bid; Don's Street Sweeping - \$6,550.00 plus \$96/hour for additional services. A motion was made by Trustee Halpin and seconded by Trustee Rihn to accept the bid from Don's Street Sweeping. Voting For: Trustees David, Burcham, Jenson, Rihn, Wolff, Halpin and Stene. Voting Against: none. Motion carried.

Colfax After Prom Party – CAPP Donation request- A motion was made by Trustee Davis and seconded by Trustee Rihn to approve a \$50 donation to the Colfax After Prom Party. Voting For: Trustees Halpin, Davis, Wolff, Jenson, Rihn, Burcham and Stene. Voting Against: none. Motion carried.

Advertising – Property Clean Up – A motion was made by Trustee Halpin and seconded by Trustee Jenson to approve the advertising for Spring Clean Up in the Messenger. Voting For: Trustees Stene, Halpin, Wolff, Rihn, Jenson, Burcham and Davis. Voting Against: none. Motion carried.

Update election Poll Worker Lis 2017-2018 – A motion was made by Trustee Jenson and seconded by Trustee Rihn to approve the addition of Carey Davis to the election poll work list. Voting For: Trustees Burcham, Rihn, Jenson, Wolff, Halpin and Stene. Abstained: Trustee Davis. Voting Against: none. Motion carried.

Review/Approval – Bills – March 12, 2018 to March 25, 2018 - A motion was made by Trustee Halpin and seconded by Trustee Rihn to approve the March 12, 2018 to the March 25, 2018 bills. Voting For: Trustees Davis, Burcham, Jenson, Rihn, Wolff, Halpin and Stene. Voting Against: none. Motion carried.

Adjourn – All business was conducted and the meeting adjourned at 7:50 p.m.

Gary Stene, Village President

Attest: Lynn Niggemann
Administrator-Clerk-Treasurer

Village Board Special Meeting – March 28th, 2018

On March 28th, 2018, the Village Board Special meeting began at 7:00 p.m. at the Colfax Community Fire Hall, 407 County Road M, Colfax, WI 54730. Members present: Trustees Burcham, Wolff, Jenson, Rihn, Halpin, Davis and Stene. Other Present: Attorney Christopher Gierhart – Weld Riley S.C., Police Chief Anderson, Administrator-Clerk-Treasurer Niggemann and LeAnn Ralph with the Messenger.

Public Comments– There was approximately thirty people in attendance. Some of the speakers included Jason Johnson, Holly Berge, Ricky Brockmiller, Polly Rudi, George Entzminger, Tom Hendrickson, Sally Johnson, Dave Daunky, Kathy Mitchell, Olivia Daunky and LeAnn Ralph. The speakers shared their thoughts and stories of why they feel it is important that the Village adopts an ordinance restricting residency of sex offenders in the Village of Colfax.

Discussion and possible action on sex offender residency ordinance – The Village Board answered questions that they were able to answer and reminded the public that they should reach out to the state representatives to make changes that would be of greater impact. Niggemann identified that Mr. Yingst sent a memo stating the Schools recommendation and justification, Shannon Evenson, Jordan Teele and Tom Hendrickson also presented recommendations in writing to the Village for consideration.

Closed Session: convene to closed session per Wis. Stats. 19.85 (1)(g) to confer with legal counsel who is rendering advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved with respect to enforcement or application of a sex offender residence restriction ordinance against specific individuals. – A motion was made by Trustee Rihn and seconded by Trustee Halpin to convene into closed session at 6:50 p.m. Voting For: Trustees Burcham Wolff, Jenson, Rihn, Halpin, Davis and Stene. Voting Against: none. Motion carried.

Open Session: convene to open session and discuss/take action if necessary on closed session item. The Village Board Reconvened into open session at 8:00 p.m. The Village President informed the public that the attorney will draft an ordinance that is enforceable and constitutional. Prior to the next meeting the draft will be posted on the Village website.

Adjourn – All business was conducted and the meeting adjourned at 8:04 p.m.

Gary Stene, Village President

Attest: Lynn Niggemann
Administrator-Clerk-Treasurer

ORDINANCE #18-1
AN ORDINANCE TO CREATE TITLE 11, CHAPTER 7 OF THE VILLAGE OF
COLFAX MUNICIPAL CODE

The village board of the Village of Colfax do ordain as follows:

SECTION I – AUTHORITY

The Board of Trustees of the Village of Colfax, Dunn County, Wisconsin, has authority to enact this ordinance pursuant to Wis. Stat. § 61.34.

SECTION II – REVISIONS TO VILLAGE CODE

Title 11, Chapter 7 of the Village Code of Ordinances, shall be created to read as follows:

“CHAPTER 7

Sex Offender Residency Restrictions

- 11-7-1 Declaration of Purpose
- 11-7-2 Definitions
- 11-7-3 Prohibited Acts in Restricted Zones
- 11-7-4 Residency Restrictions
- 11-7-5 Preparation of Map
- 11-7-6 Prohibited Activity
- 11-7-7 Prohibition of Sale or Rental of Property to Designated Offenders
- 11-7-8 Accountability Program
- 11-7-9 Severability
- 11-7-10 Enforcement; Violations and Penalties

SEC. 11-7-1 DECLARATION OF PURPOSE.

This chapter is a regulatory measure aimed at protecting the health and safety of children in the Village of Colfax from the risk that convicted sex offenders may reoffend in locations close to their residences and close to where children congregate. Further, this measure is intended to enhance the community's citizen observation and reporting of individuals who may pose a threat to children by “grooming behaviors.” The Village of Colfax finds and declares that in addition to schools and state-licensed child day-care centers, children congregate or play in a number of public places, including public parks, athletic fields, libraries, and other places.

It is the intent of this ordinance not to impose a criminal penalty but rather to serve the Village’s compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village by designating locations where children regularly congregate wherein certain sexual offenders and sexual predators are prohibited from entering as well as zones around such locations in which such persons are restricted from establishing temporary or permanent residences.

SEC. 11-7-2 DEFINITIONS.

The following words, terms, and phrases, when used in this chapter, shall be defined as follows, except when the context clearly indicates a different meaning:

- (a) CHILD or CHILDREN — A person under the age of 18.
- (b) DESIGNATED OFFENDER — Includes any or all of the following persons: (1) A person required to register as a sex offender under Wis. Stat. § 301.45, if the sex offense which required registration involved a child; (2) a person subject to the sex crimes commitment provisions of Wis. Stat. § 975.06; or (3) a sexually violent person as defined in Wis. Stat. § 980.01(7).
- (c) GROOMING BEHAVIOR — Actions deliberately undertaken by an offender with the aim of befriending a child in order to lower the child's sexual inhibitions or establish an intimate friendship in preparation for a sexual act with the child.
- (d) LOITER-FREE ZONE — The three-hundred-foot radius surrounding each restricted zone.
- (e) LOITER or LOITERING — Whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.
- (f) RESIDENCE or RESIDE — Any place where a designated offender, either temporarily or permanently, sleeps, lodges, or abides.
- (g) RESTRICTED ZONE — The building, facilities and improvements, and the legal parcel of real property on which they are situated, to the extent the property is within the Village of Colfax, that are used for or which support a use set forth as follows:
 - (1) A public park, parkway, parkland, or park facility;
 - (2) A public swimming area, including without limitation those near Stuart Park and J.D. Simons Park;
 - (3) A public library;
 - (4) A recreational trail;
 - (5) A public playground;
 - (6) A school for children;
 - (7) Athletic fields used by children;
 - (8) A state-licensed commercial day-care center;
 - (9) Any specialized school for children, including but not limited to a gymnastics academy, dance academy, music school or charter school;
 - (10) Aquatic facilities open to the public; and
 - (11) Any facility for children [which means a public or private school, a group home as defined in Wis. Stat. § 48.02(7), a residential care center for children and youth as defined in Wis. Stat. § 48.02(15d), a shelter care facility as defined in Wis.

Stat. § 48.02(17), a foster home as defined in Wis. Stat. § 48.02(6), a day-care center licensed under Wis. Stat. § 48.65, a day-care program established under Wis. Stat. § 120.13(14), a day-care provider certified under Wis. Stat. § 48.651, or a youth center as defined in Wis. Stat. § 961.01(22).].

- (h) WISCONSIN STATUTES and WIS. STAT. — The Wisconsin Statutes in effect when this chapter is adopted and shall include any amendment to or renumbering of the statutes after the adoption of this chapter.

SEC. 11-7-3 PROHIBITED ACTS IN RESTRICTED ZONES.

- (a) Within a restricted zone(s) no designated offender shall:
- (1) Enter or be present in any restricted zone that is a public playground, school for children, or a day-care center.
 - (2) Enter or be present in any other restricted zone between the hours of 6:00 a.m. and 11:30 p.m. or at any time when a child is present.
 - (3) Loiter within a loiter-free zone.
- (b) A designated offender does not violate this chapter if any of the following apply:
- (1) If the designated offender has official business in the restricted zone, which is determined by the reasonable person standard and such official business is not otherwise prohibited by law, regulation, or other order.
 - (2) If the designated offender enters or is present in a restricted zone that includes a church, synagogue, mosque, temple or other house of religious worship (collectively “church”), but only if the following conditions are all satisfied:
 - a. The entrance and presence upon the property occurs only during hours of worship or other religious program or service as posted to the public;
 - b. The designated offender shall not participate in any religious education programs which include children; and
 - c. Such entrance or presence is not otherwise prohibited by law, regulation, or other order.
 - (3) If the designated offender enters or is present in a restricted zone to attend an event involving the designated offender's natural or adopted children, or stepchildren, but only if the following conditions are all satisfied:
 - a. Entrance and presence in the restricted zone occurs only during hours of activity related to the event as posted to the public;
 - b. Notice, orally or in writing, is given to a person in charge of the event of the designated offender's attendance prior to the event; and
 - c. Such entrance or presence is not otherwise prohibited by law, regulation, or other order.
 - (4) If the designated offender enters or is present at a polling location in a restricted

zone for the purpose of voting in any local, state or federal election, but only if the following conditions are all satisfied:

- a. The person is eligible to vote;
- b. The polling location is the designated polling place for the designated offender; and
- c. The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and the person vacates the property immediately after voting.

- (5) If the designated offender enters or is present in a restricted zone that supports an elementary or secondary school that the designated offender currently attends, but only if the designated offender's presence is required for educational purposes and such entrance or presence is not otherwise prohibited by law, regulation, or other order.

SEC. 11-7-4 RESIDENCY RESTRICTIONS.

- (a) A designated offender shall not reside within 1,000 feet of a school for children or within 500 feet of any other restricted zone. The distance shall be measured by following a straight line from the closest boundary line of the real property supporting the residence of a designated offender to the closest real property boundary line of the restricted zone.
- (b) Exceptions. A designated offender residing within 1,000 feet of the real property consisting of a school for children, or within 500 feet of the real property comprising any other restricted zone, does not violate section 11-7-4(a) if any of the following apply:
- (1) The person has established a residence prior to the effective date of this chapter which is within 1,000 feet of a school for children or within 500 feet of any other restricted zone.
 - (2) If a residence of a designated offender which was established prior to the effective date of this chapter no longer complies with section 11-7-4(a) because it is located within 1,000 feet of a school for children or within 500 feet of any other restricted zone, as applicable.
 - (3) The designated offender is a minor or ward under guardianship.
 - (4) The designated offender is living in an assisted facility or nursing home.

SEC. 11-7-5 PREPARATION OF MAP.

The Village Clerk shall maintain an official map showing the areas in which designated offenders are prohibiting from residing. The Village Clerk shall update the map at least annually to reflect any changes. The map is to be displayed or available in the office of the Village Clerk.

SEC. 11-7-6 PROHIBITED ACTIVITY.

It is unlawful for any designated offender to participate in a holiday event involving children,

such as distributing candy or other items to children on Halloween, wearing a Santa Clause costume, or wearing an Easter Bunny costume. Holiday or costumed events in which the designated offender is the parent or guardian of the children involved and no non-familial children are present, are exempt from this section.

SEC. 11-7-7 PROHIBITION OF SALE OR RENTAL OF PROPERTY TO DESIGNATED OFFENDERS.

- (a) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance (“Structure”), with the knowledge that a designated offender will reside in that Structure, if the designated offender is prohibited from residing in the Structure under this chapter.
- (b) It is unlawful for any owner, real estate broker, or real estate sales person to participate in the sale of any place, structure, or part thereof, trailer or other conveyance, (“Structure”), with the knowledge that a designated offender will reside in that Structure, if the designated offender is prohibited from residing in the Structure under this chapter.

SEC. 11-7-8 ACCOUNTABILITY PROGRAM.

- (a) The Colfax Police Department may establish and maintain Department policy and procedures to verify the registered address of designated offenders and to identify those designated offenders not in compliance with the Wisconsin Department of Corrections Sex Offender Registry.
- (b) Designated offenders shall provide the Colfax Police Department or any official law enforcement officer requesting the same with current photograph and address, employment location, vehicle description(s), and other related information that may be deemed appropriate and lawful.

SEC. 11-7-9 SEVERABILITY.

The provisions of this chapter shall be deemed severable and it is expressly declared that the Board of Trustees would have passed the other provisions of this chapter irrespective of whether or not one or more provisions may be declared invalid. If any provision of this chapter or the application to any person or circumstance is held invalid, the remainder of this chapter or the application of such other provisions to other persons or circumstances shall not be affected.

SEC. 11-7-10 ENFORCEMENT; VIOLATIONS AND PENALTIES.

- (a) It shall be unlawful for any person to willfully obstruct, hinder, or delay the enforcement of any order, rule, regulation, or plan issued pursuant to this chapter or to do any act forbidden by any order, rule, regulation, or plan issued pursuant to the authority contained in this chapter.
- (b) Any person violating a provision of this chapter shall, upon conviction thereof, be subject to forfeiture of not less than \$500.00 and no more than \$1,000.00 for each violation. Each

day a violation continues shall constitute a separate offense.

- (c) The Village may seek injunctive relief and neither the issuance of a citation nor the imposition of a forfeiture hereunder shall preclude the Village from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this chapter.”

SECTION III --- PUBLICATION, POSTING AND EFFECTIVE DATE

This ordinance shall be effective upon publication as required by Wis. Stat. § 61.50(3).

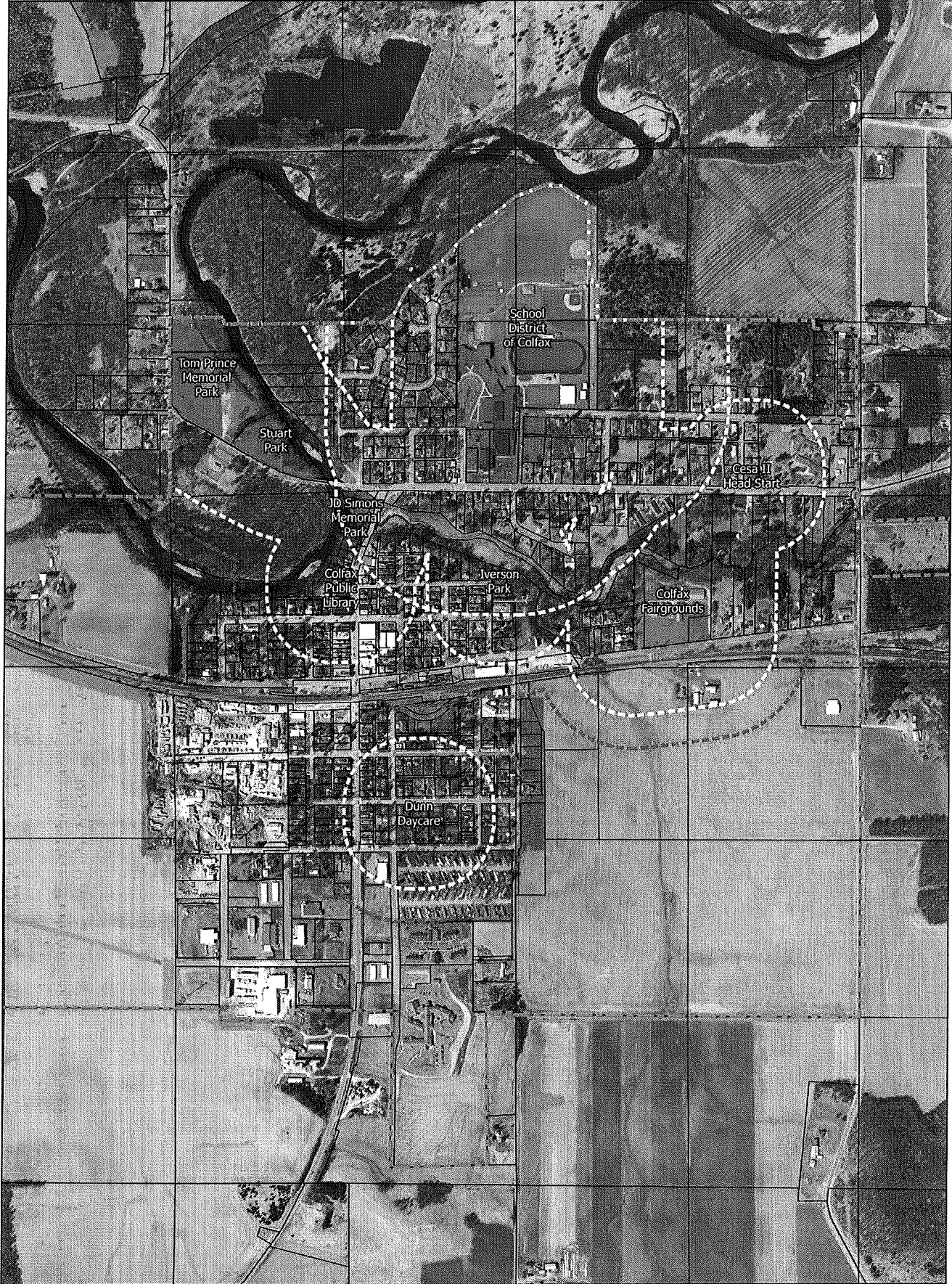
Adopted this ____ day of _____, 2018.

VILLAGE OF COLFAX

Gary Stene, Village President

Attest: _____
Lynn Niggemann, Village Clerk

Village of Colfax Protected Community Facilities



Legend:

- Protected Community Facilities
- 500' Buffer Distance
- 750' Buffer Distance
- 1000' School Buffer Distance
- Village Limits

Scale: 0 500 1000 1500 ft



PREPARED BY APR 05, 2013

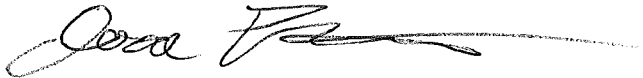
04 April 2018

Village of Colfax Board of Directors

Colfax, Wisconsin 54730

We live in the village of Colfax at 1014 High St. My daughter would like to raise a pair of ducks for a 4H project. I am requesting permission to possess a pair of ducks within the village limits. We would build necessary shelter and containment. We have also selected Silver Appleyards, a breed that cannot fly and are known to be reasonably quiet.

Thank you for your consideration and feel free to contact me for any questions or concerns.

A handwritten signature in black ink, appearing to read "Jesse Perry", with a long horizontal flourish extending to the right.

Jesse Perry

1014 High St.

Colfax, WI 54730

(715) 505-0002

- (b) **Accumulation of Fecal Matter Prohibited on Private Yards.** The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his/her own property by regularly patrolling and properly disposing of the fecal matter.

SEC. 7-1-11 INJURY TO PROPERTY BY ANIMALS.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

SEC. 7-1-12 BARKING DOGS OR CRYING CATS.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Village Police Department within a four (4) week period.

SEC. 7-1-13 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS; FARM ANIMALS.

(a) **Protected Animals.**

- (1) Possession and Sale of Protected Animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kempi*).
- (2) Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- (3) Regulating the Importation of Certain Birds. No person, firm or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

- (b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- (c) **Wild Animals; Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following animals, reptiles or insects:
- (1) All poisonous animals and reptiles including rear-fang snakes.
 - (2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
 - (3) Baboons (Papoi, Mandrillus).
 - (4) Bears (Ursidae).
 - (5) Bison (Bison).
 - (6) Cheetahs (Acinonyx jubatus).
 - (7) Crocodilians (Crocodilia), thirty (30) inches in length or more.
 - (8) Constrictor snakes.
 - (9) Coyotes (Canis latrans).
 - (10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
 - (11) Elephants (Elephas and Loxodonta).
 - (12) Ferret.
 - (13) Game cocks and other fighting birds.
 - (14) Hippopotami (Hippopotamidae).
 - (15) Hyenas (Hyaenidae).
 - (16) Jaguars (Panthera onca).
 - (17) Leopards (Panthera pardus).
 - (18) Lions (Panthera leo).
 - (19) Lynxes (Lynx).
 - (20) Monkeys, old world (Cercopithecidae).
 - (21) Ostriches (Struthio).
 - (22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
 - (23) Rhinoceroses (Rhinocero tidae).
 - (24) Sharks (class Chondrichthyes).
 - (25) Snow leopards (Panthera uncia).
 - (26) Tigers (Panthera tigris).
 - (27) Wolves (Canis lupus).
 - (28) Poisonous insects.
- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:

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

Sec. 7-1-13 Licensing of Dogs and Cats; Regulation of Animals

- old*
- (1) Their location conforms to the provisions of the zoning ordinance of the Village.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) Animals are maintained in quarters so constructed as to prevent their escape.
 - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.
 - (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 [more than two (2)] or rabbits [more than two (2)]. For purposes of this Subsection, the term "swine" shall not include any miniature pigs of either sex weighing less than eighty (80) pounds which are intended for and kept as domestic pets.

SEC. 7-1-14 SALE OF RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b)
 - (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
 - (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Sec. 948.11, Wis. Stats.

SEC. 7-1-15 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Sec. 948.13, Wis. Stats.

SEC. 7-1-16 PROVIDING PROPER SHELTER.

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
 - (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
 - (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
 - (1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - (2) Shelter from inclement weather.
 - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
 - (1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - (2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Sec. 948.14, Wis. Stats.

SEC. 7-1-17 NEGLECTED OR ABANDONED ANIMALS.

- (a) **Neglected or Abandoned Animals.**
 - (1) No person may abandon any animal.
 - (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person,

POOLED CHECKING ACCOUNT

Accounting Checks

Posted From: 3/26/2018 From Account:
Thru: 4/08/2018 Thru Account:

Check Nbr	Check Date	Payee	Amount
XCEL	3/30/2018	XCEL ENERGY	5,549.13
74614	3/30/2018	24-7 TELCOM	44.90
74615	3/30/2018	ASPEN MILLS	184.11
74616	3/30/2018	BOBCAT PRO	800.00
74617	3/30/2018	BOUND TREE MEDICAL, LLC	202.82
74618	3/30/2018	CAPP (COLFAX AFTER PROM PARTY)	50.00
74619	3/30/2018	CENTURY LINK	104.58
74620	3/30/2018	CHICAGO DISTRIBUTION CENTER	35.26
74621	3/30/2018	CITY OF EAU CLAIRE FIRE & RESC	248.25
74622	3/30/2018	COLFAX YOUTH BALL	233.47
74623	3/30/2018	COMMAND CENTRAL	44.50
74624	3/30/2018	DARLEY FIRE EQUIPMENT DIVISION	1,136.39
74625	3/30/2018	DEPARTMENT OF PUBLIC INSTRUCTION	200.00
74626	3/30/2018	DONALD KNUTSON	19.99
74627	3/30/2018	DUNN COUNTY FIRE CHIEFS ASSOCIATION	50.00
74628	3/30/2018	E.O. JOHNSON	135.00
74629	3/30/2018	EAU CLAIRE PARKS & REC	27.47
74630	3/30/2018	ENERGENECS	3,116.63
74631	3/30/2018	ERLA, INC	286.10
74632	3/30/2018	FRIENDS OF MENOMONIE RECREATION FOUNDATION	73.83
74633	3/30/2018	GALLS, LLC	43.73
74634	3/30/2018	H & H PLUMBING	84.40
74635	3/30/2018	HUEBSCH	262.76
74636	3/30/2018	HYDROCORP	496.00
74637	3/30/2018	JOLENE ALBRICHT	61.42
74638	3/30/2018	KYLE & CAITLIN DIERICH	50.00
74639	3/30/2018	LISA BRAGG-HURLBURT	65.40
74640	3/30/2018	MENARDS-EAU CLAIRE	21.44
74641	3/30/2018	MID-AMERICAN RESEARCH CHEMICAL	361.44
74642	3/30/2018	MORGEN'S AUTO BODY	195.00
74643	3/30/2018	PETTY CASH	6.20
74644	3/30/2018	QUILL CORP.	107.38
74645	3/30/2018	R & R WASTE SYSTEMS CLEANING	300.00

POOLED CHECKING ACCOUNT

Accounting Checks

Posted From: 3/26/2018 From Account:
Thru: 4/08/2018 Thru Account:

Check Nbr	Check Date	Payee	Amount
74646	3/30/2018	REGISTRATION FEE TRUST	5.00
74647	3/30/2018	SHEILA RIEMER	65.40
74648	3/30/2018	VILLAGE OF ELK MOUND	25.74
74649	3/30/2018	WELD RILEY	208.00
74650	3/30/2018	WRWA	428.82
74651	3/30/2018	ZEMPEL APPRAISAL SERVICE	1,004.02
74652	4/03/2018	CAFE II COFFEE SHOP & BAKERY	47.50
74653	4/03/2018	A LITTLE SLICE OF ITALY	23.00
AFLAC	3/28/2018	AFLAC	421.02
EFTPS	4/05/2018	EFTPS-FEDERAL-SS-MEDICARE	5,871.14
WIDOR	4/05/2018	WI DEPARTMENT OF REVENUE	1,075.69
WIDOR	4/04/2018	WI DEPARTMENT OF REVENUE	300.00
WIETF	3/29/2018	WI DEPT OF EMPLOYEE TRUST FUNDS	5,378.00
CHARTER	3/28/2018	CHARTER COMMUNICATIONS	550.13
WIDCOMP	4/05/2018	WISCONSIN DEFERRED COMPENSATION	255.00
Grand Total			30,256.06

Administrator-Clerk-Treasurer
April 6, 2018

Police Vehicles – The truck is in the change-over process.

Water Bills – The April water bills went out. The bills included a form which will allow residents that pay their water bill quarterly to have it electronically withdrawn from their checking account for the next billing cycle.

Meter Project

The first two weeks of meter change out notices to set up appointments have gone out for April 10, 11, 12, 17, 18 and 19, 2018.

Election Updates

- April 3rd, 2018 voter turn-out was 26.15 percent which is a little higher than the average of 22.2%.
- Next election is August 14th, 2018.

A BIG THANK YOU to the election poll workers!!
The election went very well!