

**Village of Colfax**  
**Regular Board Meeting Agenda**  
**Monday, July 24<sup>th</sup>, 2023**  
**7:00 p.m.**  
**Village Hall, 613 Main Street, Colfax, WI 54730**

1. Call the Regular Board Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comments
5. Communications from the Village President
6. Consent Agenda
  - a. Regular Board Meeting Minutes – July 10<sup>th</sup>, 2023
  - b. Review Statement of Bills Pooled Checking–July 10<sup>th</sup>, 2023 to July 23<sup>rd</sup>, 2023
  - c. Review Statement of Bills Solid Waste & Recycling Checking- July 10<sup>th</sup>, 2023 to July 23<sup>rd</sup>, 2023
  - d. Training Request - none
  - e. Facility Rental – none
  - f. Licenses
    - i. Chicken License July 17, 2023 to June 30, 2024 – JoAnn Mayfield
7. Consideration Items
  - a. 2023-02 - No Parking Ordinance – Sec 10-1-29 and 2016-01 Amendment
    - i. High Street
    - ii. 5<sup>th</sup> Avenue
  - b. Fence Ordinance Review & Discussion – Possible action
8. Committee/Department Reports – (no action)
  - a. New Fiscal Bureau Municipal Distributions Funding Notice for 2024 and 2025
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 M. Niggemann - Clerk-Treasurer, 613 Main Street, Colfax, WI (715) 962-3311 by 2:00 p.m. the day 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 – July 10<sup>th</sup>, 2023**

On July 10<sup>th</sup>, 2023, the Village Board met at the Village Hall, 613 Main Street, Colfax, WI at 7:00 p.m. Members present: Trustees Burcham, Davis, Rud, Jenson, Stene, Best and Prince. Others present included Lawrence Phillips, Tim & Heather Irwin from Wheeler, Mary Jo Bowe and Jason Huebner with Edina Realty, Mark & Nancy Moueldoux, Sheila Riemer-Deputy Clerk-Treasurer, Police Chief Anderson, Public Works Director Bates, Administrator-Clerk-Treasurer Niggemann and LeAnn Ralph with the Messenger requested the audio.

**Public Comments** – Mr. Moueldoux had some suggestions for crosswalks which included additional light up signs at the three intersections in downtown Main Street or signs that could be moved into the street daily. Bowe commented that she was at the meeting to discuss 619 Main Street in regards to the public access/parking to the property and also mentioned that they did a quick search to see what they could come up with, but an in-depth search would be required.

**Communications by the Village President** – Prince wanted to recognize and send his sympathies to Morgen’s Auto Body for the significant loss due to fire this afternoon as the business has been a staple in the Village of Colfax for greater than fifty years.

### **Consent Agenda**

**Regular Board Meeting Minutes –June 26<sup>th</sup>, 2023**

**Review Statement of Bills –June 26<sup>th</sup>, 2023 to July 9<sup>th</sup>, 2023**

**Review Statement of Bills Solid Waste & Recycling Checking – June 26<sup>th</sup>, 2023 to July 9<sup>th</sup>, 2023**

**Training Request** – none

**Facility Rental** - none

**Licenses- Chicken License July 1, 2023 to June 30, 2024 – Pamela Moen**

**Operator’s Licenses – July 10<sup>th</sup> 2023 to June 30<sup>th</sup>, 2024- Tori Wilson -Synergy Co-op/ Emily Rubenzer – The Blind Tiger/ Andrew Anderson – The Blind Tiger/ Elizabeth Affolter – The Blind Tiger/ Bridgette Lenz – A Little Slice of Italy/ Michael Buchner – Colfax Firefighters /Lisa Kurbanov – Synergy Co-op**

A motion was made by Trustee Stene and seconded by Trustee Burcham to approve the consent agenda items 6a to 6f ii which includes the Regular Board Meeting Minutes for June 26<sup>th</sup>, 2023, the Regular Bills and the Solid Waste & Recycling Bills for June 26<sup>th</sup>, 2023 to July 9<sup>th</sup>, 2023, Chicken License for Pamela Moen through June 30, 2024, Operator’s Licenses for July 10<sup>th</sup>, 2023 to June 30<sup>th</sup>, 2024 for Tori Wilson -Synergy Co-op/ Emily Rubenzer – The Blind Tiger/ Andrew Anderson – The Blind Tiger/ Elizabeth Affolter – The Blind Tiger/ Bridgette Lenz – A Little Slice of Italy/ Michael Buchner – Colfax Firefighters /Lisa Kurbanov – Synergy Co-op. A voice vote was taken with all members voting in favor. Motion carried.

**License Transient Merchant – Linus Jobs-Eau Claire, WI – Kirby Vacuums-July 2023-September 2023**

A motion was made by Trustee Burcham and seconded by Trustee Stene to approve the Transient Merchant License for Linus Jobs, Eau Claire, WI – Kirby Vacuums for the term of July to September 2023. A voice vote was taken with all members voting in favor. Motion carried.

### **Consideration Items**

**Request for Sidewalk Assessment – Ellen Anderson-60% Property Owner -40% Village of Colfax** – Anderson sent a request asking the Village Board to approve a cost share for the replacement of her sidewalk. The Village has a sidewalk assessment indicating that the Board can consider reimbursement to the property owner 40% of the cost to replace their sidewalk. Anderson has a quote from Nellesen Concrete for \$4,885.00, Village portion would be \$1,954 and the property owner \$2,931. A motion was made by Trustee Jenson and seconded by Trustee Burcham to approve the reimbursement of 40% of the sidewalk replacement at approximately \$1,954. Stene wanted noted for the record that he is actually against charging property owners at all for sidewalk repairs and feels that the Village should pay 100 % of the costs. With the ordinance as it reads, he will be voting in favor of helping the property owner out. Voting For: Trustees Burcham, Davis, Rud, Jenson, Stene, Best and Prince. Voting Against: none. Motion carried.

**ZOR TIN Lizzies Donation Request** – Niggemann explained that 2019, 2021 and 2022 the Village donations respectively were \$50, \$50 and \$75, noting that due to COVID there was no fair in 2020. A motion was made by Trustee Stene and seconded by Trustee Rud to approve \$100 donation to the ZOR TIN Lizzies for the 2023 Fireman’s Ball Parade. Voting For: Trustees Best, Jenson, Stene, Rud, Davis, Burcham and Prince. Voting Against: none. Motion carried.

**Planning Commission Recommendations – June 29<sup>th</sup>, 2023**

- **Re-zone East View Development from Ag-1 to R-2 Lots 8 & 9, Ag-1 to R-6 Lots 10-12**
- **East View Development Sub-Division of Lots 10 & 11 to Lots 10, 11 & 12**

A motion was made by Trustee Davis and seconded by Trustee Burcham to approve the Re-zone of East View Development from Ag-1 to R-2 for Lots 7, 8 & 9 and Lots 10, 11 & 12 from Ag-1 to R-6 as well as sub-divide Lots 10 and 11 to Lots 10, 11 & 12. Voting For: Trustees Best, Stene, Davis, Rud, Burcham, Jenson and Prince. Voting Against: none. Motion carried.

**Planning Commission Recommendations – June 29<sup>th</sup>, 2023 - Recommend to not re-zone 619 Main Street from B-2 to R-3 / 619 Main Street Discussion – Possible Consideration** – These two topics were discussed together. Chief Anderson indicated that he felt that 619 Main Street would be a great purchase to allow the Village offices to have more space and accommodate the library request for more space. The Police office and Village offices could possibly move into 619 Main Street, allowing the library to expand into other areas and there would be a garage for the police vehicles. By moving the vehicles, that Public Works would have more space.

Further discussions regarding the Planning Commission recommendation to not re-zone 619 Main Street from B-2 to R-3 was based on the parking concerns expressed by the adjoining property owner, the Village ordinance parking requirements, it is preferred to keep the space business and it was noted that the access to the garage/property needs to be confirmed.

Niggemann responded that the item could be put on hold if they wanted to do some more discussions in the future. Jenson indicated that she would love to have discussions about the future, but timewise, she does not feel it is applicable right now, Prince agreed. It was recommended that Phillips should get the property surveyed to resolve the garage/property access.

A motion was made by Trustee Jenson and seconded by Trustee Burcham to not re-zone 619 Main Street from B-2 to R-3. Voting For: Trustees Davis, Rud, Burcham, Jenson, Best, Stene and Prince. Voting Against: none. Motion carried.

The 619 Main Street Discussion – No action taken.

**Adjourn** – A motion was made by Trustee Burcham and seconded by Trustee Rud to adjourn the meeting at 7:49 p.m. A voice vote was taken with all members voting in favor. Meeting Adjourned.

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Jeff Prince, Village President

Attest:

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Lynn Niggemann  
Administrator-Clerk-Treasurer

## POOLED CHECKING ACCOUNT

## Accounting Checks

Posted From: 7/10/2023 From Account:  
Thru: 7/23/2023 Thru Account:

Check Nbr	Check Date	Payee	Amount
RAM	7/10/2023	RAM SOFTWARE	257.50
79023	7/17/2023	AMAZON CAPITAL SERVICES	1,583.47
79024	7/17/2023	ARAMARK UNIFORM SERVICE, INC	127.24
79025	7/17/2023	BOUND TREE MEDICAL, LLC	1,742.84
79026	7/17/2023	CARLTON DEWITT	636.10
79027	7/17/2023	CLOUD PCR LLC	762.16
79028	7/17/2023	COMMERCIAL TESTING LAB	309.50
79029	7/17/2023	CRAMER CONSULTING, LLC	250.00
79030	7/17/2023	CREATIVE PRODUCT SOURCE INC	245.56
79031	7/17/2023	DALCO ENTERPRISES	42.60
79032	7/17/2023	DONALD KNUTSON	99.15
79033	7/17/2023	DUNN COUNTY NEWS	108.99
79034	7/17/2023	DUNN ENERGY COOPERATIVE	103.00
79035	7/17/2023	EXPRESS MART	6.85
79036	7/17/2023	FARRELL EQUIPMENT & SUPPLY CO.	1,149.50
79037	7/17/2023	GEORGE ENTZMINGER	100.00
79038	7/17/2023	GOTO COMMUNICATIONS INC	75.61
79039	7/17/2023	HAWKINS, INC.	1,609.85
79040	7/17/2023	HENRY SCHEIN	859.22
79041	7/17/2023	HUEBSCH LAUNDRY CO	163.28
79042	7/17/2023	HYDROCORP	453.00
79043	7/17/2023	KYLES MARKET	17.40
79044	7/17/2023	LYNN NIGGEMANN	8.13
79045	7/17/2023	MODERN MARKETING	185.27
79046	7/17/2023	OFFICE DEPOT BUSINESS SOLUTIONS	49.55
79047	7/17/2023	ONE SOURCE IMAGING	409.94
79048	7/17/2023	PRINCE'S WINDSHIELD REPAIR & SERVICE	60.00
79049	7/17/2023	SCARLETT DELION	21.09
79050	7/17/2023	SNAKE DISCOVERY LLC	290.00
79051	7/17/2023	STAGE DOOR UNLOCKED, LLC	350.00
79052	7/17/2023	SYNERGY COOPERATIVE	1,835.29
79053	7/17/2023	VIKING DISPOSAL, INC	1,723.00
79054	7/17/2023	VILLAGE OF COLFAX	871.92

## POOLED CHECKING ACCOUNT

## Accounting Checks

Posted From: 7/10/2023 From Account:  
Thru: 7/23/2023 Thru Account:

Check Nbr	Check Date	Payee	Amount
79055	7/17/2023	WATER CARE SERVICES	31.50
79056	7/17/2023	WI STATE LABORATORY OF HYGIENE	900.00
79057	7/17/2023	ZEMPEL APPRAISAL SERVICE	900.00
79058	7/17/2023	ZOLL MEDICAL CORP	1,196.00
79059	7/17/2023	ZOR TIN LIZZY	100.00
79060	7/17/2023	VILLAGE OF COLFAX R.U.	8,354.86
79061	7/17/2023	DEBRA GILSTER	202.70
79062	7/17/2023	KYLE KNOTZ	702.16
EFTPS	7/20/2023	EFTPS-FEDERAL-SS-MEDICARE	6,739.52
WIDOR	7/20/2023	WI DEPARTMENT OF REVENUE	1,005.70
WIETF	7/21/2023	WI DEPT OF EMPLOYEE TRUST FUNDS	7,275.22
BREMER	7/10/2023	CARDMEMBER SERVICE	462.54
WIDCOMP	7/20/2023	WISCONSIN DEFERRED COMPENSATION	260.00
TRIZETTO	7/17/2023	TRIZETTO	52.50
UNEMPLOY	7/12/2023	UNEMPLOYMENT INSURANCE	129.41
WEENERGIES	7/20/2023	WE ENERGIES	32.69
WEENERGIES	7/20/2023	WE ENERGIES	10.89
		Grand Total	44,862.70

7/20/2023 9:13 AM

Reprint Check Register - Quick Report - ALL

Page: 1  
ACCT

SOLID WASTE & RECYCLING RU

Accounting Checks

Posted From: 7/10/2023 From Account:  
Thru: 7/23/2023 Thru Account:

Check Nbr	Check Date	Payee	Amount
1270	7/17/2023	DUNN ENERGY COOPERATIVE	132.00
1271	7/17/2023	FIRST CHOICE	828.30
1272	7/17/2023	JOHNSON ROLL-OFF SERVICE, LLC	16,137.70
1273	7/17/2023	KYLES MARKET	9.98
1274	7/17/2023	LIBERTY TIRE SERVICES LLC	386.71
		Grand Total	17,494.69

# Village of Colfax

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

July 1, 2023 to June 30, 2024

**License Application for  
Keeping Domesticated Chickens  
\$10.00 (non-refundable application fee)**

(please print)

1. Name of Applicant JoAnn Mayfield
2. Address 204 Viking Dr Colfax
3. Phone 715-556-5143
4. Parcel Number \_\_\_\_\_
5. Number of female chickens (maximum 10) 6
6. Application (circle one)                      New                      Renewal

In submitting this application, I hereby agree to comply with the regulations imposed by the Village of Colfax Code of Ordinances. I understand the information requested on this form will be used by the Village of Colfax in the issuance of a license or processing of a renewal application. I understand the information supplied on this form will become public information when received by the Village of Colfax. I have no intention or agreement to transfer the license to another person or to allow any other entity to operate under the authority of the license. I hereby affirm that the foregoing statements are true and correct to the best of my knowledge and that I agree to comply with all the provisions of the Ordinance under which this license is granted.

JoAnn Mayfield  
Signature of Applicant

7-19-23  
Date

Office use only

7-19-23 Date Application Received

\_\_\_\_\_  
Date Board Reviewed Application  
Approved / Denied  
License Number

**2023-02 ORDINANCE AMENDMENT – SEC. 10-1-29**

**AN ORDINANCE REGARDING PARKING LIMITS AND NO PARKING AREAS.**

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

SECTION 1. Section 10-1-29 of the Code of Ordinances of the Village of Colfax, Wisconsin, is hereby amended to update 10-1-29 (d) and 2016-01 ORDINANCE AMENDMENT.

**Sec 10-1-29 (d) NO PARKING**

(1) South side of 5<sup>th</sup> Avenue from Park Drive to Hwy 40.

(2) North and South side of High Street from the No Parking sign to Birch Street; approximately 135 feet from September 1 to June 1, 7 am to 4 pm, Monday through Friday.

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

Adopted: 7/24/2023

Published: 8/2/2023

\_\_\_\_\_  
Village President

\_\_\_\_\_  
Village Clerk



NO PARKING AREA – High Street



From Birch St look west down High Street



South side of High Street looking east towards Birch



North side of High Street looking east toward Birch



South side of High Street looking east towards Birch



South side of High Street looking south at 506 High St.



South side of High Street at area between 508 and 506 High St.





North side of High St. looking between 505 & 509 High St.



North side of High Street looking towards Birch St.



NO PARKING AREA – 5<sup>th</sup> Avenue



Hwy 40 looking east towards Park Ave.



Looking towards Hwy 40



Intersection of Park and 5<sup>th</sup> Ave.



From Dollar General driveway towards Park Dr.

History

**2016-2 ORDINANCE AMENDMENT – SEC. 10-1-29 (a)**

**AN ORDINANCE REGARDING PARKING LIMITS AND NO PARKING AREAS.**

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

SECTION 1. Section 10-1-29 of the Code of Ordinances of the Village of Colfax, Wisconsin, is hereby retracted and repealed as follows:

**Sec 10-1-29 (a) PARKING LIMITS.** When signs or parking meters are erected in any block giving notice thereof, no person shall park a vehicle for longer than the period hereinafter specified at any time between the hours of 8:00 a.m. and 6:00 p.m. except Sunday and holidays.

(1) Two (2) hour parking limit on Main Street or State Truck Highway 40 between Third Avenue and University Ave.

(2) Two (2) hour parking limit on the south side of River Street between Highway 40/Main Street and the alley to the east of property at 310 River Street.

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

Village of Colfax

Adopted July 25, 2016  
Published August 3, 2016

Lynn M. Niggemann  
Administrator-Clerk-Treasurer



FYI

**SEC. 10-1-27 STREET MAINTENANCE PARKING RESTRICTIONS.**

- (a) Between November 1 and May 1, and the hours of 3:00 a.m. to 6:00 a.m., when snowfall exceeds two (2) inches, parking shall only be allowed on the south and east side of streets on even-numbered days.
- (b) Between November 1 and May 1, and the hours of 3:00 a.m. and 6:00 a.m., when snowfall exceeds two (2) inches, parking shall only be allowed on the north and west side of streets on odd-numbered days.
- (c) Throughout the year and the hours of 3:00 a.m. and 6:00 a.m., no parking shall be allowed on Main Street.
- (d) Throughout the year and the hours of 3:00 a.m. and 6:00 a.m., no parking shall be allowed on River Street between Pine Street and Cedar Street.

**SEC. 10-1-28 PARKING OF VEHICLES OVER 12,000 POUNDS OR 22 FEET RESTRICTED.**

- (a) **Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus, recreation vehicle, camping/recreational use camper, or combination of vehicles weighing in excess of twelve thousand (12,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extensions), or having a height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, or public way in the Village of Colfax for a continuous period exceeding three (3) hours. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, public way or private property in the Village for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones.
- (b) **Exceptions.** Any municipal vehicle or public works equipment is excepted from the provisions of Subsection (a) above.
- (c) **Bus Parking.** No operator of a school bus or other bus, regardless of its size, shall park such vehicle in any residential district -- on the street, on a lawn, in the alley, in a driveway or anywhere else -- except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, except that school buses may park at any school when required.
- (d) **Removal.** Any vehicle unlawfully parked under Subsection (a) or (b) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-32, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

**SEC. 10-1-29 PARKING LIMITS AND NO PARKING AREAS.**

When signs or parking meters are erected in any block giving notice thereof, no person shall park a vehicle for longer than the period hereinafter specified upon the following streets or portions of streets:

? NO PARKING AREAS  
List

- (a) **Parking Limits.** When signs or parking meters are erected in any block giving notice thereof, no person shall park a vehicle for longer than the period hereinafter specified at any time between the hours of 8:00 a.m. and 6:00 p.m. except Sundays and holidays.
  - (1) Two (2) hour parking limit on Main Street or State Trunk Highway 40 between Third Avenue and University Street.
- (b) **Parking For the Handicapped.** No motor vehicle except those operated by handicapped drivers and appropriately designed as provided in Sec. 341.14(1)(1a) (1m) and (1q), Wis. Stats., shall park at any of the following locations when official signs are in place:
  - (1) Main Street, 600 Block, west side, directly in front of the main entrance to the Municipal Building.
  - (2) East River Street, 400 Block, south side, first parking place from Main Street.
  - (3) West Railroad Avenue (County Highway BB), 500 Block, between Cedar Street and Maple Street, north side, first two (2) parking places east of the north bound alley, adjacent to the United Methodist Church.
  - (4) East River Street, 600 Block, first two (2) parking places east of the intersection with Balsam Street on the north side, adjacent to the Colfax Lutheran Church.
  - (5) North Main Street (State Highway 40), 600 Block, between River Street and First Avenue, adjacent to 610 Main Street, first parking place south of First Avenue.
  - (6) East River Street, 400 Block, north side, first parking place from Main Street.
  - (7) East River Street, 300 Block, north side, first parking place from Main Street.
  - (8) East River Street, 300 Block, south side, first parking place east of alley between Main Street and Cedar Street.
- (c) **Stopping, Standing or Parking Restricted on East 1st Avenue.** On East 1st Avenue, from Main Street (State Trunk Highway 40), to the east for one-half block, to the alley, there shall be no stopping, standing or parking allowed on the south side of the street; and on the north side of the street in this same area there shall be no stopping, standing or parking, excepting that delivery trucks may temporarily stop, or stand for the sole purpose of delivery or pick-up; and on East 1st Avenue, from Pine Street, west to the alley, there shall be no stopping, standing or parking on the north side of the street.

(d)

**SEC. 10-1-30 UNLAWFUL REMOVAL OF PARKING CITATIONS.**

No person other than the owner or operator thereof shall remove a Village parking citation from a motor vehicle.

**SEC. 10-1-31 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS.**

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular



**ARTICLEK**

Accessory Uses and Structures; Fences

**SEC. 13-1-140 ACCESSORY USES OR STRUCTURES.**

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions.** Residential accessory buildings which are not a part of the main building shall comply with the following height and setback requirements. They are not permitted in the front yard. Accessory buildings and structures such as storage buildings, garages, swimming pools, heating-air conditioning equipment and wind and solar energy conversion equipment, provided such buildings, structures or equipment are permitted as follows:
  - (1) In the aggregate, shall not occupy more than thirty-five percent (35%) of any required rear yard areas.
  - (2) Shall be located no closer than three (3) feet from any part of any other building or structure.
  - (3) Shall comply with all applicable Village setback requirements for principal structures.
- (c) **Use Restrictions - Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.
- (d) **Placement Restrictions - Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three (3) feet to any side or rear lot line.
- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
  - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
  - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
  - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.

- (i) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but no closer than three (3) to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed three (3) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (l) **Agricultural Structures.** Agricultural structures such as barns, silos and wind-mills shall not exceed in height twice their distance from the nearest lot line.

**SEC. 13-1-141 OUTSIDE STORAGE OF FIREWOOD.**

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within fifteen (15) days and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than thirty percent (30%) of the side and rear yard may be used for storage of firewood at any one (1) time.

**SEC. 13-1-142 FENCES.**

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) **Fences Categorized.** Fences shall be categorized into four (4) classifications:
  - (1) Boundary Fence. A fence placed on or within three (3) feet of the property lines of adjacent properties.
  - (2) Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
  - (3) Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or the landscape.

*maintenance of ?*



Materials - variance requests for coated woven fences

- (4) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) **Height of Fences Regulated.**
  - (1) A fence or wall may be erected, placed or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level and be no closer than three (3) feet to a public right-of-way, except that no such fence or wall which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.
  - (2) No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
  - (3) No woven, twisted, welded or interlaced wire fence shall be located in a Residential District, unless such fencing is ornamental in character.
  - (4) No wood-slat snow fence shall be permitted in a Residential District.
- (d) **Setback for Residential Fences.** New fences adjacent to a residential property are permitted adjacent lot lines. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines. Fence owners are solely responsible for erecting their fence within their legal property boundaries.
- (e) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (f) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (g) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (i) **Nonconforming Fences.** Any fence existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.

SEC. 13-1-143 SWIMMING POOLS.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the

- owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. The regulations herein shall also be applicable to hot tubs.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
  - (c) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
    - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
    - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
    - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village Ordinances regulating electrical installations.
  - (d) **Setbacks and Other Requirements.**
    - (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
    - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than six (6) feet from any lot line.
  - (e) **Location.** Swimming pools constructed in Residential Districts shall be located on the same lot as, and in either the rear or the side yard of, a principal building; however, they shall not be constructed in the front yard or in a required corner side yard in such districts. Swimming pools either open or enclosed shall be considered the same as accessory buildings for purposes of calculating the maximum area they may occupy in a required rear yard.
  - (f) **Fence.**
    - (1) Pools whether in-ground or above-ground, within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than six (6) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. The fence material shall be a cyclone type fence, vertical slats, or other members built to discourage or impede climbing; all areas adjacent or near the fence shall be cleared of material

which might be used for climbing purposes. Gates or doors shall be kept locked while the pool is not in actual use. All gates or door openings or other means of access into such swimming pool shall be self-closing and self-latching and shall be at least thirty-six (36) inches in height with latches placed in such a manner that they can only be operated from the inside of the enclosure if they are less than forty-eight (48) inches above the ground level, or shall employ such other safe means of securing access that such pool shall be inaccessible to a child under ten (10) years of age when such swimming pool is not in actual use or attended.

- (2) Barriers of metal, wood, hard plastic, canvas or other durable material designed and employed to prevent use of, or entry into, the pool (rather than to control heat loss or keep out dirt or insects) shall be acceptable guarding for a pool if the same can be locked or secured to prevent such entry or use.
  - (3) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top or where the sidewalls are a minimum of thirty-six (36) inches high and pool ladders can be secured when not in use.
- (g) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Building Inspector. In all cases where a private swimming pool is to be constructed on premises served by a private sewage disposal system approval of the State Board of Health shall be necessary before the construction of any such pool may commence.
- (h) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (i) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- (j) **Safety Devices.** Every swimming pool which has a capacity for water exceeding four (4) feet in depth at any point, shall be equipped with a reasonable number of life preservers and/or other safety devices.

**SEC. 13-1-144 THROUGH SEC. 13-1-149 RESERVED FOR FUTURE USE.**





Black coated woven fence

## **New Fiscal Bureau Municipal Distributions Released**

This afternoon the Legislative Fiscal Bureau released an updated distribution list for counties and municipalities based on Act 12 (Shared Revenue and Local Government Funding Reform) and Act 19 (2023–2025 Biennial Budget). The updated memo retains the previous amounts itemized by the Legislature's fiscal agency, however, this document provides an estimation for amounts that can be anticipated as the sales tax projections are attached to existing and supplemental shared revenue payments for 2025–2026.

In 2024 (2024–25), Act 19 provides \$206.9 million to municipalities and \$68.0 million to counties in supplemental aid, in addition to the existing county and municipal aid payment currently received by each local government.

For payments in 2025 (2025–26), and each year thereafter, **both** the annual supplemental county and municipal aid payments **and** the existing county and municipal aid payments will increase by the percentage change in state sales and use tax revenues in the prior state fiscal year over the preceding state fiscal year.

DOR is required to provide each county and municipality with an estimate of the amount they will receive from both the existing and supplemental county and municipal aid programs (as well as utility aid and expenditure restraint program aid) by September 15th of the calendar year prior to the year the payments are distributed. Therefore, the percentage increase in this memo may change before DOR provides the final estimate.

