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# Chapter 1 - General Provisions

## SEC. 1.01 TITLE, EFFECTIVE DATE, CITATION FORMAT, JURISDICTION.

(1) **Title.** These collected Ordinances shall be known and referred to as the "Columbia County Code of Ordinances."

(2) **Effective Date.**

(a) **Code.** The Columbia County Code of Ordinances shall take effect as provided by state law.

(b) **Subsequent Ordinances.** All Ordinances passed by the Columbia County Board of Supervisors subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

(3) **Citation Format.** References to the Code of Ordinances shall be cited as follows: "Columbia County, Wisconsin, Code of Ordinances § 1.01(2)".

(4) **Jurisdiction.** Unless otherwise provided in this Code, this Code applies to acts performed within the limits of Columbia County.

## SEC. 1.02 DEFINITIONS AND PRINCIPLES OF CONSTRUCTION.

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances, unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

(1) **Acts by Agents.** When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.

(2) **Code, Code of Ordinances, and Ordinances.** The words "Code," "Code of Ordinances," and "Ordinances," when used in any section of this Code shall refer to this Columbia County Code of Ordinances, unless the context of the section clearly indicates otherwise.

(3) **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances shall be defined by State law, which as of the date of this publishing is Wis. Stats. § 990.001(4).

(4) **County.** The term "County" shall mean County of Columbia, Wisconsin.

(5) **County Board.** The term "County Board" shall mean and refer to the County Board of Supervisors of Columbia County.

(6) **Fine.** The term "fine" shall be the equivalent of the word "forfeiture".

(7) **Gender.** Words importing one gender extend and may be applied to any gender.

(8) **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.

(9) **May.** The term "may" is permissive.

(10) **Number.** Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referring to a plural number shall also be construed to apply to one (l) person or thing.

(11) **Officers, employees, boards, committees.** Whenever a reference is made to officers, employees, boards, committees, etc., it shall mean and refer to those of Columbia County.

(12) **Person.** Any natural individual, firm, partnership, corporation, company, association, club, joint venture, estate, trust or any group or combination acting as a unit and the individuals constituting such group or unit; and the plural as well as the singular number; and the masculine gender includes the feminine and neuter genders; unless the intention to give more limited meaning is disclosed by the context. As applied to partnerships, the word person includes the members of the partnership; as applied for the act referred to.

(13) **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.

(14) **Shall.** The term "shall" is mandatory and not discretionary.

(15) **State.** Whenever the term "State" is used, it shall mean the State of Wisconsin.

(16) **Tenses.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

(17) **Wisconsin Statutes.** All references to "Wisconsin Statutes" or its abbreviation "Wis. Stats." shall mean the current edition of the Wisconsin Statutes, including the most recent session.

(18) **Wisconsin Administrative Code.** All references to "Wisconsin Administrative Code" or its abbreviation "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

## SEC. 1.03 REPEAL OF ORDINANCES.

(1) All public and general ordinances or parts not included in this code are repealed except ordinances granting franchises or rights to persons or corporations, and extensions and limitations of such rights, and ordinances making appropriations for public expenditures or establishing salaries, and ordinances authorizing contracts or the issuance of bonds, and ordinances relating to the establishment, dedication, opening, width, grade, improvement, altering, or vacating of any highways, parks, or public grounds.

(2) The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of this repeal are not affected by this repeal, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been affected.

## SEC. 1.04 ORDINANCES REPEALED NOT REENACTED.

No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby.

## SEC. 1.05 CONTINUATION OF EXISTING ORDINANCES.

The provisions of this Code, insofar as they are substantially the same legislation previously adopted by the county relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

## SEC. 1.06 CONFLICT OF PROVISIONS.

(1) If the provisions of different chapters of this Code conflict with, or contravene each other, the provisions of each individual chapter shall control as to all issues and questions arising out of the events and persons intended to be governed by that chapter.

(2) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

(3) To the extent that the provisions of this Code of Ordinances conflict with the Wisconsin Statutes or federal regulations, said statutes and regulations shall control.

## SEC. 1.07 SEPARABILITY OF PROVISIONS.

Each section, paragraph, sentence, clause, and provision of this code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code, nor any part thereof other than that affected by such decision.

## SEC. 1.08 COUNTY CLERK TO MAINTAIN COPIES OF DOCUMENTS INCORPORATED BY REFERENCE.

Whenever in this Code any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the County Clerk shall maintain in their office a copy of any such material as adopted and as amended from time to time. Materials on file at the County Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the County Clerk, subject to such restrictions on examination as the County Clerk imposes for the preservation of the material.

## SEC. 1.09 GENERAL PENALTY.

Except as otherwise provided, any person who shall violate any of the provision of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(1) **First Offense.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-Five Dollars ($25.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

(2) **Second Offense.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than Fifty Dollars ($50.00) nor more than Five Thousand Dollars ($5,000.00) for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

(3) **Continued Violations.** Each act of violation and every day upon which a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code of Ordinances.

(4) **Amendments.** In case of any amendment of or addition to any section or chapter of this Code the penalty provided for the violation of such title, section, or chapter, shall also relate to the amendment or addition, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed or amended therein.

(5) **Reference to Sections.** Reference to any section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

## SEC. 1.10 CITATIONS – METHOD OF ENFORCEMENT.

(1) **Purpose and Authorization.** Citations may be issued for violations of this Code, including those for which a statutory counterpart exists. This section is created pursuant to Wis. Stats. § 66.0113(1)(a).

(2) **Citation Format.** The citation used pursuant to this Chapter shall substantially conform to Wis. Stats. § 66.0113(1)(b). Each agency authorized to issue these citations shall be responsible for their acquisition, distribution, issuance, and the final disposition of actions resulting therefrom.

(3) **Schedule of Cash Deposits.** The attached schedule of cash deposits, as amended from time to time, is hereby incorporated as if fully set forth herein and any person issued a citation for violations of any provision listed in said schedule shall be required to submit the amount provided therein for that offense to the Columbia County Clerk of Courts, Courthouse, Portage, Wisconsin, or a personal appearance shall be required at the time and date shown on said citation. The amount of the cash deposit shall include the penalty assessment imposed by Wis. Stats. § 165.87, the jail assessment imposed by Wis. Stats. § 53.47(1), the automation fee imposed by Wis. Stats. § 814.635, and court costs imposed by Wis. Stats. § 814.63.

(4) **Persons Authorized to Issue Citations.**

(a) Citations authorized under this section may be issued by law enforcement officers.

(b) In addition, the County Board of Supervisors may designate, by ordinance or resolution, other county, town, city, village, town sanitary district, or public inland lake protection and rehabilitation district officials who may issue citations with respect to ordinances which are directly related to the official responsibilities of the officials. Officials granted the authority to issue citations may delegate, with the approval of the governing body, the authority to employees. Authority delegated to an official or employee shall be revoked in the same manner by which it was conferred.

(5) **Prosecution of Ordinance Violations.** Except as otherwise provided by law, the Columbia County District Attorney shall prosecute all alleged County Traffic actions and actions concerning violations of County Ordinances which are in conformity with state criminal laws and the courts of Columbia County.

(6) **Relationship to Other Laws.** The adoption and authorization for use of a citation under this Chapter shall not preclude the governing body from adapting any other ordinance or proving for the enforcement of any other law or ordinance related to the same or any other matter. The issuance of a citation under this Chapter shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Chapter.

## SEC. 1.11 BOND SCHEDULE ADOPTED.

The County Board does hereby adopt the Uniform County Bond Schedule for all violations listed in Chapters 14 and 15. For any violations of statutes listed in those chapters that are not covered by the Uniform County Bond Schedule, see Section 1.12.

## SEC. 1.12 SCHEDULE OF FORFEITURES AND CASH DEPOSITS.

(1) Pursuant to Wis. Stats. § 66.119 (1)(c), the following schedule of forfeitures is hereby established for violations of the stated County Ordinance for which a citation is issued under the authority of this Section. Any person issued a citation for violations of any provision listed in such schedule shall appear in court on the return date as indicated or may submit a cash deposit in the amount of the forfeiture, which shall include:

(a) The penalty surcharge imposed by Wis. Stats. § 757.05;

(b) The jail surcharge imposed by Wis. Stats. § 302.46 (1);

(c) The automation fee imposed by Wis. Stats. § 814.635;

(d) The court support fee imposed by Wis. Stats. § 814.634;

(e) The fees in forfeiture actions imposed by Wis. Stats. § 814.63;

(f) The domestic abuse assessment imposed by Wis. Stats. § 973.055 (1); and

(g) Any other fee or assessment imposed by the Wisconsin Statutes.

(2) Deposits may be made in cash, personal check, or money order and shall be paid to the Columbia County Clerk of Courts, Courthouse, 400 DeWitt Street, Portage, WI, 53901, or a personal appearance shall be required at the time and date shown on said citation. The officer or other authorized county employee who issues the citations may accept the deposit from the cited person but shall thereafter forward the deposit along with the citation to the Clerk of Courts. In all cases, an official who accepts a cash deposit shall issue a receipt therefore.

(3) If additional penalties or actions may be imposed on violators of the Code of Ordinances are listed in the text of the Section of the code being violated, an * appears after the forfeiture amount listed below.

(4) The forfeiture deposit amount listed below includes the additional assessment costs listed above, and is to apply for a first-time violation of the section to which it applies. If a forfeiture deposit is not listed, the amount to be charged for a first-time violation shall be determined by the individual authorized to issue the citation.

(5) The forfeiture deposit amount listed below can be increased up to the maximum forfeiture amount for any second or subsequent offense within a twelve (12) month period.

| SCHEDULE OF FORFITURES AND CASH DEPOSITS | | |
|---|---|---|
| **Ordinance Section** | **Minimum – Maximum Forfeiture** | **Deposit** |
| Section 2.07 – Harassment of County Board Supervisors | $250.00 - $1000.00 | $452.50 |
| Section 5.05 – Use of Grounds or County Office Buildings | $75.00 - $1000.00 | $232.00 |
| Section 9.07 – Highway Access Control | $125.00 - $1000.00 | $295.00 |
| Section 8.1802 - Recycling | $75.00 - $1000.00 | $232.00 |
| Section 8.1803 – Hazardous Solid Waste | $75.00 - $1000.00* | $232.00 |
| Section 10.08 – Human Health Hazard | $125.00 - $1000.00 | $295.00 |
| Section 11.07 – Enforcement and Penalties | $125.00 - $1000.00 | $295.00 |
| Chapter 12, Subchapter 100 – Columbia County Zoning | $125.00 - $1000.00 | $295.00 |
| Chapter 12, Subchapter 200 – Land Division and Subdivision | $125.00 - $1000.00 | $295.00 |
| Chapter 12, Subchapter 300 – Private Sewage Systems | $125.00 - $1000.00 | $295.00 |

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| Chapter 12, Subchapter 400 – Flood plain | $125.00 - $1000.00 | $295.00 |
| Chapter 12, Subchapter 500 – Shoreland and Wetland Protection | $125.00 - $1000.00 | $295.00 |
| Chapter 12, Subchapter 600 – Nonmetallic Mining Reclamation | $125.00 - $1000.00 | $295.00 |
| Chapter 14, references to Wis. Stats. Chapters 340-349 | Range shall be the same as provided in Wis. Stats. | Deposit amount is controlled by the Uniform County Bond Schedule |
| Section 14.201 – Parking Restrictions during Special Events or Street Maintenance | $90.00 - $1000.00 | $250.90 |
| Section 14.202 – Unlawful Removal of Parking Citations | $75.00 - $1000.00 | $232.00 |
| Section 14.203 – Removal of Illegally Parked Vehicles | $90.00 - $1000.00* | $250.90 |
| Section 14.301 – Disturbance of the Peace with a Motor Vehicle | $75.00 - $1000.00 | $232.00 |
| Section 14.302 – Motor Vehicles on Pedestrian Ways and Overpasses | $75.00 - $1000.00 | $232.00 |

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| Section 14.501 – Snowmobiles, Wis. Stats. §§ 350.01- 350.99 | Range shall be the same as provided in Wis. Stats. | Deposit amount is controlled by the Uniform County Bond Schedule |
| Section 14.502 – Snowmobiles, Wis. Stats. §§ 346.04 – 346.94(9) | Range shall be the same as provided in Wis. Stats. | Deposit amount is controlled by the Uniform County Bond Schedule |
| Section 14.601 – All-Terrain Vehicles and Off-Road Vehicle Operation | Range shall be the same as provided in Wis. Stats. | Deposit amount is controlled by the Uniform County Bond Schedule |
| Section 14.602 – Unauthorized Operation of Motor Vehicles on Public or Private Property | $90.00 - $1000.00 | $250.90 |
| Subsection 14.700 – Water Safety Regulations | $90.00 - $1000.00 | $250.90 |
| *Subsection 15.100 – State Statutes Adopted* | | |
| Section 15.101 (6) – Wis. Stats. § 118.09 - Safety Zones | $75.00 - $1000.00 | $232.00 |
| Section 15.101 (7) - Wis. Stats. § 118.10 - School Safety Patrols | N/A | N/A |
| Section 15.101 (8) - Wis. Stats. § 118.105 - Control of Traffic on School Premises | N/A | N/A |
| Section 15.101 (9) - Wis. Stats. § 118.11 - School Fences | $75.00 - $1000.00 | $232.00 |

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| Section 15.101 (10) - Wis. Stats. § 118.123 - Reports and Records; Forfeitures | $5 - $25 per offense | $143.80 |
| Section 15.101 (11) - Wis. Stats. § 118.163 - Municipal Truancy and School Dropout | Range shall be the same as provided in Wis. Stats. | $169.00 |
| Section 15.101 (14) - Wis. Stats. § 134.65 - Cigarette and Tobacco Products Retailer License | Wis. Stats. § 134.65(5)-(5m) | |
| Section 15.101 (15) - Wis. Stats. § 134.66 - Restrictions on Sale or Gift of Cigarettes or Tobacco Products | Wis. Stats. § 134.66(4) | |
| Section 15.101 (17) - Wis. Stats. § 175.25 - Storage of Junked Automobiles | $10 - $50 per offense | $150.10 |
| Section 15.101 (19) - Wis. Stats. § 939.05 - Parties to Crime | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (21) - Wis. Stats. § 940.19(1) - Battery | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (22) - Wis. Stats. § 940.20 – Battery: special circumstances | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (23) - Wis. Stats. § 940.203 – Battery or threat to an officer of the court or law enforcement officer | Range shall be the same as provided in Wis. Stats. | $767.50 |

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| Section 15.101 (24) - Wis. Stats. § 940.291 - Failure of a Police Officer to Render Aid | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (25) - Wis. Stats. § 941.01 – Negligent Operation of a Vehicle | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (26) - Wis. Stats. § 941.10 – Negligent Handling of Burning Materials | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (27) - Wis. Stats. § 941.12(2),(3) – Interfering with or Failing to Assist in Firefighting | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (28) - Wis. Stats. § 941.13 – False Alarms and Interference with Firefighting | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (29) - Wis. Stats. § 941.20(1)(a)-(d) – Endangering Safety by Use of a Dangerous Weapon | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (30) - Wis. Stats. § 941.23 – Carrying Concealed Weapon | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (31) - Wis. Stats. § 941.235 – Carrying a Firearm in a Public Building | Range shall be the same as provided in Wis. Stats. | $452.50 |

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| Section 15.101 (32) - Wis. Stats. § 941.237 – Carrying a Handgun where Alcohol Beverages may be Sold and Consumed | Range shall be the same as provided in Wis. Stats. | $389.50 |
| Section 15.101 (33) - Wis. Stats. § 941.35 - Emergency Telephone Calls | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (34) - Wis. Stats. § 941.36 – Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (35) - Wis. Stats. § 941.37(1), (2) – Obstructing Emergency or Rescue Personnel | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (36) -Wis. Stats. § 942.05 - Opening Letters | Range shall be the same as provided in Wis. Stats. | $169.00 |
| Section 15.101 (37) -Wis. Stats. § 942.10 – Use of a Drone | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (38) -Wis. Stats. § 943.01(1) – Criminal Damage to Property | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (39) -Wis. Stats. § 943.11 – Entry into Locked Vehicle | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (40) -Wis. Stats. § 943.125 – Entry into Locked Coin Box | Range shall be the same as provided in Wis. Stats. | $452.50 |

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| Section 15.101 (42) -Wis. Stats. § 943.14 – Criminal Trespass to Dwellings | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (43) -Wis. Stats. § 943.145 – Criminal Trespass to a Medical Facility | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (44) -Wis. Stats. § 943.15 – Entry into Locked Site | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (45) -Wis. Stats. § 943.20 – Theft of Property | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (47) -Wis. Stats. § 943.22 - Use of Cheating Tokens | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (48) - Wis. Stats. § 943.23(4), (5) - Operating Vehicle Without Owner's Consent | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (49) - Wis. Stats. § 943.24 – Issue of Worthless Checks | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (50) - Wis. Stats. § 943.34(1)(a) - Receiving Stolen Property | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (51) - Wis. Stats. § 943.37 – Alteration of Property Identification Marks | Range shall be the same as provided in Wis. Stats. | $452.50 |

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| Section 15.101 (52) - Wis. Stats. § 943.38(3) - Forgery | Range shall be the same as provided in Wis. Stats | $452.50 |
| Section 15.101 (53) - Wis. Stats. § 943.41 – Financial Transaction Card Crimes | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (54) -Wis. Stats. § 943.50 - Retail Theft | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (56) -Wis. Stats. § 943.75 - Unauthorized Release of Animals | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (57) - Wis. Stats. § 944.15 - Fornication | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (58) - Wis. Stats. § 944.17 – Sexual Gratification | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (59) - Wis. Stats. § 944.20 - Lewd and Lascivious Behavior | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (60) – Wis. Stats. § 944.21 – Obscene Material or Performance | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (61) – Wis. Stats. § 944.23 – Making Lewd, Obscene, or Indecent Drawings | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (62) – Wis. Stats. § 944.30 – Prostitution | Range shall be the same as provided in Wis. Stats. | $767.50 |

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| Section 15.101 (63) – Wis. Stats. § 944.31 – Patronizing Prostitutes | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (64) – Wis. Stats. § 944.33 – Pandering | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (65) – Wis. Stats. § 944.36 – Solicitation of Drinks Prohibited | Range shall be the same as provided in Wis. Stats. | $295.00 |
| Section 15.101 (67) – Wis. Stats. § 945.02 – Gambling | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (68) – Wis. Stats. § 945.04 – Permitting Premises to be used for Commercial Gambling | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (69) – Wis. Stats. § 946.40 – Refusing to Aid Officer | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (70) – Wis. Stats. § 946.41 – Resisting or Obstructing Officer | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (71) - Wis. Stats. § 946.42(2) – Escape | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (72) – Wis. Stats. § 946.46 – Encouraging Violation of Probation or Parole | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (73) - Wis. Stats. § 946.69 - Falsely Assuming to Act as Public Officer or Employee | Range shall be the same as provided in Wis. Stats. | $767.50 |

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| Section 15.101 (74) – Wis. Stats. § 946.70 – Impersonating Peace Officer | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (75) – Wis. Stats. § 946.72 – Tampering with Public Records and Notices | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (76) – Wis. Stats. § 947.01 – Disorderly Conduct | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (77) - Wis. Stats. § 947.012 - Unlawful Use of Telephone | Range shall be the same as provided in Wis. Stats. | $295.50 |
| Section 15.101 (78) – Wis. Stats. § 947.0125 – Unlawful Use of Computerized Communication Systems | Range shall be the same as provided in Wis. Stats. | $295.50 |
| Section 15.101 (80) – Wis. Stats. § 947.06 – Unlawful Assemblies and Their Suppression | Range shall be the same as provided in Wis. Stats. | $295.50 |
| Section 15.101 (82) – Wis. Stats. § 947.09 – Sexual Intercourse with a Child Age 16 or Older | Range shall be the same as provided in Wis. Stats. | $1397.50 |
| Section 15.101 (83) – Wis. Stats. § 948.10 – Exposing a Sex Organ | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (84) – Wis. Stats. § 948.11(2)(b) – Exposing a Child to Harmful Material | Range shall be the same as provided in Wis. Stats. | $2667.50 |

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| Section 15.101 (85) – Wis. Stats. § 948.21 – Neglecting a Child | Range shall be the same as provided in Wis. Stats. | $2667.50 |
| Section 15.101 (86) – Wis. Stats. § 948.40 – Contributing to the Delinquency of a Child | Range shall be the same as provided in Wis. Stats. | $1397.50 |
| Section 15.101 (87) – Wis. Stats. § 948.50 – Strip Search by a School Employee | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (88) – Wis. Stats. § 948.51(3)(a) – Hazing | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (89) – Wis. Stats. § 948.60 – Possession of a Dangerous Weapon by a Child | Range shall be the same as provided in Wis. Stats. | $2032.50 |
| Section 15.101 (90) – Wis. Stats. § 948.601(2)(a) – Dangerous Weapons other than Firearms on School Premises | Range shall be the same as provided in Wis. Stats. | $1397.50 |
| Section 15.101 (91) – Wis. Stats. § 948.63 – Receiving Property from a Child | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (94) – Wis. Stats. § 951.02 – Mistreating Animals | Range shall be the same as provided in Wis. Stats. | $1397.50 |
| Section 15.101 (95) – Wis. Stats. § 951.025 – Decompression Prohibited | Range shall be the same as provided in Wis. Stats. | $2032.50 |

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| Section 15.101 (96) – Wis. Stats. § 951.03 – Dognapping or Catnapping | Range shall be the same as provided in Wis. Stats. | $1397.50 |
| Section 15.101 (97) – Wis. Stats. § 951.04 – Leading Animal from Motor Vehicle | Range shall be the same as provided in Wis. Stats. | $1397.50 |
| Section 15.101 (98) – Wis. Stats. § 951.05 – Transportation of Animals | Range shall be the same as provided in Wis. Stats. | $452.50 |
| Section 15.101 (99) – Wis. Stats. § 951.06 – Use of Poisonous and Controlled Substances | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (100) - Wis. Stats. § 951.07 - Use of Certain Devices Prohibited | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (101) - Wis. Stats. § 951.08 – Instigating Fights Between Animals | Range shall be the same as provided in Wis. Stats. | $1397.50 |
| Section 15.101 (102) - Wis. Stats. § 951.09 – Shooting at Caged or Staked Animals | Range shall be the same as provided in Wis. Stats. | $1397.50 |
| Section 15.101 (103) - Wis. Stats. § 951.095 – Harassment of Police and Fire Animals | Range shall be the same as provided in Wis. Stats. | $515.50 |
| Section 15.101 (104) - Wis. Stats. § 951.097 – Harassment of Service Dogs | Range shall be the same as provided in Wis. Stats. | $452.50 |

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| Section 15.101 (105) - Wis. Stats. § 951.10 - Sale of Baby Rabbits, Chicks or Other Fowl | Range shall be the same as provided in Wis. Stats. | $326.50 |
| Section 15.101 (106) - Wis. Stats. § 951.11 - Artificially Colored Animals; Sale | Range shall be the same as provided in Wis. Stats. | $389.50 |
| Section 15.101 (107) - Wis. Stats. § 951.13 – Providing Proper Food and Drink to Confined Animals | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (108) - Wis. Stats. § 951.14 – Providing Proper Shelter | Range shall be the same as provided in Wis. Stats. | $767.50 |
| Section 15.101 (109) - Wis. Stats. § 951.15 – Animals; Neglected or Abandoned; Police Powers | Range shall be the same as provided in Wis. Stats. | $1397.50 |
| Section 15.101 (110) Wis. Stats. §§ 961.14 (4)(t), 961.41 (3g)(e) - Possession of Marijuana | Range shall be the same as provided in Wis. Stats | $295.00 |
| Section 15.201 - Throwing/Shooting of Stones and Other Missiles | $75.00 - $1000.00 | $232.00 |
| Section 15.202 – Obstructing Streets and Sidewalks; Prowling, and Solicitation | $250.00 - $1000.00 | $250.00 |
| Section 15.203 - Public Defecation, Urination, and Exposure | $75.00 - $1000.00 | $232.00 |

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| Section 15.204 - Loud and Unnecessary Noise | $90.00 - $1000.00 | $250.90 |
| Section 15.205 - Unauthorized Presence on School Property | $75.00 - $1000.00 | $232.00 |
| Section 15.206 - Unnecessary 911 Calls | $75.00 - $1000.00 | $232.00 |
| Section 15.207 - Howling Animals | $75.00 - $1000.00 | $232.00 |
| Section 15.208 - Livestock on Highways | $100.00 - $1000.00 | $263.50 |
| Section 15.209 - Dogs Running at Large or Untagged | $75.00 - $1000.00 | $232.00 |
| Section 15.301 - Littering | $75.00 - $1000.00 | $232.00 |
| Section 15.302 - Storage of Junk Regulated | $75.00 - $1000.00 | $232.00 |
| Section 15.303 - Abandoned Refrigerators | $75.00 - $1000.00 | $232.00 |
| Section 15.304 - Trespass on Railroad Property | $125.00 - $1000.00 | $295.00 |
| Section 15.305 - Disturbing Cemetery Property | $125.00 - $1000.00 | $295.00 |
| Section 15.306 – Creating a Road Hazard | $125.00 - $1000.00 | $295.00 |

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| Section 15.401 - Outside Consumption | $90.00 - $1000.00 | $250.90 |
| Section 15.402 - Possession of Alcohol Beverages on School Grounds | $90.00 - $1000.00 | $250.90 |
| Section 15.501 – County Jurisdictions Over Persons 12 through 17 Years of Age | $10.00 - $1000.00 | ------ |
| Section 15.502 - Petty Theft by Juveniles | $125.00 - $1000.00 | $295.00 |
| Section 15.503 - Truancy | $125.00 - $1000.00 | $295.00 |
| Section 15.504 - Criminal Gang Activity | $125.00 - $1000.00 | $295.00 |
| Section 15.505 - Curfew | $90.00 - $1000.00 | $250.90 |
| Section 16.106 – Alarm Regulation | $75.00 - $1000.00 | $232.00 |
| Section 16.308 – Public Assemblies | $10.00 - $1000 | $243.00 |
| Section 16.401 – Rabies Control | $75.00 - $1000.00 | $232.00 |
| Section 16.701 – Injured Animals | $75.00 - $1000.00 | $232.00 |
| Section 16.803 – Nuisance Dogs | $75.00 - $1000.00 | $232.00 |
| Section 16.804 – Dangerous Dogs | $75.00 - $1000.00 | $232.00 |

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| Section 16.805 – Vicious Dogs | $75.00 - $1000.00 | $232.00 |
| Section 17.01(4)(a)(3) – Recreational Areas | $75.00 - $1000.00* | $232.00 |
| Section 18.01(7) – Uniform Emergency Numbering | $75.00 - $1000.00 | $232.00 |
| Section 18.02(101) - E-911 Calls | $75.00 - $1000.00 | $232.00 |

# Chapter 2 – County Board Supervisors

## SEC. 2.01 STANDING RULES

The County Board of Supervisors shall establish and publish "Standing Rules" to govern the organization and operation of the County Board of Supervisors. Notwithstanding the Standing Rules with respect to meetings, the County Board Chair or acting Chair may declare that an emergency exists and convene the Board in emergency session.

## SEC. 2.02 COMMITTEES

(1) The Standing Rules of the County Board of Supervisors shall establish the standing committees of the County Board and shall identify the duties of each of the standing committees. The Standing Rules shall also identify procedures for the establishment of special committees and ad hoc committees.

(2) All standing committees and any ad hoc committees of the County Board of Supervisors are subcommittees of the full Board. The County Board of Supervisors reserves the right of oversight of committee actions. Notwithstanding any provision of the Standing Rules, an action by the full County Board of Supervisors taken in accordance with the procedures in the Standing Rules shall supersede any action or inaction by a committee.

## SEC. 2.03 SALARIES AND PER DIEMS

Salaries and per diems are established for the duly elected Columbia County Board of Supervisors as follows:

(1) County Board Meetings: $70 for each meeting attended

(2) Committee Meetings: $60 for each meeting attended

(a) A separate per diem will be paid independently for each meeting attended even if multiple meetings occur on the same day. A separate per diem may be paid for meetings that are held prior to or after the monthly County Board meeting. A separate per diem will not be paid for meetings that occur up to one (1) hour prior to, or immediately after the monthly County Board meeting.

(b) This rate applies to citizen members appointed by the County Board as well.

(3) County Board Chair's Salary: $12,500 annually

(4) County Board First Vice Chair's Salary: $8,500 annually

(5) The County Board Chair and First Vice Chair will each be paid a per diem for every meeting that they attend. The County Board Chair, First Vice Chair, and Second Vice Chair will also be paid a per diem of $60 for each day spent in the office, as authorized by the Chair.

## SEC. 2.04 REPRESENTATION ON COUNTY BOARD.

The Columbia County Board of Supervisors, pursuant to Wisconsin Statutes, does hereby redistrict the Columbia County Board of Supervisors to have One Supervisor represent each of the following districts:

| District | Municipality |
|---|---|
| 1 | City of Wisconsin Dells, Wards 1-2, 6 |
| 2 | City of Wisconsin Dells, Ward 3; Town of Lewiston, Wards 1-2; Town of Newport |
| 3 | Town of Fort Winnebago; Town of Lewiston, Ward 3; Town of Marcellon, Wards 1-2 |
| 4 | City of Portage, Wards 2-3 |
| 5 | City of Portage, Wards 8 & 10 |
| 6 | City of Portage, Wards 6 & 9 |
| 7 | City of Portage, Wards 5 & 7 |
| 8 | City of Portage, Wards 1 & 4 |
| 9 | Village of Friesland; Village of Randolph, Ward 3; Town of Randolph; Town of Scott, Ward 1 |
| 10 | Village of Cambria; Town of Courtland; Town of Fountain Prairie, Ward 2 |
| 11 | Village of Wyocena; Town of Scott, Ward 2; Town of Springvale; Town of Wyocena, Ward 2 |
| 12 | Village of Pardeeville, Wards 1-3 |
| 13 | Town of Pacific, Wards 1-3 |
| 14 | Town of Caledonia, Wards 1-2; Town of Pacific, Ward 4 |
| 15 | Town of Dekorra, Ward 4; Town of Lowville, Ward 1; Town of Wyocena, Wards 1 & 3 |
| 16 | Town of Dekorra, Wards 1-3 |
| 17 | Village of Poynette, Wards 2-4 |

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| 18 | Village of Doylestown; Village of Rio, Wards 1-2; Town of Otsego |
| 19 | Village of Fall River, Wards 1-2; Town of Fountain Prairie, Ward 1 |
| 20 | City of Columbus, Wards 7-8, and 10; Town of Columbus |
| 21 | City of Columbus, Wards 1-3 |
| 22 | City of Columbus, Wards 4-6 |
| 23 | Town of Hampden; Town of Leeds; Town of Lowville, Ward 2 |
| 24 | Village of Arlington; Village of Poynette, Ward 1; Town of Arlington |
| 25 | Town of Lodi, Wards 1-3 |
| 26 | City of Lodi, Wards 1-2; Town of Lodi, Wards 4-5 |
| 27 | City of Lodi, Wards 3-5 |
| 28 | Town of West Point, Wards 1-3 |

## SEC. 2.05 PUBLICATION OF PROCEEDINGS.

(1) The County Clerk shall publish the proceedings of the County Board in the official newspaper of Columbia County.

(2) The County Clerk shall print the proceedings of the Board in pamphlet form of similar size and style as those usually printed.

## SEC. 2.06 SELF-ORGANIZED COUNTY.

(1) Pursuant to Wis. Stats, § 59.10, the Columbia County Board of Supervisors elects that Columbia County shall be a self-organized County with authority to act under, among other statutes, Wis. Stat. § 59.10(1).

(2) This Ordinance shall become effective as of the date of its adoption by the Columbia County Board of Supervisors.

## SEC. 2.07 HARASSMENT OF COUNTY BOARD SUPERVISORS.

Harassment of County Board Supervisors and/or their family members, as related to their role as a County Board Supervisor, is strictly prohibited, pursuant to Wis. Stats. § 947.013, and will be prosecuted to the fullest extent allowed therein.

# Chapter 3 - Code of Ethics

## SEC. 3.01 DECLARATION OF POLICY.

The purpose of this Code is to establish guidelines for ethical standards of conduct for all County officials and employees, by identifying those acts or actions that are not compatible with the best interests of the County. To ensure that the public can have complete confidence in the integrity of Columbia County Government, each elected official and employee shall respect and adhere to the fundamental principles of ethical service. The proper operation of county government demands that:

(1) Columbia County officials and employees uphold the Constitution of the United States, the Constitution of the State of Wisconsin, and to carry out efficiently and impartially all laws of the nation, the State, and the County.

(2) Columbia County officials and employees be independent, impartial and responsible to the people;

(3) Decisions be made in the proper channels of the county governmental structure;

(4) County offices are not to be used for personal gain; and

(5) County business should be conducted in such a way so as to re-enforce the public's confidence in its integrity.

In recognition of these fundamental principles, there is hereby created a Code of Ethics and Columbia County officials and employees are bound to observe in their official acts this standard of ethics and to faithfully discharge the duties of their office, in the best interest of the public.

## SEC. 3.02 DEFINITIONS.

(1) **Financial Interest.** Any interest which yields, directly or indirectly, a monetary or other material benefit to the County officer or employee or to any person employing or retaining services of the County officer or employee.

(2) **Anything of Value.** Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the State or County, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this Code.

(3) **Privileged Information.** Any written or oral material related to County government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

(4) **Official.** All County department heads or directors, County supervisors, and all other County elected and appointed officers, except judges and district attorneys.

(5) **Employee.** All persons filling an allocated position of County employment and all members of boards, committees, and commissions.

(6) **Immediate Family.** An official's or employee's spouse, children, stepchildren, parents, stepparents, or other legal relation who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

## SEC. 3.03 COVERAGE.

This Code governs all County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads, and other County employees.

## SEC. 3.04 EXEMPTIONS.

Political contributions which are reported under Chapter 11 of the Wisconsin Statutes, are exempt from the provisions of this Code.

## Sec. 3.05 FAIR AND EQUAL TREATMENT.

(1) **Use of County Property.** An official or employee shall not use, or knowingly permit the use of County services or County-owned property, vehicles, equipment, or materials for non-governmental purposes or for personal convenience, gain, or for profit of the public official, employee, or members of their immediate family.

(2) **Obligations to Citizens.** An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. This section does not affect the duty of County supervisors to diligently represent their constituency.

## SEC. 3.06 CONFLICTS OF INTEREST.

(1) **Receipt of Gifts and Gratuities Prohibited.** An official or employee shall not accept anything of value whether in the form of a gift, service, loan, or promise from any person which may impair his or her independence of judgment or action in the performance of his or her official duties.

(a) **Exception.** It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee. For the purposes of this Code, "insignificant value" shall be defined as a maximum of Twenty Dollars ($20.00).

(b) Anything valued over Twenty Dollars ($20.00) shall be returned, or if return is impractical, accepted on behalf of the County by the Executive Committee and donated. Anything that is accepted under this section shall be documented in the committee meeting minutes and a copy of those minutes shall be sent to Accounting.

(2) **Business Interest.** An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:

(a) Is incompatible with the proper discharge of his or her official duties for the benefit of the public;

(b) Is contrary to the provisions of this Code; or

(c) May impair his or her independence of judgment or action in the performance of his or her official duties.

(3) **Incompatible Employment.** An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

(4) **Contracting.** An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the County involving a payment or payments of more than $1,000 within a twelve (12) month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the Corporation Counsel and reported such interest to the County Board Chair.

(a) **Contractors and Vendors.** Contractors and Vendors are required to disclose personal interests that may be created with any County official or employee.

(b) **Employees.** No official or employee may participate in the selection, award, or administration of contracts, agreements, or any similar business relationship with the County in which that person has an actual or apparent conflict of interest.

(5) **Annual Conflict of Interest Disclosure Statement.** All County Elected Officials, Department Heads, Managers, Staff, and citizens board and committee members who have responsibility over contracts or purchasing shall be required to complete an Annual Conflict of Interest Disclosure Statement on a form provided by the County and shall file that Statement in the Corporation Counsel's Office by January 1 of each year.

## SEC. 3.07 FINANCIAL INTEREST IN LEGISLATION.

A member of the County Board who has a financial interest in any proposed action before the County Board shall disclose the nature and extent of such interest to the Corporation Counsel and the County Board Chair prior to or during the initial discussion of such action and shall refrain from participating in the discussion of and/or voting on such action. A member of the County Board shall request to be excused by the Board or Committee chairperson for the duration of any deliberations concerning such action in which the member has a financial interest. Any other official or employee who has a financial interest in any proposed action before the County Board, and who participates in discussion with or gives an official opinion or recommendation to the County Board, shall first disclose the nature and extent of such interest to the County Board Chair.

## SEC. 3.08 DISCLOSURE OF PRIVILEGED INFORMATION.

An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

## SEC. 3.09 GIFTS AND FAVORS.

An official or employee shall not accept, from any person or organization directly or indirectly, anything of value without full payment, if it could reasonably be expected to influence his or her vote, governmental actions or judgments, or is provided to such official or employee because of their position or office and could reasonably be considered as a reward for any governmental action or inaction.

## SEC. 3.10 KICKBACKS PROHIBITED.

It is prohibited for any payment, gift, or gratuity to be made to a County official or employee, by or on behalf of, a potential vendor, contractor, or subcontractor, as an inducement for selection.

## SEC. 3.11 NEPOTISM.

(1) Department Heads are prohibited from hiring a person related to them for County employment.

(2) No person shall be employed, promoted, or transferred to any department, division, or work unit when, as a result, the employee would be directly supervising or receiving direct supervision from a related person.

(3) "Related person" shall mean spouse, parents, children, siblings, uncle, aunt, nephew, niece, grandparents, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, stepchildren, stepparents and any person sharing the employee's residence.

## SEC. 3.12 STATE STATUTES INCORPORATED.

(1) **Statutes Incorporated by Reference.** The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

(a) § 19.01 (Oaths and Bonds)

(b) § 19.21 (Custody and Delivery of Official Property and Records)

(c) §§ 19.81-19.98 (Open Meetings of Governmental Bodies)

(d) § 19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates)

(e) §§ 946.10-946.18 (Bribery and Misconduct)

(2) **Violation of Incorporated Statutes.** Officials shall comply with the sections of the Wisconsin Statutes incorporated in this Code and failure to do so shall constitute a violation of this Code.

## SEC. 3.13 DISCLOSURE TO FEDERAL GOVERNMENT.

Under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 100.113, any violations of law, fraud, or bribery in any Federally funded grant program shall be reported to the Federal grantor agency or pass through entity. Failure to report such violations could result in remedies against the County including suspension and debarment.

## SEC. 3.14 COUNTY RELATIONSHIP WITH MUNICIPALITIES.

(1) Columbia County may provide services to County municipalities, so long as there is a signed contract that has been approved by all parties. The County cannot enter into any contract that provides services to municipalities without a contract that adheres to the County contracting policies and has been approved by the governing committee and Finance Committee.
(2) The governing committee and Finance Committee shall approve or reject proposed contracts for the County offering specific services to municipalities within the County for each fiscal year. Upon approval, operational oversight of all these contracts will be administered by the Executive Committee during the approved fiscal year.
(3) The Accounting Department will review every service the County provides to specific municipalities and refer the specific financial details of these services to the appropriate governing committee and the Finance Committee for an annual review.

## SEC. 3.15 INVESTIGATIONS AND ENFORCEMENT.

(1) **Advisory Opinions.** Any person governed by this Code may apply in writing to the Corporation Counsel for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before the advisory opinion is rendered. All requests for opinion and opinions rendered shall be in writing. Records of the Corporation Counsel's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Wis. Stats. Chapter 19. However, such records may be made public with the consent of the applicant.

(2) **Complaints.** The Corporation Counsel shall accept from any person a verified written complaint, which states the name of the person covered by this Code alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. The Corporation Counsel shall forward a copy of the complaint to the accused person and the County Board Chair, within ten (10) business days. In the event a verified written complaint relates to the Corporation Counsel, the County Board Chair shall accept from any person the verified written complaint and shall forward a copy of the complaint to the accused. In the event a verified written complaint relates to the County Board Chair, the Corporation Counsel shall accept from any person the verified written complaint and shall forward a copy of the complaint to the accused and the County Board Vice Chair.

(3) **Preliminary Investigations.** Following the receipt of a verified complaint, the Corporation Counsel may make preliminary investigations with respect to alleged violations of this Code. A preliminary investigation shall not be initiated unless the accused person is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated. If the Corporation Counsel finds probable cause to believe the allegations contained in the complaint have merit, then the Corporation Counsel shall recommend that the County Board Chair refer the complaint to the County's liability insurance provider. If the County's liability insurance provider finds merit in the complaint, then there shall be a hearing pursuant to Section 3.16(5) below before the Ethics Inquiry Board. If probable cause is not found, then the complaint shall be dismissed with prejudice.

(4) **Time Limitations.** The Corporation Counsel may investigate any complaint properly filed under this Code. However, no action may be taken on any complaint that is filed more than one (1) year after a violation of this Code is alleged to have occurred.

(5) **Ethics Inquiry Board.** After a finding of probable cause to believe the allegations contained in a complaint, and consistent with process detailed in Wis. Stats. § 19.59, an Ethics Inquiry Board consisting of three (3) members shall be convened, with the approval of the County Executive Committee. The members of the Ethics Inquiry Board shall be chosen at random from the existing members of the County Board, by the Corporation Counsel. The Corporation Counsel shall provide legal advice, administrative services, and assistance to the Ethics Inquiry Board. The Ethics Inquiry Board shall be entitled to mileage and per diem payments for its meetings and hearings on the same basis as is provided to other Columbia County Boards, Committees, or Commissions.

(a) **Powers and Duties.** The Ethics Inquiry Board shall conduct a fact finding hearing pursuant to subparagraph 3.16(5)(c) below, in any case where the Corporation Counsel has found that probable cause exists to believe the allegations of a complaint referred to the Ethics Inquiry Board after preliminary review pursuant to Section 3.16 (2) through (4) above.

(b) **Burden of Proof.** The burden of proving a violation alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory and convincing.

(c) **Hearing.** The Board shall have the power to compel the attendance of witnesses and to issue subpoenas pursuant to Wis. Stats. § 885.01(3).

1. Within ten (10) business days of the conclusion of the hearing, the Ethics Inquiry Board shall issue its written findings and recommendations signed by all participating Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Board determines that no violation of this Code has occurred, it shall dismiss the complaint.

2. No recommendation of the Board becomes effective until five (5) business days after it is issued, or while an application for rehearing or the rehearing before the Board is pending, or the Board has announced its final determination on rehearing.

(d) **Enforcement and Penalties.** If the Ethics Inquiry Board finds that clear, satisfactory, and convincing evidence exists to believe the allegations of the complaint, then the Board shall refer its findings and recommendation to the Executive Committee. The Executive Committee may:

1. Order the officer or employee to conform his or her conduct to the Ethics Code or recommend that the official or employee be removed from any or all committee appointments, censured, suspended, be issued a private reprimand, public reprimand, and in the case of an employee, may also recommend denial of merit increase, suspension without pay, discharge, or other appropriate disciplinary action.

2. The Ethics Inquiry Board may also refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of § 19.59, Wis. Stats.

(e) **Discharge of Ethics Inquiry Board Following Final Determination.** The County Board Chair shall discharge the members of the Ethics Inquiry Board following the Board's final determination on a complaint made under this Code.

## SEC. 3.16 COLUMBIA COUNTY BOARD OF SUPERVISORS PUBLIC VIOLATIONS PROCESS

Members of the County Board of Supervisors shall serve in their elected positions in an honorable and ethical manner. In the event a County Board Supervisor's conduct does not uphold the high standards of ethical service in a public office, an investigative process may be initiated. Conduct that may be investigated includes, but is not limited to: violation of this Code of Ethics, walking quorums, and any other such acts against ethical service in a public office.

Disciplinary actions that may be considered in response to a valid complaint of violating good public service in this chapter, include but are not limited to: the removal of any or all committee appointments, reprimand, and/or censure.

If a county board supervisor is removed from all committee appointments as a result of the disciplinary action of harassment, Rule 23 (2) requirement of "every member of the Board, except the Chair, shall be appointed to at least one standing committee initially and may be appointed to more than one such committee," is rescinded to this particular county board supervisor.

If a county board supervisor is reprimanded or censured for a code of ethics violation, that supervisor is immediately removed and permanently banned from all leadership positions while serving on the county board. Leadership positions include the County Board Chair, First Vice Chair, Second Vice Chair, Committee Chair, Committee Vice Chair, and Committee Secretary.

If someone wishes to file a complaint against a County Board Supervisor for a violation of good public service conduct, they shall submit their complaint in writing to the County Board Chair. The County Board Chair shall determine the appropriate action, which may include, but is not limited to, retaining outside council.

# Chapter 4 – Records Retention

## SEC. 4.01 DEFINITIONS.

The following definitions shall be applicable in this Chapter:

(1) **Legal Custodian.** The individual responsible for maintaining records pursuant to Wis. Stats. § 19.33.

(2) **Record.** Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority, pursuant to Wis. Stats. § 19.32(2).

(a) The term "record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, optical disks, scanned documents, or other electronically stored documents.

(b) The term "record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

## SEC. 4.02 PURPOSE; GENERAL RETENTION PERIOD.

The purpose of this chapter is to establish a County-wide records retention schedule and authorize destruction of County records pursuant to that schedule. The general provisions shall apply to all County departments and it is the responsibility of each department to comply with these provisions. Record custodians do not have the authority to destroy records prior to the established retention period unless such records have been photographically reproduced as original records pursuant to Wis. Stats. § 16.61(7). If there is not a specific law requiring a specific retention period, all records must be retained seven (7) years, unless the Public Records and Forms Board fixes a shorter period.

## SEC. 4.03 RECORDS RETENTION AND DESTRUCTION.

The records set forth in this division shall be held and/or disposed of as provided therein. All confidential paper records shall be destroyed and rendered unreadable, all electronic records shall be destroyed by erasing or by destroying the media which it is stored, and all microfilm records shall be destroyed.

## SEC. 4.04 HISTORICAL SOCIETY NOTIFICATION; WAIVER OF NOTIFICATION.

(1) Prior to the destruction of any public record, at least 60 days notice of said destruction shall be given by the records custodian, in writing, to the State Historical Society of Wisconsin.

(2) The State Historical Society of Wisconsin has waived the required statutory notification for certain records, which is indicated below.

(3) The State Historical Society of Wisconsin must be notified, as indicated above, prior to the destruction of records designated non-waiver. Notice is also required for any record not listed in this Chapter.

(4) A designation of "N/A" indicates that the State Historical Society of Wisconsin notice requirement is not applicable, and applies to all County Records designated for permanent retention.

## SEC. 4.05 DESTRUCTION AFTER REQUEST FOR INSPECTION.

No requested record may be destroyed until after the request is granted or sixty (60) days after the request is denied. If any action is commenced under Wis. Stats. § 19.37, the requested record may not be destroyed until a court order is issued and all appeals have been completed.

## SEC. 4.06 DESTRUCTION OF RECORDS – PENDING LITIGATION.

No record subject to pending litigation shall be destroyed until the litigation has been resolved.

## SEC. 4.07 MICROFILMING OF DEPARTMENT RECORDS.

Departments may keep and preserve public records through the use of microfilm provided that the microfilming meets the applicable standards established in Wis. Stats. § 16.61(7). Departments should consider factors such as the retention period and estimated cost of the microfilming in deciding which records to microfilm. After verification, paper records can be destroyed if these records are to be preserved on microfilm. For microfilmed records not identified as permanent, the above records retention period applies. Department may preserve records by any other acceptable reproductive device approved by the County. Approval methods shall be set forth in an administrative rule.

## SEC. 4.08 COUNTY WIDE RECORDS.

(1) The following records are found throughout various departments in the County and are subject to uniform regulation unless otherwise specified and can be held or disposed of according to the following schedule.

(2) Any renumbering of any referenced statutory sections at a later date done by the Wisconsin Legislature will not invalidate this division.

(3) Any records not explicitly identified in the department-specific tables below that are of a general County-wide nature shall be retained pursuant to this section of the Code of Ordinances.

| GENERAL | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Construction plans for County buildings, bridges, communication towers | Life of the structure | | Notify |
| Blueprints | Until superseded by as-built tracings | | Notify |
| As-built tracings | Life of project | | Notify |
| Personnel records | 7 years | | Waived |
| Warranty records | Life of product or end of warranty, whichever comes first | | Waived |
| Any record subject to litigation, claim, audit, or other action | Until permission to destroy is obtained from Corporation Counsel | | Waived |
| Citations (copies) | 2 years | | Waived |
| Budget documentation | 7 years | | Waived |
| Payroll records | 7 years | | Waived |
| Correspondence | 7 years | | Waived |

## SEC. 4.09 ACCOUNTING RECORDS.

| ACCOUNTING | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Contracts, leases, agreements | 7 years after termination | Wis. Stats. § 59.52(4)(a)10. | Waived |
| All accounts of County and books of account | 7 years | | Waived |
| General ledger | 15 years | | Waived |
| Financial statements | 7 years | | Waived |
| Address book records – venders and customers | 7 years after last time used | | Waived |
| Purchases Orders/Invoices/ Vouchers/Payments | 7 years | | Waived |
| Accounts Receivable Records | 7 years | | Waived |
| Receipts | 7 years | Wis. Stats. § 59.52(4)(a)15. | Waived |
| Budgets and supporting detail | 7 years | | Waived |
| Grants | 7 years from date final report is submitted or date as defined in Grantor Contract | | N/A |
| Debt Related Documents | 7 years after debt is paid in full | | N/A |
| Fixed Asset/ Equipment Records | 7 years after disposal | | Waived |

| ACCOUNTING | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Indirect cost rate proposals and allocation plans | 7 years | | Waived |
| Journal entries, audits and supporting details | 7 years | | Waived |
| Notice of tax apportionment from Secretary of State | 3 years | Wis. Stats. § 59.52(4)(a)1. | Waived |
| Copies of notices of tax apportionment sent to local taxing districts | 3 years | Wis. Stats. § 59.52(4)(a)1. | Waived |
| Revolving loan fund files | Life of loan plus one year | | Waived |

## SEC. 4.10 CHILD SUPPORT RECORDS.

| CHILD SUPPORT | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Expenditure reports and supporting documentation | 3 years | 45 CFR 75.361 | Waived |
| Statistical reports and supporting documentation | 3 years | 45 CFR 75.361 | Notify |
| Client/case records including client/attorney information | 3 years after youngest child reaches age of majority | 45 CFR 75.361 | Waived |
| Records of required client notification | 3 years | 45 CFR 75.361 | Waived |

## SEC. 4.11 CLERK OF COURTS

| CLERK OF COURTS | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Criminal felony cases | 50/75 years | SCR 72.01(16) | Notify |
| Criminal misdemeanors | 20 years | SCR 72.01(18) | Waived |
| Criminal traffic | 20 years | SCR 72.01 | Waived |
| Traffic | 6 years | SCR 72.01(24m) | Waived |
| Forfeitures | 6 years | SCR 72.01 | Waived |
| Civil | 20 years | SCR 72.01(2) | Notify |
| Juvenile record | 10 years after 18th birthday | SCR 72.01(41) and HSS 346.13 | Waived |
| Shelter care records | Until child's 21st birthday, except permanent register of names of children, and dates of admission and release | Wis. Admin. Code § HFS 59.07(3)(b) | Waived |
| Paternity | 50 years | SCR 72.01 | Notify |
| Family | 50 years | SCR 72.01 | Notify |
| Mediations Custody Evaluations | 10 years after youngest child's18th birthday | SCR 72.01 | Waived |
| Small claims | 20 years | SCR 72.01(9) | Waived |
| John Doe proceedings | 50 years | SCR 72.01(26) | Notify |

## SEC. 4.12 CORPORATION COUNSEL RECORDS.

| CORPORATION COUNSEL | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Mental health files | 5 years | | Waived |
| Guardianship files | Until the ward is deceased | | Waived |
| Statement of emergency detentions by law enforcement officers (that are dropped) | 1 year | | Waived |
| General litigation files | 7 years from the date the file was last active | | Waived |
| Legal opinions | Permanent | | N/A |
| Legal memos | 7 years | | Waived |
| Confidential case files - nonlitigation | 7 years | | Waived |

## SEC. 4.13 COUNTY CLERK RECORDS.

| COUNTY CLERK | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Records of county claims forwarded to the Department of Natural Resources | 1 year | Wis. Stats. § 59.52(4)(a)3. | Waived |
| List of town, city and village officers certified to county clerk | After date of expiration of term listed | Wis. Stats. § 59.52(4)(a)4. | Notify |
| Crop reports by local assessors | 3 years | Wis. Stats. § 59.52(4)(a)5. | Notify |
| Illegal tax certificates charged back to local tax district | 3 years after charging back | Wis. Stats. § 59.52(4)(a)6. | Waived |
| Notices of application for taking tax deeds and non-occupancy, proofs of service and tax certificates filed | 15 years | Wis. Stats. § 59.52(4)(a)7. | Waived |
| Official bonds | 6 years | Wis. Stats. § 59.52(4)(a)8. | Waived |
| Claims paid by county and supporting papers | 7 years | Wis. Stats. § 59.52(4)(a)9. | Waived |
| Insurance policies – claims made | 7 years | Wis. Stats. § 59.52(4)(a)10. | Waived |
| Insurance policies - Occurrence | Permanent | Wis. Stats. § 59.52(4)(a)10. | Waived |

| COUNTY CLERK | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Reports of town treasurers on dog licenses sold and records of dog licenses issued | 3 years | Wis. Stats. § 59.52(4)(a)11. | Waived |
| Copies of notices to town assessors re: lands sold and owned by county | 3 years | Wis. Stats. § 59.52(4)(a)13. | Waived |
| Oaths of office | 7 years | Wis. Stats. § 59.52(4)(a)17. | Waived |
| Marriage license applications and supporting papers | 10 years | Wis. Stats. § 59.52(4)(a)19. | Waived |
| Original papers, resolutions and related to County Board proceedings | 6 years after date of publication | Wis. Stats. § 59.52(4)(c)(1) | Notify |
| Committee minutes | 6 years after date of publication | Wis. Stats. § 59.52(4)(c)1. | Notify |
| Deeds | Permanent | | N/A |
| Abstracts, certificates of title, title insurance policies | Permanent or as long as land is owned | | N/A |
| Apportionment maps | Until next apportionment | Wis. Stat. § 59.10(3) | Waived |
| U.S. Geological survey maps | Until next set of maps received | | Waived |
| Report on functional jurisdiction of roads | 10 years or until next report received | | Waived |

| COUNTY CLERK | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Certified mileage lists | Until next list is received | | Waived |
| Town Plats | 3 years | | Waived |
| Award of damages for scenic rights | Until recorded | | Waived |
| Relocation orders/maps | Retain latest revision for each project | | Waived |
| Mill rates from towns | 2 years | | Waived |
| Journal of proceedings | 6 years after date of publication | | Notify |
| Annual reports by department heads | 3 years | | Notify |
| Nonresident relief claims | 7 years | | Waived |
| Columbia County Teacher's College records | Permanent | | N/A |
| Rezoning petitions (original) | Permanent | | N/A |
| Poll lists | 22 months after election for which they were created | Wis. Stats. § 7.23(1)(e)* | Waived |
| Registration – Nonpartisan primaries and elections | 2 years after the election for which they were created | Wis. Stats. § 7.23(1)(a)* | Waived |

| COUNTY CLERK | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Registration forms of electors who are changed to ineligible – partisan primaries and elections | 4 years after the election for which they were created | Wis. Stats. § 7.23(1)(c)* | Waived |
| Canceled registration cards | 4 years after cancellation | Wis. Stats. § 7.23(1)(c)* | Waived |
| Ballots – federal offices | 22 months after election | Wis. Stats. § 7.23(1)(f)* | Waived |
| Ballots – state, county, local offices | 30 days after election | Wis. Stats. § 7.23(1)(h)* | Waived |
| Electronic ballot tallies | 22 months after election | Wis. Stats. § 7.23(1)(g)* | Waived |
| Applications for absentee ballots - federal election ballots | 22 months after the election | Wis. Stats. § 7.23(1)(f)* | Waived |
| Unused ballots | After deadline for filing of a recount petition | Wis. Stats. § 7.23(1)(am)* | Waived |
| Detachable recording units on electronic voting equipment | 14 days after a primary and 21 days after an election | Wis. Stats. § 7.23(1)(g)* | Waived |
| Forms associated with the election such as tally sheets, inspectors' statements and nomination papers | 90 days after election, 22 months after the election for federal offices | Wis. Stats. § 7.23(1)(k)* | Waived |
| Official canvass statements | 10 years after the election | Wis. Stats. § 7.23(1)(i)* | Waived |

| COUNTY CLERK | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Election notices | 1 year after the election, 22 months after the election for federal offices | Wis. Stats. § 7.23(1)(j)* | Waived |
| Proofs of publication and correspondence relative to publications | 1 year after the election, 22 months after the election for federal office | Wis. Stats. § 7.23(1)(j)* | Waived |
| Campaign financial registration statements | 6 years after termination by the registrant | Wis. Stats. § 7.23(1)(d)* | Waived |
| Campaign finance reports | 6 years after the date of receipt | Wis. Stats. § 7.23(1)(d)* | Waived |

*Pursuant to Wis. Stats. § 7.23(2):

(1) If a recount is pending or if the time allowed for filing a recount petition at any election or an appeal or petition for review of any recount determination or decision at an election has not expired, no materials may be destroyed until after the recount is completed and the applicable time period has expired; or

(2) If there is litigation pending with respect to a recount at an election, materials may be destroyed and recording units or compartments may be cleared or erased only by order of the court in which litigation is pending. Upon petition of the attorney general or a district attorney or U.S. attorney for the affected jurisdiction, a circuit judge for the affected jurisdiction may order that specified materials not be destroyed or that specified recorders, units or compartments not be cleared or erased as otherwise authorized under this subsection until the court so permits.

## SEC. 4.14 DISTRICT ATTORNEY RECORDS.

| DISTRICT ATTORNEY'S OFFICE | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Traffic, misdemeanor, civil or related cases-adult | 3 years | Wis. Stats. § 978.07(1)(b) | Waived |
| Felony cases – punishable by life imprisonment | 50 years | Wis. Stats. § 978.07(1)(c)1. | Waived |
| Felony cases – punishable by a maximum imprisonment of 20 or more years | 20 years | Wis. Stats. § 978.07(1)(c)2. | Waived |
| Felony cases punishable by a maximum imprisonment of less than 20 years | 10 years | Wis. Stats. § 978.07(1)(c)3. | Waived |
| Juvenile case files (all types) | 3 years after juvenile turns 18 or 3 years after termination of extended jurisdiction | Wis. Stats. § 978.07 | Waived |
| District attorney adult case files historically significant | 50 years | Wis. Stats. § 978.07 | Notify |
| Other records: policy correspondence, routine correspondence, process/records legal opinions given, legal opinions requested, personnel records of state staff, unsolved, uncharged or incomplete investigations | 6 years | Wis. Stats. § 978.07(1)(d) | Waived |

## SEC. 4.15 FACILITIES MANAGEMENT RECORDS.

| FACILITIES MANAGEMENT | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Shop drawings | Permanent | | N/A |
| Equipment and machine maintenance | Life of equipment | | Waived |
| Utility usage | 5 years | | Waived |
| Inventory | Until superseded | | Waived |
| Keying list | Until superseded | | Waived |
| Material safety data sheets | 7 years after product used up | | Waived |

## SEC. 4.16 HEALTH CARE CENTER RECORDS.

| HEALTH CARE CENTER RECORDS | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Original medical record | 5 years after discharge or death | Wis. Admin. Code § DHS 132.45(4)(f)2 | Waived |
| Master resident indexes | Permanent | Wis. Admin. Code § DHS 132.45(4)(f)3. | N/A |
| Disease index | Permanent | Wis. Admin. Code § DHS 132.45(4)(b)2 | N/A |

| HEALTH CARE CENTER RECORDS | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| All other records | 2 years | Wis. Admin. Code § DHS 132.45(4)(f)1. | Waived |
| Patient accident records | 7 years | | Waived |
| Census reports | 5 years | | Waived |
| Utilization review & other committee meeting minutes | 7 years | | Waived |
| Receipts, patient cash, bank statements, documents and income records maintained by facility for residents | 7 years | | Waived |
| Documents authorizing another person to speak or act on behalf of the resident | 5 years | Wis. Admin. Code § DHS 132.45(4)(f)1. | Waived |
| Personnel/employee records | See Section 4.19 of this Code of Ordinances | | Waived |
| Professional consultation records if not routinely maintained as part of medical chart | 7 years after discharge or death | Wis. Admin. Code §§ DHS 132.45(6)(e), 132.45(4)(f) | Waived |
| Dietary records (all menus and therapeutic diets) | 2 years | Wis. Admin. Code §§ DHS 132.45(6)(a), 132.45(4)(f) | Waived |

| HEALTH CARE CENTER RECORDS | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Staff work and time schedules | 2 years | Wis. Admin. Code §§ DHS 132.45(6)(b), 132.45(4)(f) | Waived |
| Safety tests-records of fire detection, alarm & extinguishment tests | 2 years | Wis. Admin. Code §§ DHS 132.45(6)(c), 132.45(4)(f) | Waived |
| Inservice & orientation programs (including subject matter, instructors & attendance records) | 2 years | Wis. Admin. Code §§ DHS 132.45(6)(f), 132.45(4)(f) | Waived |
| Transfer agreements | 2 years | Wis. Admin. Code §§ DHS 132.45(6)(g), 132.45(4)(f) | Waived |
| Funds & property statements of residents | 7 years from date of residents' discharge, transfer from facility or death | Wis. Admin. Code §§ DHS 132.45(6)(h), 132.45(4)(f) | Waived |
| All other records required by | 2 years | Wis. Admin. Code §§ DHS 132.45(4)(f), 132.45 | Waived |
| Drug control sheets | 5 years | Wis. Adm. Code PHARM 7.05 | Waived |

## SEC. 4.17 HEALTH AND HUMAN SERVICES RECORDS.

| HEALTH AND HUMAN SERVICES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Economic support case records and other materials of all public assistance kept as required | As required by Wis. Stats. Chapter 49 | Wis. Stats. § 59.52(4)(a)18 | Waived |
| *(1) Open public assistance case records* | | | |
| All data forms, case determination sheets, correspondence, documents relating to income maintenance agency decisions, income and health status sheets | 6 months after closing of public assistance case | Wis. Admin. Code § DWD 18.03(3) | Waived |
| Verification of unchangeable items, social security numbers, birth dates, citizenships | As long as the case is open | Wis. Admin. Code § DWD 18.03(1) | Waived |
| Financial record for all payments not on file in CRN | As long as file is open | | Waived |
| *(2) Closed public assistance cases and denied cases* | | | |
| Records specified in DHS 245.03(1)(a) of open records | 3 years from the date of closing | Wis. Admin. Code § DWD 18.03 (4) | Waived |
| Most recent data form records specified in DHS 245.03(1)(b) and (c) and materials relating to failure to cooperate on part of recipient | 3 years from the closing date | Wis. Admin. Code §§ DWD 18.03, DHS 104.03(1)(c) | Waived |

| HEALTH AND HUMAN SERVICES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Most recent date form and records specified in in DHS 245.03(1)(b) | 36 months from date of denial | Wis. Admin. Code § DHS 245.03(2)(c) | Waived |
| *(3) Social Services case files* | | | |
| State required case documentation, initial contact sheet, notice of agency action, social services agreement, social services fact sheet, financial information, any other records documenting client eligibility and activity | 3 years after case is closed | | Notify |
| State required, and county developed case documentation, assessments, or diagnostic forms, records and narratives, social and medical histories, court reports, release of information forms, client progress notes, case review forms, client or service agreements, forms and documentation of eligibility or financial status | 3 years after final action/determination | | Notify |

| HEALTH AND HUMAN SERVICES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Social Service records for cases not opened for service, applications referral actions not resulting in case opening, miscellaneous requests, and correspondence about individual clients from consumer and other agencies which do not result in case opening | 1 year after final action/determination | | Waived |
| *(4) Treatment Records* | | | |
| Wis. Stats. §§ 51.42 and 51.437 treatment records | 7 years, unless minor, then until 19 years old, or 7 years after treatment whichever is longer | Wis. Admin. Code § DHS 92.12(1)(2) | Waived |
| Undergoing federal or state audit | Until completion of audit | Wis. Admin. Code § DHS 92.12(3) | Waived |
| Relating to legal actions | Until completion of legal action | Wis. Admin. Code § DHS 92.12(4) | Waived |
| *(5) Client Collection Files* | | | |
| Active client records | 7 years | | Waived |
| Inactive client records | 7 years | | Waived |
| *(6) Child-Placing Agency Records* | | | |
| Register IDing information about children accepted for service or placement | Permanent | Wis. Admin. Code § DCF 54.06(2)(a)1. | N/A |

| HEALTH AND HUMAN SERVICES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Individual case records for each child served and his/her family | 7 years after case closed | Wis. Admin. Code § DCF 54.06(2)(a)2. | Waived |
| Individual foster home records for each foster home used by the agency which includes signed applications and agreements | 7 years | Wis. Admin. Code § DCF 54.06(2)(a)3. | Waived |
| Individual records of studied adoptive applicants | 7 years | Wis. Admin. Code § DCF 54.06(2)(a)4. | Waived |
| Personnel records | 7 years | Wis. Admin. Code § DCF 54.06(2)(a)5. | Waived |
| Financial reports and audits | 7 years | Wis. Admin. Code § DCF 54.06(2)(a)6. | Waived |
| Licensing and certification records for in-home and family day care, adult family homes, foster homes, and group foster homes for children application or other request forms, inspection and observation check lists, correspondence other documentation relating to licensing or certification approved license or certificate. | 2 years after the license or certificate is no longer active | | Waived |

| HEALTH AND HUMAN SERVICES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Licensing and certification records for above types of facilities where license or certificate was denied | 1 year after final action/determination | | Waived |
| Third party recovery records | 1 year after case closure, recommended microfilming essential information | | Waived |
| Adoption records, county agencies providing child welfare services under § 48.56 or child placing agencies licensed under § 48.60 should follow the detailed procedures for adoption information search and disclosure detailed in Wis. Admin. Code Ch. DHS 53. | Permanent | Wis. Admin. Code § DCF 53.07(1) | N/A |
| *(7) Fraud Referral Records* | | | |
| Unfounded | 3 years after determination | | Waived |
| Substantiated – referred to DA | 3 years after determination | | Waived |
| Substantiated – other reasonably considered as pertinent to the grant/contract. | 3 years after determination | | Waived |
| *(8) Miscellaneous* | | | |
| Payee records | Permanent | | Waived |

| HEALTH AND HUMAN SERVICES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Payee miscellaneous documents | 3 months after audit completed | | Waived |
| Case management files (DD services unit and CCSP unit) | 7 years after last contact | | Waived |
| Non-resident relief claims | 7 years | | Waived |

## SEC. 4.18 HIGHWAY DEPARTMENT RECORDS.

| HIGHWAY DEPARTMENT | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Machinery and time sheets (including costings and summary sheets) | 7 years | | Waived |
| Permits – Moving | 1 year | | Waived |
| Permits – Right-of-way | Permanent | | N/A |
| State gas reports | 3 years | | Waived |
| Accident reports (copies), including pictures, Cadd, etc. | 7 years | | Waived |
| Insurance reports (copies, including liability, collision, workman's compensation) | 7 years | | Waived |

| HIGHWAY DEPARTMENT | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Inventory (stock) | 2 years | | Waived |
| Fuel usage reports (gas cards, bulk slips, summary sheets, and costings) | 2 years | | Waived |
| Vehicle maintenance history (including equipment and operation analysis) | 7 years after disposal date | | Waived |
| Vehicle expense reports | Life of vehicle | | Waived |
| Vehicle usage reports | 2 years | | Waived |
| Time cards | 7 years | | Waived |
| Personnel records | See Section 4.19 of this Code of Ordinances | | Waived |
| Materials (including summary sheets, charge-out slips, and costing) | 7 years | | Waived |
| Annual reports | 7 years | | Notify |
| Labor (including costings and summary sheets) | 7 years | | Waived |
| Local road improvement programs, State transportation program projects for County and Town (all project files) | 12 years from project completion | | Waived |

## SEC. 4.19 HUMAN RESOURCES RECORDS.

| HUMAN RESOURCES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Payroll registers, other payroll reports, and social security and retirement earnings reports | 10 years | | Waived |
| Withholding allowance certificates, employee wage and tax statements, other tax records and 1099 forms, other tax records | 7 years | | Waived |
| Time cards, attendance records, salary schedules, and department training records | 7 years | | Waived |
| Insurance records | 7 years | | Waived |
| Performance evaluations, garnishment records, and medical records | 5 years | | Waived |
| EEO-4 reports, obsolete job descriptions, and any personnel or employment records made or kept, records of decisions pertaining to hiring, including test papers, promotion, demotion, transfer, layoff, termination, terms of compensation, and selection of training | 3 years, except where a charge of discrimination has been filed; all personnel records relevant to a charge or action shall be retained until final disposition of the charge of the action | | Waived |

| HUMAN RESOURCES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Application forms of individuals selected for a position | 8 years after end of service | | Waived |
| Application forms of individuals not selected for a position | 1 year after submission of application date | | Waived |
| Union contracts and grievance, mediation and arbitration records | Permanent | | N/A |
| Rough work papers used in payroll calculations | 3 years | | Waived |
| Unemployment compensation records | 3 years | | Waived |
| Individual employee personnel files and retirement records | 8 years after the end of service | | Waived |
| Accident reports, injury claims and settlements, injury frequency charges | 8 years after the end of service | | Waived |
| Deferred compensation payment records | 8 years after the end of service | | Waived |
| Directives and policies | 7 years after being updated or terminated | | Waived |

## SEC. 4.20 LAND INFORMATION RECORDS.

| LAND INFORMATION | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Aerial photographs | Until superseded | | Notify |
| Final real property assessment roll | 15 years, No assessment roll containing forest crop acreage may be destroyed without prior approval of the Secretary of Revenue | Wis. Stats. § 59.52(4)(c)3. | Waived |

## SEC. 4.21 LAND AND WATER CONSERVATION RECORDS.

| LAND AND WATER CONSERVATION | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Animal Waste Storage Permits & Records | Permanent | | N/A |
| Land and Water Resource Management Plan (LWRM) | Permanent | Wis. Admin. Code § ATCP 50 | N/A |
| Ordinance Original and Amendments | Permanent | | N/A |
| Farmland Preservation Program Files | Permanent | | N/A |
| Farm Conservation Plan Files | Permanent | | N/A |

| LAND AND WATER CONSERVATION | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Detailed Practice Design Drawings & Documentation | Permanent | | N/A |
| Permit Inspection Reports | Permanent | | N/A |
| Agricultural Performance Standards & Prohibition Compliance Inventory & Database | Permanent | | N/A |
| DNR Targeted Runoff Management Grant Contracts | 10 Years | Wis. Admin. Code § NR 153.29 | N/A |
| DATCP Land & Water Resource Management Grant Contracts | 10 Years | Wis. Admin. Code § ATCP 50 | N/A |
| DNR NR 243 Notice of Discharge Grants | 10 years | Wis. Admin. Code § NR 243 | N/A |
| Land Conservation Grants General | 7 years | | N/A |

## SEC. 4.22 MANAGEMENT INFORMATION SERVICES RECORDS.

| MANAGEMENT INFORMATION SERVICES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Email | 7 years | | Waived |
| Text messages | 7 years | | Waived |

| MANAGEMENT INFORMATION SERVICES | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Social media posts – only those accessible to MIS | 7 years | | Waived |

Management Information Services (MIS) provides information technology services for departments and stores electronic record information for departments, but only for those records listed in the Management Information Services table above. All other record information stored electronically must be maintained by each department pursuant to the guidelines established for the specified departmental records, as well as the County-wide records, as enumerated in this Chapter. Any records not specified in the Management Information Services table above that are of a general County-wide nature shall be retained pursuant to Section 4.08 of this Code of Ordinances.

## SEC. 4.23 MEDICAL EXAMINER RECORDS.

| MEDICAL EXAMINER | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Homicide or suspicious death | 75 years | | Waived |
| All other records | 7 years, unless subject to litigation and then until litigation is resolved | | Waived |

## SEC. 4.24 PLANNING AND ZONING RECORDS.

| PLANNING AND ZONING | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Permit applications | Permanent | | N/A |

| PLANNING AND ZONING | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Public Hearing Petitions & Public Records | Permanent | | N/A |
| Board of Adjustments (BOA) Petitions and Public Record | Permanent | | N/A |
| Code Inspection Reports and Documentation | Permanent | | N/A |
| Preliminary & Final Plat (Subdivision) Submission and Review Records | Permanent | | N/A |
| POWTS Service Records | 6 years | Wis. Admin. Code § SPS 383.55(5)(a) | N/A |
| POWTS Inspection Files | Permanent | | N/A |
| WI Fund Grant Program Files | 6 years | Wis. Admin. Code § SPS 387.04(2)(e) | N/A |
| Ordinance Original & Updated Narrative Files | Permanent | | N/A |
| Ordinance Amendment Files | Permanent | | N/A |
| PANDA Data Management System | Permanent | | N/A |
| Columbia County Comprehensive Land Use Plan & Updates | Permanent | | N/A |

| PLANNING AND ZONING | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Columbia County Farmland Preservation Plan & Updates | Permanent | | N/A |

## SEC. 4.25 PUBLIC HEALTH RECORDS

| PUBLIC HEALTH | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| *(1) Administrative Records* | | | |
| Mission Statement, philosophy, purpose | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Agency goals, objectives, short- and long-term strategic plans | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Agency program evaluation | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Job descriptions, other personnel records | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Incident/injury reports | 7 years or 1 year after settlement | Wis. Stats. § 19.21(5)(c) | Waived |
| Inventories – facilities and equipment | 7 years | | Waived |
| Inventory or nonexpendable personal | 7 years disposal of property | Wis. Stats. § 19.21(5)(c) | Waived |

| PUBLIC HEALTH | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Program policies and procedures | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Daily activity reports | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Fiscal records, accounting, billing budget | 7 years | | Waived |
| Taped meeting minutes | 90 days after approval and publication | Wis. Stats. § 19.21(5)(c) | Waived |
| Grants | 7 years or unless otherwise specified | | Waived |
| Meeting agendas/minutes | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Annual reports | Permanent | | N/A |
| General correspondence | 7 years | | Waived |
| W.I.C | 3 full fiscal years plus 150 days | 7 CFR 246.25 | Waived |
| *(2) Client/Family Care Records* | | | |
| Birth certificate statistics | No later than 1 year after receipt | Wis. Stats. § 69.20(3)(c) | Waived |
| Client records/patient care records | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Family care record | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| HealthCheck/Well Child | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |

| PUBLIC HEALTH | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Short term record | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Care coordination | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| *(3) Communicable Disease Records* | | | |
| Immunization record | 7 years | Wis. Stats. § 19.21(5)(c) | Waived |
| Signature of person receiving vaccine or person authorized to make request for immunization | 10 years | Correspondence from/to William Foege, MD, September 1, 1982 | Waived |
| Immunization administration record | Permanent | National Childhood Injury Act of 1986, Sec. 2125 PHS Act at 42 U.S.C. Sec. 300aaa-25 (Supp. 1987) | N/A |
| Communicable Disease Reports (4151) – local copy (original to State Epidemiologist) | 7 years | | Waived |
| STD Report (4343) – local copy (original to State Epidemiologist) | 7 years | | Waived |

| PUBLIC HEALTH | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Communicable Disease Outbreak Records [DOH 4142 (Rev. 8/86) and is complete DOH 9081] (original to State Epidemiologist) | Until investigation is complete | | Waived |
| *(4) Community Education* | | | |
| Curriculum | 7 years | | Waived |
| Educational materials | 7 years | | Waived |
| Program materials | 7 years | | Waived |
| Evaluation | 7 years | | Waived |
| *(5) Environmental Health Records* | | | |
| Licensed establishments; inspection reports | 3 years | | Waived |
| Variance approvals | Permanent | | N/A |
| On-site waster | Hold until system is abandoned | | Waived |
| Well/septic permits | Hold until system is abandoned | | Waived |
| Water sample reports | 7 years | | Waived |
| Health hazard investigations | 7 years | | Waived |

## SEC. 4.26 REGISTER OF DEEDS RECORDS.

| REGISTER OF DEEDS | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Obsolete documents pertaining to chattels, including final books of entry | 6 years | Wis. Stats. § 59.43(12) | Notify |
| Census reports | Permanent | | N/A |
| UCC statewide lien system; information entered into computer from financing statements, etc. | Permanent on computer | Wis. Stats. § 409.522 | N/A |

## SEC. 4.27 REGISTER IN PROBATE RECORDS.

| REGISTER IN PROBATE | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Court records in books | 75 years | SCR 72.01(30) | Notify |
| Registry of wills | 100 years | SCR 72.01(37) | Notify |
| Wills deposited for safekeeping | 100 years | SCR 72.01(35) | Notify |
| Wills not admitted to probate | 100 years | SCR 72.01(36) | Notify |
| Mental health case files | 10 years | SCR 72.01(39) | Waived |
| Guardianship cases | 7 years | SCR 72.01(33) | Waived |

| REGISTER IN PROBATE | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Estate/probate records | 75 years | SCR 72.01(29) | Notify |
| Receipt books | 7 years | SCR 72.01(48) | Waived |

## SEC. 4.28 SHERIFF'S OFFICE RECORDS.

| SHERIFF'S OFFICE | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Arrest citations | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Crash reports | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Photographs (jail, mugshot, investigative, crime scene etc.) | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Incident reports, including narrative supplements, statements and signed documents | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Landline and 911 recording | 180 days | | Waived |
| Audio/Video Recordings | 180 days | | Waived |
| County Security Systems | 180 days | | N/A |
| Body Camera Footage | 180 days | | Waived |

| SHERIFF'S OFFICE | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Trainings: courses, materials, attendance, lesson plans, certificates | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Service slips – civil process | 7 years | | Waived |
| Surety bonds | 6 years | Wis. Stats. § 59.52(4)(a)8. | Waived |
| Personnel rosters (lists of current employees) | See Section 4.19 of this Code of Ordinances | | Waived |
| Personnel files (work records, suspensions) | 8 years after end of service | | Waived |
| Payroll documentation (overtime, vacation, etc.) | 10 years | | Waived |
| Work schedules | 7 years | | Waived |
| Citizens' complaints | 7 years | | Waived |
| Billing for contract patrol | 7 years | | Waived |
| Correspondence (open records requests, business, citizen surveys of department) | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Receipts, money records (except cash books) | 7 years | | Waived |
| Complaint forms (including consumer fraud and welfare fraud) | 8 years | Wis. Stats. § 59.27(8) | Waived |

| SHERIFF'S OFFICE | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Billing statements for invoices from subpoena and foreclosure sales | 7 years | | Waived |
| Drug-buy money files | 7 years | | Waived |
| Vehicle GPS Location data | 7 years | | Waived |
| Records management system data | 7 years | | Waived |
| Computer Aided Dispatch | 7 years | | Waived |
| *Huber* | | | |
| Register of inmates | 8 years | DOC 348.09(1) | Waived |
| Inmate medical records | 8 years | DOC 348.09(2) | Waived |
| Inmate discipline records | 8 years | DOC 348.09(3) | Waived |
| Registration of visitors | 7 years | DOC 348.09(4) | Waived |
| *Jail* | | | |
| Prisoner files | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Daily cell assignment sheet | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Inmate financial records | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Bond receipts for courts | 8 years | Wis. Stats. § 59.27(8) | Waived |

| SHERIFF'S OFFICE | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Dockets, daily jail records, and jail logs | 8 years | Wis. Stats. § 59.27(8) | Notify |
| Fingerprint cards | Permanent | | Waived |
| Register of inmates | 8 years | Wis. Stats. § 59.27(8) | Notify |
| Prisoner commissary reports | 7 years | | Waived |
| Inmate request forms | 7 years | | Waived |
| Medical records of inmates | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Inmate discipline records | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Booking records (property, inmate activity, incarceration and release information) | 8 years | Wis. Stats. § 59.27(8) | Waived |
| Registration of visitors | 7 years | | Waived |
| Court orders | Release of inmate or 7 years, whichever is later | | Waived |

## SEC. 4.29 TREASURER RECORDS.

| TREASURER | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Tax Settlement Documents | 7 years | Wis. Stats. § 59.25(4)(a)15. | Waived |
| Bank Statements and Reconciliations (All supporting documentation is archived at the bank) | 7 years | | Notify |
| Municipal tax rolls | 15 years | Wis. Stats. § 59.25(4)(c)2. | Waived |
| Deposit tickets | 1 year after audit | | Waived |
| Cash drawer reconciliation | 1 year after audit | | Waived |
| Tax receipts | 15 years | Wis. Stats. § 59.25(4)(a)14. | Waived |
| Canceled checks | 7 years | Wis. Stats. § 59.52(4)(a)16. | Waived |

## SEC. 4.30 VETERANS SERVICE OFFICE RECORDS.

| VETERANS SERVICE OFFICE | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Regulations | Until superseded | | Waived |
| Military separation records | Permanent | | N/A |

| VETERANS SERVICE OFFICE | | | |
|---|---|---|---|
| **Record** | **Retention** | **Authority** | **State Historical Society Notification** |
| Grave Registration files | Permanent (suggested microfilm after 6 years) | | Notify |
| Veterans' benefit case files | 2 years after inactive | | Notify |
| Wisconsin Department of Veterans' Affairs bulletins | Until superseded | | Waived |

# Chapter 5 - Miscellaneous Buildings and Grounds Provisions

## SEC. 5.01 ALCOHOL FREE WORKPLACE.

Columbia County is an alcohol-free workplace. Alcohol consumption, sale, possession, or the storage of such, are prohibited in any building or vehicle owned, leased, or rented by Columbia County, with the exception that residents of the Columbia Health Care Center shall be permitted to consume alcoholic beverages as prescribed by their attending physician.

## SEC. 5.02 SMOKING AND TOBACCO USE.

(1) **Definitions.**

(a) **Smoking.** Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" shall include the use of an electronic delivery device equipment which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

(b) **Electronic Delivery Device Equipment.** Any product containing or delivering nicotine or any other substance that may be used by a person to simulate smoking through the inhalation of vapor or aerosol from the product. "Electronic Delivery Device Equipment" shall include any such device, battery operated or mechanical, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

(c) **Smokeless tobacco.** Any tobacco product that is chewed or snuffed, rather than smoked. "Smokeless tobacco" shall include snuff, chewing tobacco, dipping tobacco, snus, and dissolvable tobacco.

(2) **Smoking Prohibited.** No person may possess a lighted cigar, cigarette, pipe, any other lighted smoking, or electronic delivery device equipment in:

(a) Any Columbia County building and its campus;

(b) Any County-owned vehicle.

(3) **Disposal of smokeless tobacco products.** All smokeless tobacco products shall be disposed of in the trash. Anyone found dumping any smokeless tobacco products in any location other than the trash, including down any drain, will be fined.

(4) This Section shall comply with all relevant requirements provided under Wis. Stats. § 101.123.

## SEC. 5.03 CONCEALED WEAPONS.

(1) **License to Carry a Concealed Weapon.** Wis. Stats. § 175.60 authorizes the carrying of concealed weapons in Wisconsin under certain circumstances. A person who is licensed under Wis. Stats. § 175.60 is exempted from the crime of carrying a firearm in a public Columbia County building under Wis. Stats. § 941.235, and from the related Ordinance Violation under Section 15.101(29) of the Columbia County Code of Ordinances.

(2) **Prohibitions on Concealed Weapons.** Wis. Stats. § 175.60 permits certain owners and occupants of property to prohibit persons from carrying a firearm or other weapon in or on the property. Pursuant to Wis. Stats. § 175.60, a person may be subject to a Class B forfeiture, and pursuant to Sections 15.101(29) and 1.12 of the Columbia County Code of Ordinances, a person may be subject to a County Ordinance Violation, or if he or she, while carrying a firearm or other weapon, enters or remains in any part of a building that is owned, occupied or controlled by a local governmental unit Columbia County, or enters or remains at a special event, if the local governmental unit Columbia County has notified the person not to enter or remain in the building, or not to enter or remain at the special event while carrying a firearm or other weapon.

(3) **Signs Required to Prohibit Concealed Weapons.** In order to give notice under Wis. Stats. §§ 175.60 and 943.13, the owner or occupant of a building, or the organizer of a special event, must post a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies, or near all of the entrances to the special event, and any individual entering the building or attending the special event can reasonably be expected to see the sign. Signs posted under this section must be at least five (5) inches by seven (7) inches in size.

(4) **Posting of Signs on County Buildings and on County Property.** By enacting this Ordinance, the Columbia County Board of Supervisors has determined that it is in the best interest of public safety and of the safety of County employees to prohibit the carrying of firearms and other weapons in buildings owned, occupied or controlled by Columbia County and during special events upon property owned, occupied or controlled by Columbia County. All buildings and property affected by this Ordinance shall be posted in conformance with Wis. Stats. §§ 175.60 and 943.13, and Section 8.601.04(3) above, stating that carrying a firearm or other weapon in said building or on said property is prohibited.

(5) **Prohibitions and Exceptions to Concealed Weapons in County Buildings and on County Property.** No person carrying a firearm or other weapon, except a law enforcement officer, circuit court judge, district attorney, or assistant district attorney shall enter any building or any special event on property owned, operated or controlled by Columbia County.

## SEC. 5.04 USE OF COUNTY OFFICE BUILDINGS.

(1) **Office Buildings Rules.** The Columbia County Executive Committee shall establish and update rules for use of the County office buildings. Those rules shall include the hours when the public and County staff are allowed access to the buildings, the fees to be charged for the use of all County meeting rooms, and regulations regarding other facets of the use of the buildings as are deemed appropriate.

(2) **Public Notice of Rules.** The Building and Meeting Room Rules are to be posted on the County website by the County Clerk.

## SEC. 5.05 USE OF GROUNDS FOR COUNTY OFFICE BUILDINGS.

(1) **Parking.** The following parking regulations shall be established.

(a) It shall be unlawful to permit any vehicle to stand in the designated parking areas of the Courthouse, Annex Lot, Administration Building, Facilities Management, and Dairy Herd Improvement Association (DHIA) Shop, Law Enforcement Center, Jail, Huber Center, and Health and Human Services Buildings between the hours of 12:00 midnight and 6:00 a.m., unless approved by the Facilities Management Director.

(b) It shall be unlawful to permit any vehicle to stand in the parking lots of the Courthouse, Administration Building, Facilities Management, and Dairy Herd Improvement Association (DHIA) Shop, Law Enforcement Center, Jail, Huber Center and Health and Human Services Buildings by persons other than Columbia County employees, County Board members, Judges of the Circuit Court, or employees of other agencies whose offices are located within those buildings between the hours of 6:00 a.m. and 5:00 p.m. on weekdays other than holidays unless approved by the Facilities Management Director.

(c) It shall be permissible for persons while engaged in business, conferences, visitation, etc. in the Courthouse, Administration Building, Facilities Management, and Dairy Herd Improvement Association (DHIA) Shop, Law Enforcement Center, Jail, Huber Center and Health and Human Services Buildings to park in the designated public parking lots.

(d) It shall be unlawful for any vehicle to stand in the parking lot located at the northwest corner of Cook and Jackson Streets in the City of Portage other than Columbia County employees, County Board members, Judges of the Circuit Court, or employees of other agencies which rent office space from the County, pursuant to the conditional use permit issued by the City of Portage.

(e) On Street Parking Restrictions: Employees and other individuals who have offices in the Administration Building or the Health and Human Services Building may not park on either side of Edgewater Street between DeWitt Street and Marachowsky Place, or on either side of East Mullett Street between West Wisconsin Street and Thompson Street.

(2) **Use of Sidewalks.** The use of rollerblades, roller skates, skateboards, and similar recreational apparatus is prohibited on Columbia County office building grounds.

(3) **Violations.** Violations of the above Parking and Use of Sidewalks Ordinances shall be enforced by citations and/or by having the vehicle towed, as determined by the Columbia County Facilities Management. The penalty for violation of this Ordinance is set forth in Section 1.12.

# Chapter 6 - Procurement

## SEC. 6.01 TRAVEL AND TRAINING - PURPOSE.

This Ordinance is adopted to establish general policies, rates, and allowable expenses associated with travel and training. Details and procedures on the implementation of this Ordinance are contained in the Columbia County Procurement Manual, as is approved by the Finance Committee, and administered by the Accounting Department. The Columbia County Executive Committee shall be informed of all changes.

## SEC. 6.02 TRAVEL AND TRAINING - PERSONS ELIGIBLE.

Members of the County Board, County officials, members of Committees, Boards and Commissions, Department Heads, and such other employees or individuals, as are expressly authorized by their respective Department Heads, Governing Committee, or the County Board Chair.

## SEC. 6.03 AUTO TRAVEL.

(1) **Reimbursement Rate.** Persons eligible shall be reimbursed for automobile travel at the rate established in Section 6.10 of this Chapter. All such travel shall be by direct route.

(2) **Parking Costs.** Eligible persons shall receive full reimbursement for parking charges outside of Columbia County upon presentation of a receipt or actual cost expended on parking.

(3) **Automobile Insurance.** Persons seeking reimbursement for travel are required to have adequate automobile liability insurance coverage.

## SEC. 6.04 PUBLIC TRANSPORTATION.

Authorized travel by plane, train or bus can be paid for by using a County procurement card ("P-Card"). If a P-Card has not been issued, reimbursement can still be made, as provided in the Columbia County Procurement Manual.

## SEC. 6.05 LODGING EXPENSE.

(1) **Allowable Rates.** Actual and reasonable expenses will be allowed for lodging, not to exceed the State of Wisconsin rate, except in the event that County officials and personnel are lodging at a convention site. The Accounting Department has the authority to approve a higher rate, as provided in the Columbia County Procurement Manual.

(2) **Additional Person Attendance.** In the event that an additional person shares a room with an eligible person, payment shall be made only on the basis of the single room rate.

(3) **Distance Requirement.** Lodging expense within a forty-five (45) mile radius of the County seat is not allowed. Exceptions can be made through a written request to the County Board Chair.

(4) **Night Prior to Conference.** Lodging for the night prior to a conference or training will only be approved in the following situations:

(a) Distance to the conference is over sixty (60) miles from the County seat and the conference or training begins earlier than 9:00 a.m.

(b) An eligible person is participating in a night meeting prior to the beginning of the conference or is on the committee presenting the conference.

(5) County Board Supervisors shall adhere to the Standing Rules for allowability of overnight stays associated with conferences.

## SEC. 6.06 MEALS.

Eligible persons shall be reimbursed for meals purchased while on County business outside Columbia County. Reimbursement shall be at the rate established in Section 6.10 of this Chapter.

## SEC. 6.07 CONVENTIONS AND CONFERENCES.

(1) **County Board Members.** Attendance must be in the Budget or approved by the County Board Chair. Per Diems and travel expenses are allowed.

(2) **Department Heads, Employees, and Other Representatives.**

(a) Attendance must be in the Budget or approved by the Governing Committee.

(b) At no time shall all staff within a Department be allowed to attend the same conference. Exceptions may be authorized by the County Board Chair.

(c) Travel expenses are allowed.

## SEC. 6.08 OTHER TRAINING.

(1) **School Expenses.**

(a) No person shall attend school for which college credits are earned on County time. Such schooling shall be on employee time, unless prior approval is obtained from the Governing Committee and the Human Resources Committee. Tuition shall be paid by the employee unless it is included in the Department Budget or approved by the Governing Committee and Finance Committee.

(b) No person shall attend other schooling for which tuition is to be reimbursed unless the cost of the class is included in the Budget. The Department Head or employee must submit documentation indicating successful completion of the course at the time that reimbursement is requested.

(2) **Out of State.** Out of State training must be part of the approved Budget or advance approval must be obtained from the Governing and Finance Committees.

## SEC. 6.09 OUT OF STATE TRAVEL.

Out of State travel not related to conventions, conferences, or trainings must be part of the approved Budget or advance approval must be obtained from the Governing and Finance Committees.

## SEC. 6.10 REIMBURSEMENT SCHEDULE.

| | | |
|---|---|---|
| Mileage | Current State Rate | |
| Meals | $30.00 | Maximum for meals in a day with no overnight stay. |
| | $50.00 | Maximum for all meals in a day with an overnight stay within the State. |
| | $80.00 | Maximum for all meals in a day with an overnight stay out of State. |

Meal reimbursement is to include applicable sales tax and gratuities.

## SEC. 6.11 PURCHASING - AUTHORITY.

This Ordinance is created pursuant to the authority provided under applicable Federal and State laws and the Wisconsin Administrative Code, as amended from time to time, and shall be construed consistent with all applicable State Statutes, rulings and regulations governing counties, as well as the Columbia County Board Standing Rules.

## SEC. 6.12 PURCHASING - PURPOSE.

The purpose and intent of this Ordinance is to:

(1) Clarify the laws and processes applicable to Columbia County Purchasing.

(2) Define the administration of all functions relating to procurement.

(3) Ensure the fair and equitable treatment of all persons/entities involved in the procurement and purchasing process.

## SEC. 6.13 COVERAGE.

Unless specified otherwise herein, or as designated by law to follow another procedure, this Ordinance shall apply to all expenditures of public funds, regardless of source, including State and Federal assistance moneys, and to any contract whereby the County is to receive goods, materials, tangible commodities, services, equipment, or property.

## SEC. 6.14 ADMINISTRATION.

The provisions of this Ordinance and any regulations adopted hereunder shall be administered, supervised and enforced by the Accounting Department, with policy and procedure review by the Finance Committee. The Columbia County Executive Committee shall be informed of all changes. A County Procurement Manual shall be in effect and is incorporated herein by reference. The Procurement Manual ensures compliance with the terms of this Ordinance and on-going administrative, financial, and legal review of all grants, bidding procedures, and contracts entered into on behalf of Columbia County.

## SEC. 6.15 GENERAL PROCUREMENT POLICY.

**Purchase Limitations.** All purchases shall be made in accordance with the budgetary line item appropriations as established by the County Board for the operation of respective County Departments. The responsibility for adhering to existing line item appropriations rests with the Department Head.

## SEC. 6.16 PURCHASING PROCEDURE.

(1) **Category I Purchases.**

(a) **Definition.** All general public work, as defined under State Statutes and including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work exceeds $50,000.

(b) All public highway contracts, as defined under State Statutes and including any contract for the construction, execution, repair, remodeling, or improvement of a highway or bridge where the estimated cost of such work exceeds $25,000.

(c) An official sealed bidding process is required. Purchases shall be let by contract to the lowest responsible bidder in accordance with Wis. Stat. § 66.0901(2), except that the County Board may by a three-fourths (3/4) vote of all members entitled to a seat provide that any class of public work or any part thereof may be done directly by the County without submitting the same for bids.

(2) **Category II Purchases.**

(a) **Definition.** All general public work, as defined under State Statutes and including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work is between $10,000 and $50,000.

(b) All public highway contracts, as defined under State Statutes and including any contract for the construction, execution, repair, remodeling, or improvement of a highway or bridge where the estimated cost of such work is between $5,000 and $25,000.

(c) Purchases shall be let to the most advantageous bidder.

(d) Class 1 notice under Wis. Stat. Chapter 985, must be given before a contract is entered into with a person qualified as a bidder under Wis. Stat. § 66.0901(2).

(3) **Category III Purchases.**

(a) **Definition.** Goods and nonprofessional services where the estimated cost exceeds $25,000 and not specifically exempted in this Ordinance.

(b) An official sealed bidding process is required. Purchases must be awarded to the most advantageous bidder after requesting invitations for bids through public notice by publication.

(4) **Category IV Purchases.**

(a) **Definition.** Goods and nonprofessional services where the estimated cost is between $5,000 and $25,000 and not specifically exempted in this Ordinance.

(b) Purchasers must solicit a minimum of (3) written quotations from vendors dealing with the supplies, merchandise, services.

(c) Purchases shall be let to the most advantageous bidder.

(5) **Category V Purchases.**

(a) **Definition.** Goods and nonprofessional services where the estimated cost is at least $1,000 but less than $5,000 and not specifically exempted in this Ordinance.

(b) Purchases must have two (2) or more documented quotations.

(6) **Category VI Purchases.**

(a) **Definition.** Goods and nonprofessional services where the estimated cost is less than $1,000 and not specifically exempted in this Ordinance.

(b) When applicable, documented quotes are encouraged.

(c) Purchases may be made directly by the Department from approved vendors.

(d) Established Contracts: No Category VI purchases are permitted where equivalent products or services are already available under a master contract or purchase order, without prior Accounting Department review and approval.
EXAMPLE: Office Supplies County Contract

(7) **Special Purchases and Provisions.**

(a) **Highway.** This section does not apply to contracts related to highway construction and maintenance that the Highway Committee or County Highway Commissioner are authorized by law to let or make directly, pursuant to Wis. Stats. § 83.035.

(b) **Health & Human Services Contracts.** The County Health & Human Services Department shall purchase services in accordance with the procedures as set forth in Wis. Stats. § 46.036.

(c) **Other.** The following types of purchases shall follow provisions as detailed in the County Procurement Manual:

- Sole Source Purchases
- Emergency Purchases
- Purchase of Used Equipment
- Purchases from State Issued Contracts
- Purchases from Another Unit of Government
- Purchases of Professional Services
- Purchases of Technology Equipment
- Purchases Made with Proceeds of Grants or Gifts

## SEC. 6.17 ETHICS IN PUBLIC PURCHASING.

Anyone making a purchase on behalf of the County shall comply with all applicable sections of the Columbia County Code of Ethics.

Acceptance of gifts or gratuities, other than advertising novelties of nominal value, is strictly prohibited. No employee or official shall become obligated to any vendor, and shall not conduct any County transaction from which he or she may personally benefit.

Purchases made with County funds for the personal use of an employee or official are prohibited, even if reimbursement is made to the County for the cost of the purchase.

The County shall not make purchases for goods or services from County employees or officials, without prior Governing Committee and County Board Chair approval.

## SEC. 6.18 CONTRACTING WITH OUTSIDE VENDORS.

(1) Any outside County service that is contracted or otherwise provided to County residents from a vendor under either of the following circumstances shall receive extra scrutiny:

(a) The vendor currently employs or previously employed a former County department head or any management staff within the past two years; and/or

(b) The vendor has employees or family members that are related to any current County department head or management staff.

(2) When a department head or any management staff become aware that the County is considering entering into a contract or has already entered into a contract where the circumstances of sub. (b) exist, they shall disclose their connection to the vendor, in writing, to the appropriate governing committee, the Accounting Department, and the Corporation Counsel.

(3) If such a connection is discovered and a department head or any management staff failed to make the appropriate disclosure, the Corporation Counsel will investigate whether the failure to disclose was intentional. If Corporation Counsel determines that the failure to disclose was intentional, then the violation will be brought to the attention of the County Board Chair and the Chair of the governing committee that has oversight of the contracted services.

(4) Once notification has been given, the violation shall be listed as a mandatory agenda item for the next meetings of the relevant oversight committee and the Executive Committee. The item shall be discussed in closed session, pursuant to Wis. Stats. § 19.81. During those meetings, the Accounting Department and the Corporation Counsel will present the relevant information of the violation to the committee members and recommend possible courses of action for the committee members. Upon returning to open session, the committees shall act based upon the information presented in closed session. If the committees take separate courses of action, the Executive Committee's decision shall supersede the governing committee.

# Chapter 7 – Fees

## SEC. 7.01 COUNTYWIDE.

The following services are provided by various departments in the County and are to be charged by all departments, unless specifically listed under an individual department with a different cost:

| GENERAL | |
|---|---|
| **Type** | **Cost** |
| Photocopies | $0.25 per page |
| Postage | Actual cost to mail requested material |
| Faxing | $1.25 |

## SEC. 7.02 CHILD SUPPORT AGENCY.

| CHILD SUPPORT AGENCY | |
|---|---|
| **Type** | **Cost** |
| Account Reconciliation with Certification of Arrears | $35.00 for each year requested |
| Printed Payment History | $35.00 per request |
| Certified Copy of Payment History | $35.00 for each year certified |
| Send out Income Withholding Order | $35.00 per Order sent |
| Credit Account for Direct Payments | $35.00 per request |

## SEC. 7.03 CLERK OF COURTS.

| CLERK OF COURTS | |
|---|---|
| **Type** | **Cost** |
| Photocopies | $1.25 per page |
| Photocopies for State Public Defender | $0.20 |
| Mediation | No charge for first session; $25.00 per person for additional sessions, not to exceed $200.00 per person, per calendar year |

## SEC. 7.04 COUNTY CLERK.

| COUNTY CLERK | |
|---|---|
| **Type** | **Cost** |
| Vehicle License Plate Renewals and Title Transactions | WisDOT DMV Fee Schedule |
| DNR License Sales | DNR Fee Schedule |
| Teachers College Transcripts | $2.00 |
| Marriage License Fees | $85.00 |
| Marriage License Waiver Fee | $25.00 |
| Marriage License Re-Issuance Fee | $20.00 |
| Termination of Domestic Partnership | $75.00 |
| County Directory | $3.00 |
| Ballots and Election Programming – Election Support Fee | $476.00 per year |

| COUNTY CLERK | |
|---|---|
| **Type** | **Cost** |
| Ballots and Election Programming – Ballot Printing (when local contests are on the ballot) | Prorated cost of printed ballot (minimum $0.10 per ballot) |
| Ballots and Election Programming – WisVote Statewide Voter Registration (SVRS) Relier Fee | Based on Municipality Population:<br>$550 - < 600<br>$650 – 600 – 999<br>$750 – 1,000+ |
| Ballots and Election Programming – Special Elections | Contact the County Clerk's Office |
| Public Assembly License | $100.00 |
| *Notary Services | $5.00 per document |

*The County Clerk's Office is the only County office authorized to provide notary services to the public. Those wishing to utilize this service must provide their own witnesses. The County Clerk will not notarize wills, loan documents, or any documents related to property. The County Clerk reserves the right to refuse to provide this service at their discretion.

## SEC. 7.05 DISTRICT ATTORNEY.

| DISTRICT ATTORNEY | |
|---|---|
| **Type** | **Cost** |
| Photocopying for paper discovery | $0.20 per page |
| Copy of DVD, CD, or other disc | $5.00 per disc |
| Copy of photographs for criminal discovery | $0.50 per print if 5x7 inches or less and $1.00 per print for all others |
| Copy of USB (up to 16 GB) | $5.00 |
| Copy of USB (larger than 16 GB and smaller than 1 TB) | $10.00 |
| Copy of USB (1TB or larger and other large devices) | Actual Cost |
| eDiscovery | $10.00 each time a link is sent |
| Email reports | $0.10 per page |

## SEC. 7.06 HEALTH CARE CENTER.

| HEALTH CARE CENTER | |
|---|---|
| **Type** | **Cost** |
| Semi-Private Room | $315.00 per day |
| Private Room | $331.00 per day |
| Private Rehab Room on Mulberry | $420.00 per day |
| "Intermediate Nursing Care" (ICF 3 and 4) for residents requiring personal care only | $160.00 per day |

## SEC. 7.07 HEALTH AND HUMAN SERVICES.

| HEALTH AND HUMAN SERVICES | |
|---|---|
| **Type** | **Cost** |
| *(1) General Fees* | |
| Juvenile Supervision | $25.00 per month |
| Background check on individual and report | $25.00 |
| *(2) Aging and Disability Resource Center ("ADRC") fees* | |
| Foot Clinic | $42.00 for initial visit<br>$21.00 for initial visit for Lower Leg Amputee<br>$34.00 per routine visit<br>$17.00 per routine visit for Lower Leg Amputee<br>$39.00 per specialized visit<br>$20.00 per specialized visit for Lower Leg Amputee |

| HEALTH AND HUMAN SERVICES | |
|---|---|
| **Type** | **Cost** |
| Transportation | \$6.00 minimum/\$1.00 per mile<br>\$3.00 to local congregate dining center<br>\$2.00 per mile for residential facilities/MCOs |
| Senior Nutrition Program (individuals under 60, private and third-party payers) | \$13.48 per home delivered meal<br>\$22.65 per congregate meal |
| *(3) Public Health Division Fees* | |
| Immunizations – TB Skin Test | \$20.00 Step 1 dose<br>\$40.00 Step 2 dose |
| Immunizations – Hepatitis B | \$60.00 per dose or<br>\$180.00 per series of 3 |
| Immunizations – Flu | \$40.00 |
| *Environmental* | |
| Well Water Test | \$35.00 each |
| Environmental Visit | \$20.00 |
| *Reproductive Health* | |
| <u>New Office Visit</u><br>15-29 minutes<br>30-44 minutes<br>45-59 minutes | <br>\$75.00<br>\$125.00<br>\$175.00 |
| <u>Office Visit-Follow up</u><br>0-9 minutes<br>10-19 minutes<br>20-29 minutes<br>30-39 minutes | <br>\$30.00<br>\$60.00<br>\$90.00<br>\$120.00 |

| HEALTH AND HUMAN SERVICES | |
|---|---|
| **Type** | **Cost** |
| Dispensing fee | $120.00 |
| <u>Lab Services</u><br>Chlamydia<br>Gonorrhea<br>Trichomonas vaginalis<br>Pregnancy test<br>Shipping/Lab Handling fee | <br>$50.00<br>$50.00<br>$50.00<br>$15.00<br>$15.00 |
| <u>Medication</u><br>Azithromycin<br>Doxycycline<br>Ceftriaxone<br>Metronidazole | <br>$0.24<br>$0.14<br>$0.73<br>$0.14 |
| *Courses* | |
| Heart Saver Course (per person)<br>BLS Course (per person)<br>Friends and Family (group/per person)<br>BLS Skills check off<br>Renewal Course (per person) | $75.00<br>$75.00<br>$50.00/$25.00<br>$20.00<br>$50.00 |
| *Payment Schedule Rates* | |
| DHS1 and DCF1 Collections | *Refer to the Maximum Monthly Payment Schedule for Current Year* |

## Maximum Monthly Payment Schedule for CY 2026

(12/5/2025)

| GROSS MONTHLY INCOME | | PERSONS LIVING IN FAMILY | | | | | | | | | DHS 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| from | to | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 0 | 2,025 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,026 | 2,050 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,051 | 2,075 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,076 | 2,100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,101 | 2,125 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,126 | 2,150 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,151 | 2,175 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,176 | 2,200 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,201 | 2,225 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,226 | 2,250 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,251 | 2,275 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,276 | 2,300 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,301 | 2,325 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,326 | 2,350 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,351 | 2,375 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,376 | 2,400 | 59 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,401 | 2,425 | 66 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,426 | 2,450 | 73 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,451 | 2,475 | 80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,476 | 2,500 | 87 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,501 | 2,525 | 94 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,526 | 2,550 | 101 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,551 | 2,575 | 108 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,576 | 2,600 | 115 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,601 | 2,625 | 122 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,626 | 2,650 | 129 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,651 | 2,675 | 136 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,676 | 2,700 | 143 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,701 | 2,725 | 150 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,726 | 2,750 | 153 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,751 | 2,775 | 155 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,776 | 2,800 | 157 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,801 | 2,825 | 158 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,826 | 2,850 | 160 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,851 | 2,875 | 162 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,876 | 2,900 | 164 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

## Maximum Monthly Payment Schedule for CY 2026

(12/5/2025)

| GROSS MONTHLY INCOME | | PERSONS LIVING IN FAMILY | | | | | | | | | DHS 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| from | to | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 2,901 | 2,925 | 165 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,926 | 2,950 | 167 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,951 | 2,975 | 169 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2,976 | 3,000 | 171 | 39 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,001 | 3,025 | 172 | 46 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,026 | 3,050 | 174 | 53 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,051 | 3,075 | 176 | 60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,076 | 3,100 | 178 | 67 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,101 | 3,125 | 179 | 74 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,126 | 3,150 | 181 | 81 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,151 | 3,175 | 183 | 88 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,176 | 3,200 | 185 | 95 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,201 | 3,225 | 186 | 102 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,226 | 3,250 | 188 | 109 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,251 | 3,275 | 190 | 116 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,276 | 3,300 | 192 | 123 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,301 | 3,325 | 193 | 130 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,326 | 3,350 | 195 | 137 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,351 | 3,375 | 197 | 144 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,376 | 3,400 | 199 | 151 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,401 | 3,425 | 200 | 154 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,426 | 3,450 | 202 | 155 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,451 | 3,475 | 204 | 157 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,476 | 3,500 | 206 | 159 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,501 | 3,525 | 207 | 161 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,526 | 3,550 | 209 | 162 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,551 | 3,575 | 211 | 164 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,576 | 3,600 | 213 | 166 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,601 | 3,625 | 214 | 168 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,626 | 3,650 | 216 | 169 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,651 | 3,675 | 218 | 171 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,676 | 3,700 | 220 | 173 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,701 | 3,725 | 221 | 175 | 56 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,726 | 3,750 | 223 | 176 | 63 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,751 | 3,775 | 225 | 178 | 70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,776 | 3,800 | 227 | 180 | 77 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

## Maximum Monthly Payment Schedule for CY 2026

(12/5/2025)

| GROSS MONTHLY INCOME | | PERSONS LIVING IN FAMILY | | | | | | | | | DHS 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| from | to | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 3,801 | 3,825 | 228 | 182 | 84 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,826 | 3,850 | 230 | 183 | 91 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,851 | 3,875 | 232 | 185 | 98 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,876 | 3,900 | 234 | 187 | 105 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,901 | 3,925 | 235 | 189 | 112 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,926 | 3,950 | 237 | 190 | 119 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,951 | 3,975 | 239 | 192 | 126 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3,976 | 4,000 | 241 | 194 | 133 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,001 | 4,025 | 242 | 196 | 140 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,026 | 4,050 | 244 | 197 | 147 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,051 | 4,075 | 246 | 199 | 152 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,076 | 4,100 | 248 | 201 | 154 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,101 | 4,125 | 249 | 203 | 156 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,126 | 4,150 | 251 | 204 | 158 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,151 | 4,175 | 253 | 206 | 159 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,176 | 4,200 | 255 | 208 | 161 | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,201 | 4,225 | 256 | 210 | 163 | 10 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,226 | 4,250 | 258 | 211 | 165 | 17 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,251 | 4,275 | 260 | 213 | 166 | 24 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,276 | 4,300 | 262 | 215 | 168 | 31 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,301 | 4,325 | 263 | 217 | 170 | 38 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,326 | 4,350 | 265 | 218 | 172 | 45 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,351 | 4,375 | 267 | 220 | 173 | 52 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,376 | 4,400 | 269 | 222 | 175 | 59 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,401 | 4,425 | 270 | 224 | 177 | 66 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,426 | 4,450 | 272 | 225 | 179 | 73 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,451 | 4,475 | 274 | 227 | 180 | 80 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,476 | 4,500 | 276 | 229 | 182 | 87 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,501 | 4,525 | 277 | 231 | 184 | 94 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,526 | 4,550 | 279 | 232 | 186 | 101 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,551 | 4,575 | 281 | 234 | 187 | 108 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,576 | 4,600 | 283 | 236 | 189 | 115 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,601 | 4,625 | 284 | 238 | 191 | 122 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,626 | 4,650 | 286 | 239 | 193 | 129 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,651 | 4,675 | 288 | 241 | 194 | 136 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,676 | 4,700 | 290 | 243 | 196 | 143 | 0 | 0 | 0 | 0 | 0 | 0 |

## Maximum Monthly Payment Schedule for CY 2026

(12/5/2025)

| GROSS MONTHLY INCOME | | PERSONS LIVING IN FAMILY | | | | | | | | | DHS 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| from | to | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 4,701 | 4,725 | 291 | 245 | 198 | 150 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,726 | 4,750 | 293 | 246 | 200 | 153 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,751 | 4,775 | 295 | 248 | 201 | 155 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,776 | 4,800 | 297 | 250 | 203 | 157 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,801 | 4,825 | 298 | 252 | 205 | 158 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,826 | 4,850 | 300 | 253 | 207 | 160 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4,851 | 4,875 | 302 | 255 | 208 | 162 | 2 | 0 | 0 | 0 | 0 | 0 |
| 4,876 | 4,900 | 304 | 257 | 210 | 164 | 9 | 0 | 0 | 0 | 0 | 0 |
| 4,901 | 4,925 | 305 | 259 | 212 | 165 | 16 | 0 | 0 | 0 | 0 | 0 |
| 4,926 | 4,950 | 307 | 260 | 214 | 167 | 23 | 0 | 0 | 0 | 0 | 0 |
| 4,951 | 4,975 | 309 | 262 | 215 | 169 | 30 | 0 | 0 | 0 | 0 | 0 |
| 4,976 | 5,000 | 311 | 264 | 217 | 171 | 37 | 0 | 0 | 0 | 0 | 0 |
| 5,001 | 5,025 | 312 | 266 | 219 | 172 | 44 | 0 | 0 | 0 | 0 | 0 |
| 5,026 | 5,050 | 314 | 267 | 221 | 174 | 51 | 0 | 0 | 0 | 0 | 0 |
| 5,051 | 5,075 | 316 | 269 | 222 | 176 | 58 | 0 | 0 | 0 | 0 | 0 |
| 5,076 | 5,100 | 318 | 271 | 224 | 178 | 65 | 0 | 0 | 0 | 0 | 0 |
| 5,101 | 5,125 | 319 | 273 | 226 | 179 | 72 | 0 | 0 | 0 | 0 | 0 |
| 5,126 | 5,150 | 321 | 274 | 228 | 181 | 79 | 0 | 0 | 0 | 0 | 0 |
| 5,151 | 5,175 | 323 | 276 | 229 | 183 | 86 | 0 | 0 | 0 | 0 | 0 |
| 5,176 | 5,200 | 325 | 278 | 231 | 185 | 93 | 0 | 0 | 0 | 0 | 0 |
| 5,201 | 5,225 | 326 | 280 | 233 | 186 | 100 | 0 | 0 | 0 | 0 | 0 |
| 5,226 | 5,250 | 328 | 281 | 235 | 188 | 107 | 0 | 0 | 0 | 0 | 0 |
| 5,251 | 5,275 | 330 | 283 | 236 | 190 | 114 | 0 | 0 | 0 | 0 | 0 |
| 5,276 | 5,300 | 332 | 285 | 238 | 192 | 121 | 0 | 0 | 0 | 0 | 0 |
| 5,301 | 5,325 | 333 | 287 | 240 | 193 | 128 | 0 | 0 | 0 | 0 | 0 |
| 5,326 | 5,350 | 335 | 288 | 242 | 195 | 135 | 0 | 0 | 0 | 0 | 0 |
| 5,351 | 5,375 | 337 | 290 | 243 | 197 | 142 | 0 | 0 | 0 | 0 | 0 |
| 5,376 | 5,400 | 339 | 292 | 245 | 199 | 149 | 0 | 0 | 0 | 0 | 0 |
| 5,401 | 5,425 | 340 | 294 | 247 | 200 | 153 | 0 | 0 | 0 | 0 | 0 |
| 5,426 | 5,450 | 342 | 295 | 249 | 202 | 155 | 0 | 0 | 0 | 0 | 0 |
| 5,451 | 5,475 | 344 | 297 | 250 | 204 | 157 | 0 | 0 | 0 | 0 | 0 |
| 5,476 | 5,500 | 346 | 299 | 252 | 206 | 158 | 0 | 0 | 0 | 0 | 0 |
| 5,501 | 5,525 | 347 | 301 | 254 | 207 | 160 | 0 | 0 | 0 | 0 | 0 |
| 5,526 | 5,550 | 349 | 302 | 256 | 209 | 162 | 6 | 0 | 0 | 0 | 0 |

## Maximum Monthly Payment Schedule for CY 2026

(12/5/2025)

| GROSS MONTHLY INCOME | | PERSONS LIVING IN FAMILY | | | | | | | | | DHS 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| from | to | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 5,551 | 5,575 | 351 | 304 | 257 | 211 | 164 | 13 | 0 | 0 | 0 | 0 |
| 5,576 | 5,600 | 353 | 306 | 259 | 213 | 165 | 20 | 0 | 0 | 0 | 0 |
| 5,601 | 5,625 | 354 | 308 | 261 | 214 | 167 | 27 | 0 | 0 | 0 | 0 |
| 5,626 | 5,650 | 356 | 309 | 263 | 216 | 169 | 34 | 0 | 0 | 0 | 0 |
| 5,651 | 5,675 | 358 | 311 | 264 | 218 | 171 | 41 | 0 | 0 | 0 | 0 |
| 5,676 | 5,700 | 360 | 313 | 266 | 220 | 172 | 48 | 0 | 0 | 0 | 0 |
| 5,701 | 5,725 | 361 | 315 | 268 | 221 | 174 | 55 | 0 | 0 | 0 | 0 |
| 5,726 | 5,750 | 363 | 316 | 270 | 223 | 176 | 62 | 0 | 0 | 0 | 0 |
| 5,751 | 5,775 | 365 | 318 | 271 | 225 | 178 | 69 | 0 | 0 | 0 | 0 |
| 5,776 | 5,800 | 367 | 320 | 273 | 227 | 179 | 76 | 0 | 0 | 0 | 0 |
| 5,801 | 5,825 | 368 | 322 | 275 | 228 | 181 | 83 | 0 | 0 | 0 | 0 |
| 5,826 | 5,850 | 370 | 323 | 277 | 230 | 183 | 90 | 0 | 0 | 0 | 0 |
| 5,851 | 5,875 | 372 | 325 | 278 | 232 | 185 | 97 | 0 | 0 | 0 | 0 |
| 5,876 | 5,900 | 374 | 327 | 280 | 234 | 186 | 104 | 0 | 0 | 0 | 0 |
| 5,901 | 5,925 | 375 | 329 | 282 | 235 | 188 | 111 | 0 | 0 | 0 | 0 |
| 5,926 | 5,950 | 377 | 330 | 284 | 237 | 190 | 118 | 0 | 0 | 0 | 0 |
| 5,951 | 5,975 | 379 | 332 | 285 | 239 | 192 | 125 | 0 | 0 | 0 | 0 |
| 5,976 | 6,000 | 381 | 334 | 287 | 241 | 193 | 132 | 0 | 0 | 0 | 0 |
| 6,001 | 6,025 | 382 | 336 | 289 | 242 | 195 | 139 | 0 | 0 | 0 | 0 |
| 6,026 | 6,050 | 384 | 337 | 291 | 244 | 197 | 146 | 0 | 0 | 0 | 0 |
| 6,051 | 6,075 | 386 | 339 | 292 | 246 | 199 | 152 | 1 | 0 | 0 | 0 |
| 6,076 | 6,100 | 388 | 341 | 294 | 248 | 200 | 154 | 8 | 0 | 0 | 0 |
| 6,101 | 6,125 | 389 | 343 | 296 | 249 | 202 | 156 | 15 | 0 | 0 | 0 |
| 6,126 | 6,150 | 391 | 344 | 298 | 251 | 204 | 157 | 22 | 0 | 0 | 0 |
| 6,151 | 6,175 | 393 | 346 | 299 | 253 | 206 | 159 | 29 | 0 | 0 | 0 |
| 6,176 | 6,200 | 395 | 348 | 301 | 255 | 207 | 161 | 36 | 0 | 0 | 0 |
| 6,201 | 6,225 | 396 | 350 | 303 | 256 | 209 | 163 | 43 | 0 | 0 | 0 |
| 6,226 | 6,250 | 398 | 351 | 305 | 258 | 211 | 164 | 50 | 0 | 0 | 0 |
| 6,251 | 6,275 | 400 | 353 | 306 | 260 | 213 | 166 | 57 | 0 | 0 | 0 |
| 6,276 | 6,300 | 402 | 355 | 308 | 262 | 214 | 168 | 64 | 0 | 0 | 0 |
| 6,301 | 6,325 | 403 | 357 | 310 | 263 | 216 | 170 | 71 | 0 | 0 | 0 |
| 6,326 | 6,350 | 405 | 358 | 312 | 265 | 218 | 171 | 78 | 0 | 0 | 0 |
| 6,351 | 6,375 | 407 | 360 | 313 | 267 | 220 | 173 | 85 | 0 | 0 | 0 |
| 6,376 | 6,400 | 409 | 362 | 315 | 269 | 221 | 175 | 92 | 0 | 0 | 0 |

## Maximum Monthly Payment Schedule for CY 2026

(12/5/2025)

| GROSS MONTHLY INCOME | | PERSONS LIVING IN FAMILY | | | | | | | | | DHS 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| from | to | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 6,401 | 6,425 | 410 | 364 | 317 | 270 | 223 | 177 | 99 | 0 | 0 | 0 |
| 6,426 | 6,450 | 412 | 365 | 319 | 272 | 225 | 178 | 106 | 0 | 0 | 0 |
| 6,451 | 6,475 | 414 | 367 | 320 | 274 | 227 | 180 | 113 | 0 | 0 | 0 |
| 6,476 | 6,500 | 416 | 369 | 322 | 276 | 228 | 182 | 120 | 3 | 0 | 0 |
| 6,501 | 6,525 | 417 | 371 | 324 | 277 | 230 | 184 | 127 | 10 | 0 | 0 |
| 6,526 | 6,550 | 419 | 372 | 326 | 279 | 232 | 185 | 134 | 17 | 0 | 0 |
| 6,551 | 6,575 | 421 | 374 | 327 | 281 | 234 | 187 | 141 | 24 | 0 | 0 |
| 6,576 | 6,600 | 423 | 376 | 329 | 283 | 235 | 189 | 148 | 31 | 0 | 0 |
| 6,601 | 6,625 | 424 | 378 | 331 | 284 | 237 | 191 | 153 | 38 | 0 | 0 |
| 6,626 | 6,650 | 426 | 379 | 333 | 286 | 239 | 192 | 155 | 45 | 0 | 0 |
| 6,651 | 6,675 | 428 | 381 | 334 | 288 | 241 | 194 | 156 | 52 | 0 | 0 |
| 6,676 | 6,700 | 430 | 383 | 336 | 290 | 242 | 196 | 158 | 59 | 0 | 0 |
| 6,701 | 6,725 | 431 | 385 | 338 | 291 | 244 | 198 | 160 | 66 | 0 | 0 |
| 6,726 | 6,750 | 433 | 386 | 340 | 293 | 246 | 199 | 162 | 73 | 4 | 0 |
| 6,751 | 6,775 | 435 | 388 | 341 | 295 | 248 | 201 | 163 | 80 | 11 | 0 |
| 6,776 | 6,800 | 437 | 390 | 343 | 297 | 249 | 203 | 165 | 87 | 18 | 0 |
| 6,801 | 6,825 | 438 | 392 | 345 | 298 | 251 | 205 | 167 | 94 | 25 | 0 |
| 6,826 | 6,850 | 440 | 393 | 347 | 300 | 253 | 206 | 169 | 101 | 32 | 0 |
| 6,851 | 6,875 | 442 | 395 | 348 | 302 | 255 | 208 | 170 | 108 | 39 | 0 |
| 6,876 | 6,900 | 444 | 397 | 350 | 304 | 256 | 210 | 172 | 115 | 46 | 0 |
| 6,901 | 6,925 | 445 | 399 | 352 | 305 | 258 | 212 | 174 | 122 | 53 | 0 |
| 6,926 | 6,950 | 447 | 400 | 354 | 307 | 260 | 213 | 176 | 129 | 60 | 0 |
| 6,951 | 6,975 | 449 | 402 | 355 | 309 | 262 | 215 | 177 | 136 | 67 | 0 |
| 6,976 | 7,000 | 451 | 404 | 357 | 311 | 263 | 217 | 179 | 143 | 74 | 0 |
| 7,001 | 7,025 | 452 | 406 | 359 | 312 | 265 | 219 | 181 | 150 | 81 | 0 |
| 7,026 | 7,050 | 454 | 407 | 361 | 314 | 267 | 220 | 183 | 153 | 88 | 0 |
| 7,051 | 7,075 | 456 | 409 | 362 | 316 | 269 | 222 | 184 | 155 | 95 | 0 |
| 7,076 | 7,100 | 458 | 411 | 364 | 318 | 270 | 224 | 186 | 157 | 102 | 7 |
| 7,101 | 7,125 | 459 | 413 | 366 | 319 | 272 | 226 | 188 | 159 | 109 | 14 |
| 7,126 | 7,150 | 461 | 414 | 368 | 321 | 274 | 227 | 190 | 160 | 116 | 21 |
| 7,151 | 7,175 | 463 | 416 | 369 | 323 | 276 | 229 | 191 | 162 | 123 | 28 |
| 7,176 | 7,200 | 465 | 418 | 371 | 325 | 277 | 231 | 193 | 164 | 130 | 35 |
| 7,201 | 7,225 | 466 | 420 | 373 | 326 | 279 | 233 | 195 | 166 | 137 | 42 |

## Maximum Monthly Payment Schedule for CY 2026

(12/5/2025)

| GROSS MONTHLY INCOME | | PERSONS LIVING IN FAMILY | | | | | | | | | DHS 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| from | to | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 7,226 | 7,250 | 468 | 421 | 375 | 328 | 281 | 234 | 197 | 167 | 144 | 49 |
| 7,251 | 7,275 | 470 | 423 | 376 | 330 | 283 | 236 | 198 | 169 | 151 | 56 |
| 7,276 | 7,300 | 472 | 425 | 378 | 332 | 284 | 238 | 200 | 171 | 153 | 63 |
| 7,301 | 7,325 | 473 | 427 | 380 | 333 | 286 | 240 | 202 | 173 | 155 | 70 |
| 7,326 | 7,350 | 475 | 428 | 382 | 335 | 288 | 241 | 204 | 174 | 157 | 77 |
| 7,351 | 7,375 | 477 | 430 | 383 | 337 | 290 | 243 | 205 | 176 | 159 | 84 |
| 7,376 | 7,400 | 479 | 432 | 385 | 339 | 291 | 245 | 207 | 178 | 160 | 91 |
| 7,401 | 7,425 | 480 | 434 | 387 | 340 | 293 | 247 | 209 | 180 | 162 | 98 |
| 7,426 | 7,450 | 482 | 435 | 389 | 342 | 295 | 248 | 211 | 181 | 164 | 105 |
| 7,451 | 7,475 | 484 | 437 | 390 | 344 | 297 | 250 | 212 | 183 | 166 | 112 |
| 7,476 | 7,500 | 486 | 439 | 392 | 346 | 298 | 252 | 214 | 185 | 167 | 119 |
| 7,501 | 7,525 | 487 | 441 | 394 | 347 | 300 | 254 | 216 | 187 | 169 | 126 |
| 7,526 | 7,550 | 489 | 442 | 396 | 349 | 302 | 255 | 218 | 188 | 171 | 133 |
| 7,551 | 7,575 | 491 | 444 | 397 | 351 | 304 | 257 | 219 | 190 | 173 | 140 |
| 7,576 | 7,600 | 493 | 446 | 399 | 353 | 305 | 259 | 221 | 192 | 174 | 147 |
| 7,601 | 7,625 | 494 | 448 | 401 | 354 | 307 | 261 | 223 | 194 | 176 | 153 |
| 7,626 | 7,650 | 496 | 449 | 403 | 356 | 309 | 262 | 225 | 195 | 178 | 154 |
| 7,651 | 7,675 | 498 | 451 | 404 | 358 | 311 | 264 | 226 | 197 | 180 | 156 |
| 7,676 | 7,700 | 500 | 453 | 406 | 360 | 312 | 266 | 228 | 199 | 181 | 158 |
| 7,701 | 7,725 | 501 | 455 | 408 | 361 | 314 | 268 | 230 | 201 | 183 | 160 |
| 7,726 | 7,750 | 503 | 456 | 410 | 363 | 316 | 269 | 232 | 202 | 185 | 161 |
| 7,751 | 7,775 | 505 | 458 | 411 | 365 | 318 | 271 | 233 | 204 | 187 | 163 |
| 7,776 | 7,800 | 507 | 460 | 413 | 367 | 319 | 273 | 235 | 206 | 188 | 165 |
| 7,801 | 7,825 | 508 | 462 | 415 | 368 | 321 | 275 | 237 | 208 | 190 | 167 |
| 7,826 | 7,850 | 510 | 463 | 417 | 370 | 323 | 276 | 239 | 209 | 192 | 168 |
| 7,851 | 7,875 | 512 | 465 | 418 | 372 | 325 | 278 | 240 | 211 | 194 | 170 |
| 7,876 | 7,900 | 514 | 467 | 420 | 374 | 326 | 280 | 242 | 213 | 195 | 172 |
| 7,901 | 7,925 | 515 | 469 | 422 | 375 | 328 | 282 | 244 | 215 | 197 | 174 |
| 7,926 | 7,950 | 517 | 470 | 424 | 377 | 330 | 283 | 246 | 216 | 199 | 175 |
| 7,951 | 7,975 | 519 | 472 | 425 | 379 | 332 | 285 | 247 | 218 | 201 | 177 |
| 7,976 | 8,000 | 521 | 474 | 427 | 381 | 333 | 287 | 249 | 220 | 202 | 179 |
| 8,001 | 8,025 | 522 | 476 | 429 | 382 | 335 | 289 | 251 | 222 | 204 | 181 |
| 8,026 | 8,050 | 524 | 477 | 431 | 384 | 337 | 290 | 253 | 223 | 206 | 182 |
| 8,051 | 8,075 | 526 | 479 | 432 | 386 | 339 | 292 | 254 | 225 | 208 | 184 |

## Maximum Monthly Payment Schedule for CY 2026

(12/5/2025)

| GROSS MONTHLY INCOME | | PERSONS LIVING IN FAMILY | | | | | | | | | DHS 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| from | to | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 8,076 | 8,100 | 528 | 481 | 434 | 388 | 340 | 294 | 256 | 227 | 209 | 186 |
| 8,101 | 8,125 | 529 | 483 | 436 | 389 | 342 | 296 | 258 | 229 | 211 | 188 |
| 8,126 | 8,150 | 531 | 484 | 438 | 391 | 344 | 297 | 260 | 230 | 213 | 189 |
| 8,151 | 8,175 | 533 | 486 | 439 | 393 | 346 | 299 | 261 | 232 | 215 | 191 |
| 8,176 | 8,200 | 535 | 488 | 441 | 395 | 347 | 301 | 263 | 234 | 216 | 193 |
| 8,201 | 8,225 | 536 | 490 | 443 | 396 | 349 | 303 | 265 | 236 | 218 | 195 |
| 8,226 | 8,250 | 538 | 491 | 445 | 398 | 351 | 304 | 267 | 237 | 220 | 196 |
| 8,251 | 8,275 | 540 | 493 | 446 | 400 | 353 | 306 | 268 | 239 | 222 | 198 |
| 8,276 | 8,300 | 542 | 495 | 448 | 402 | 354 | 308 | 270 | 241 | 223 | 200 |
| 8,301 | 8,325 | 543 | 497 | 450 | 403 | 356 | 310 | 272 | 243 | 225 | 202 |
| 8,326 | 8,350 | 545 | 498 | 452 | 405 | 358 | 311 | 274 | 244 | 227 | 203 |
| 8,351 | 8,375 | 547 | 500 | 453 | 407 | 360 | 313 | 275 | 246 | 229 | 205 |
| 8,376 | 8,400 | 549 | 502 | 455 | 409 | 361 | 315 | 277 | 248 | 230 | 207 |
| 8,401 | 8,425 | 550 | 504 | 457 | 410 | 363 | 317 | 279 | 250 | 232 | 209 |
| 8,426 | 8,450 | 552 | 505 | 459 | 412 | 365 | 318 | 281 | 251 | 234 | 210 |
| 8,451 | 8,475 | 554 | 507 | 460 | 414 | 367 | 320 | 282 | 253 | 236 | 212 |
| 8,476 | 8,500 | 556 | 509 | 462 | 416 | 368 | 322 | 284 | 255 | 237 | 214 |

For incomes over $8,500, use the last value in the column plus 7% of the gross income in excess of $8,500.

## SEC. 7.08 HIGHWAY AND TRANSPORTATION.

| HIGHWAY AND TRANSPORTATION | |
|---|---|
| **Type** | **Cost** |
| Records and Reports | WI Uniform Accounting System* |
| Highway Access Permit – Road or Type "C" Access | $500.00 |
| Highway Access Permit – Type "B" Access | $200.00 |
| Highway Access Permit – Type "A" Access | $100.00 |
| Highway Access Permit – Agricultural Field Access | $100.00 |
| Access Variance | $100.00 |
| Right-of-Way Work Permit (Excludes Mowing, Trees, Mailbox) | $100.00 |
| Private Utility Placard Warning Sign (per each) | $75.00 |
| Tourist-Oriented Directional Signage Permit | $400.00 |
| Utility Permit in Right-of-Way (Utility Accommodation Policy) Service Connection (work < ¼ mile) | $100.00 |
| Main Extension or Replacement (1/4 mile < work < 1 mile) | $250.00 |
| Main Addition or Replacement (1 mile < work) | $500.00 |

Broadband Utility may be exempt from fee requirements (see Wis. Stats. § 86.16(6) for determination).

* https://wisconsindot.gov/Documents/doing-bus/local-gov/hwy-mnt/mntc-manual/ucasm.pdf

## SEC. 7.09 LAND INFORMATION.

| LAND INFORMATION | |
|---|---|
| **Type** | **Cost** |
| *(1) Print and Photography Fees* | |
| Large Format Plotter | $10.00 per page |
| Labels | $1.00 per page |
| *(2) Original Standard Maps* - The Land Information Department has developed standardized map products that are offered at the below rates. Map products are subject to change and cannot be customized. Contact the Land Information Department for availability of products. | |
| Letter (8 ½" x 11")<br>Legal (8 ½" x 14")<br>Ledger (11" x 17") | $2.00 per page in color |
| Large Format Plotter | $10.00 per page |
| *(3) Custom Map and Data Requests* | |
| The Land Information Department has the ability to customize map requests. There are many different overlay and analysis possibilities that exist when using our digital data. Delivery of order is dependent upon staff availability and specifications of order, and will be estimated at time of order. Contact the Land Information Department for availability of customized products. | $30.00 per half hour minimum billed in half hour increments, plus cost of materials and postage as necessary |
| *(4) Miscellaneous* | |
| Shipping | Actual Costs |

## SEC. 7.10 LAND AND WATER CONSERVATION.

| LAND AND WATER CONSERVATION | |
|---|---|
| **Type** | **Cost** |
| Animal Waste Management Construction Permit | $200.00 |
| Animal Waste Management Abandonment Permit | $50.00 |
| Sale of Trees and Tree Program Materials by Land and Water Conservation Committee | Annually determined |
| Conservation Compliance Certificate for Farmland Preservation Program Under the Working Land Initiative | $25.00 |
| Late Fee for Land and Water Conservation Department Annual Farmland Preservation Program Self Certificate Process | $10.00 |
| *(1) Aerial Imagery Prints* | |
| Black and White/Grayscale | $2.50 |
| Color | $5.00 |
| Image on Disk/CD | $1.50 plus cost of disk or CD |

## SEC. 7.11 MANAGEMENT INFORMATION SERVICES.

| MANAGEMENT INFORMATION SERVICES | |
|---|---|
| **Type** | **Cost** |
| Services Rendered | $80.00 per hour |

## SEC. 7.12 MEDICAL EXAMINER.

| MEDICAL EXAMINER | |
|---|---|
| **Type** | **Cost** |
| Cremation Permit* | $215.00 |
| Disinterment Permit | $130.00 |
| Investigation Report | $1.50 per page |
| Death Certificate Fee* | $85.00 |
| Photo Duplicates | $3.00 per print |
| Morgue Fee – Storage for County residents | $36.00 per day |
| Morgue Fee – Storage for out of county agencies | $49.00 per day |
| Morgue Fee – Use, Contracted use of morgue | $500.00 |
| Morgue Fee – Use, Non-Contracted use of morgue | $750.00 |
| Morgue Fee –Use, eye donation, enucleation or recovery | $100.00 |
| Morgue Fee – Administrative fees and donor preparation tissue recovery | $300.00 |

| MEDICAL EXAMINER | |
|---|---|
| **Type** | **Cost** |
| Morgue Fee – Round trip transportation services per donor Tissue Recovery | $300.00 |
| Morgue Fee – American Board of Forensic Toxicology Analysis for screening/ Confirmation/ quantification testing Tissue Recovery – Reimbursement for actual cost if under $200 | $200.00 |
| Removal Fee* | $275.00 |
| Digital Photos | $0.50 plus cost of CD |
| Final Autopsy Protocol Report | $100.00 |
| Final Toxicology Report | $50.00 |
| Postage | Actual cost |

*These fees do not apply to decedents under the age of five.

## SEC. 7.13 PLANNING AND ZONING.

| PLANNING AND ZONING | |
|---|---|
| **Type** | **Cost** |
| *(1) Sanitary Permits* | |
| Septic Tank Replacement | $260.00 + State Fee |
| Seepage Cell Replacement | $260.00 + State Fee |
| System-in-fill | $310.00 + State Fee |
| Non-pressurized In-ground (Conventional) | $310.00 + State Fee |
| Mound | $460.00 + State Fee |
| In-Ground Pressure | $460.00 + State Fee |
| At-grade | $460.00 + State Fee |
| Large Scale System (over 3,000-gallon tank capacity) | $460.00 + State Fee |
| Holding Tank | $510.00 + State Fee |
| Individual Site Design | $510.00 + State Fee |
| Each Additional Seepage Area | $185.00 |
| Reconnection or Component Repair | $135.00 |
| Privy | $135.00 |
| *(2) Sanitary Permits – Other* | |
| Private Onsite Waste Treatment System Management Plan/Agreement Filing Fee | $25.00 |
| Reinspection When Required | $110.00 |

| PLANNING AND ZONING | |
|---|---|
| **Type** | **Cost** |
| Permit Transfer and Renewal | $110.00 |
| On-site Prior to Submission of Soil Test Report | $210.00 |
| Application for Wisconsin Fund | $125.00 |
| *(3) Land Division* | |
| Preliminary Plats (0-10 lots including outlots) | $360.00 |
| Each additional lot over 10 | $25.00 |
| Final Plats (0-10 lots including outlots) | $260.00 |
| Each additional lot over 10 | $25.00 |
| Reapplication Fee (for any plat which has been previously reviewed) | $50.00 |
| Certified Survey Review (one lot) | $240.00 |
| Certified Survey Review – Retracement | $240.00 |
| Certified Survey Review – Combination | $240.00 |
| Certified Survey Review (each lot in excess of one) | $20.00 |
| Certified Survey--Resubmittal | $240.00 |
| Variance – Certified Survey | $50.00 |

| PLANNING AND ZONING | |
|---|---|
| **Type** | **Cost** |
| Variance – Subdivision Plat | $50.00 |
| *(4) Research – Property Evaluations* | |
| Zoning Certifications, Septic and Zoning | $20.00 |
| Development Restrictions | $100.00 |
| Septic and Zoning Database Reports | $20.00/month |
| *(5) Public Hearings* | |
| Variance | $500.00 |
| Variance-After-The-Fact | $1000.00 |
| Conditional Use Permit Pre-Application | $50.00 |
| Conditional Use Permit & Public Hearing | $500.00 |
| Home Occupation Permit & Public Hearing | $500.00 |
| Development Plan Review & Public Hearing | $500.00 |
| Shoreland Filling, Grading Permit, and Public Hearing | $500.00 |
| Rezoning Pre-Application | $50.00 |
| Rezoning and Code Text Amendment | $500.00 |

| PLANNING AND ZONING | |
|---|---|
| **Type** | **Cost** |
| Republication Due to Postponement at Applicant's request | $100.00 |
| Appeals (App & Court Reporter) | $700.00 |
| Special Use Application for Land | $400.00 |
| Under Farmland Preservation Agreement<br>Comprehensive Plan Amendment | $510.00 |
| Scheduled Comprehensive Plan Amendment | $260.00 |
| *(6) Zoning Permits* | |
| Principal Residential Buildings and Structures, Including Initial Mobile Home Placement | $510.00 |
| Additions and Alterations to Principal Structure, Including Replacement Mobile Homes | $160.00 |
| Residential Accessory Buildings, Structures, and Decks | $60.00 |
| Principal Commercial/Industrial Buildings, Structures, and New Additions | $510.00 + $2.00 for each $1,000.00 of construction cost over $300,000.00 |
| Commercial, Industrial Accessory Buildings, Structures and Decks | $60.00 |
| Agricultural Accessory Buildings and Structures | $60.00 |

| PLANNING AND ZONING | |
|---|---|
| **Type** | **Cost** |
| Shoreland Fee (Additional to Zoning Permit) | $100.00 |
| Impervious Surface Calculation Fee (Additional to Zoning Permit) | $200.00 |
| Land Disturbance and Pond Construction | $210.00 |
| Mobile Service Support Structures and Facilities – Class 1 Collocations | $3000.00 |
| Mobile Service Support Structures and Facilities – Class 2 Collocations | $500.00 |
| Sign ≤ 32 sq. ft. | $60.00 |
| Sign > 32 sq. ft. | $2.05 x total sq. ft. |
| Zoning Permit Renewal Fee | $60.00 |
| Floodplain Permit | $210.00 |
| Small Wind System | $360.00 |
| Large Wind System Application | $2,500.00 |
| Radio Broadcast Service Facilities and Structures | $2,500.00 |
| *(7) Temporary Use Permits* | |
| Contractor's On-site Facility/Office/ Staging Area | $250.00 |

| PLANNING AND ZONING | |
|---|---|
| **Type** | **Cost** |
| Temp Asphalt/Concrete Rock Crushing Facility Batch, or Ready-Mix Plant | $250.00 |
| Temporary Outdoor Sales | $100.00 |
| Temporary Camping | $60.00 |
| Other Temporary Uses | $150.00 |
| *(8) Annual Permits* | |
| Temporary Trailer for Farm Labor | $150.00 |
| Licensed Campground – 1-99 Campsites | $150.00 |
| Licensed Campground – 100-199 Campsites | $275.00 |
| Licensed Campground – 200-299 Campsites | $400.00 |
| Licensed Campground – 300+ Campsites | $525.00 |
| Licensed Tourist Rooming House | $110.00 |
| Year-Round Camping | $250.00 |
| Licensed Bed and Breakfast | $100.00 |
| *(9) Miscellaneous* | |
| Emergency Service Number Issuance | $75.00 |
| *(10) Non-metallic Mining Reclamation* | |

| PLANNING AND ZONING | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Type** | **Cost** | | | | | | |
| | Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre | | | | | | |
| | 1-5 | 6-10 | 11-15 | 16-25 | 26-50 | > 51 | |
| Plan Review | $150 | $250 | $300 | $350 | $400 | $450 | |
| Permit Modification | $50 | $100 | $150 | $200 | $250 | $350 | |
| Expedited Plan Review (In Addition to regular fees) | $150 | $250 | $300 | $350 | $400 | $450 | |
| Annual Fee – 1 to 5 Acres | $265.00 + State Fee | | | | | | |
| Annual Fee – 6 to 10 Acres | $430.00 + State Fee | | | | | | |
| Annual Fee – 11 to 15 Acres | $495.00 + State Fee | | | | | | |
| Annual Fee – 16 to 25 Acres | $560.00 + State Fee | | | | | | |
| Annual Fee – 26 to 50 Acres | $640.00 + State Fee | | | | | | |
| Annual Fee – 51 Acres or Larger | $725.00 + State Fee | | | | | | |
| *(11) Copies of Ordinances* | | | | | | | |
| Zoning | $20.00 | | | | | | |
| Land Division and Subdivision | $20.00 | | | | | | |
| Shoreland-Wetland | $20.00 | | | | | | |
| Floodplain | $20.00 | | | | | | |

The Planning and Zoning Department shall not issue any refund of fees due to the expenditure of staff time in processing applications when payment was received. At the Director's discretion, some exceptions may apply.

## SEC. 7.14 REGISTER OF DEEDS.

| REGISTER OF DEEDS | |
|---|---|
| **Type** | **Cost** |
| Recording Fee (except Plats) | $30.00 |
| Recording Fee (Plats) – Subdivision, Cemetery, and Condominium | $50.00 |
| Recording Fee (Plats) – Transportation Project Plats | $30.00 |
| Copies of Recorded Documents | First page – $2.00<br>Each additional page – $1.00<br>Certification – $1.00 |
| Copies of Plates | Plat size copy – $5.00 per page<br>Condo plat (22 x 14) – $3.00 per page |
| Vital Records Fee | First Copy – $20.00<br>Each additional copy (if ordered at the same time) – $3.00 |

"Page" means one side of a single sheet of paper, or if in an electronic format, a single image or the duplication of one side of a single sheet of paper.

## SEC. 7.15 REGISTER IN PROBATE.

| REGISTER IN PROBATE | |
|---|---|
| **Type** | **Cost** |
| Record applications for transfer of property to surviving joint tenant, life tenant or remainderman and/or summary confirmation of interest in property | $30.00 |

## SEC. 7.16 SHERIFF'S OFFICE.

| SHERIFF'S OFFICE | |
|---|---|
| **Type** | **Cost** |
| Huber Board | $125.00 per week |
| Boarding – Out-of-County Prisoners | $50.00 per day or at Sheriff's Discretion |
| Boarding – Out-of-County Prisoners in Medical Cell Area | $100.00 per day |
| Boarding – Columbia County Municipal Warrant/Judgement | $35.00 |
| Civil Process Fees-includes up to three attempts and mileage costs | $80.00 |
| Civil Process Fees – Additional defendants at same address | $25.00 |
| Civil Warrant Fee | $20.00 |
| Medical Fees – Columbia County Prisoners – visit to doctor or nurse in Jail | $5.00 per occurrence |
| Medical Fees – Out-of-County Prisoners – visit to doctor or nurse in Jail | $7.50 per occurrence |
| Medical Fees – All Prisoners – medical services received away from Jail | At cost as billed by provider |
| Medical Fees – All Prisoners – co-pay prescription | $5.00 per prescription |
| Medical Fees – All Prisoners 0 TB Skin Test (if in jail 14 days or longer) | $7.50 |
| Accident Reports | $5.00 |

| SHERIFF'S OFFICE | |
|---|---|
| **Type** | **Cost** |
| Investigation Report | $0.25 per page |
| Media Duplication – Digital (CD, DVD, flash drive, photo, email) | Actual and direct costs associated with the reproduction of the media files |
| Report Redaction Costs | Actual and direct costs associated with the redaction of report, audio, and video files |
| Special Enforcement and Deputy Escorts – preplanned and scheduled at least 120 hours prior | $71.00 per deputy per hour |
| Special Enforcement and Deputy Escorts – (less than 120 hours' notice) | $100.00 per deputy per hour |
| Sheriff's Sales – Posting | $75.00 each |
| Sheriff's Sales – Conducting the sale | $75.00 each |
| Personal Property: Possession and Storage at the Sheriff's Office | $25.00 per day |
| Warrant Pickup Charge | $50.00 |
| Electronic Monitoring – Installation Fee | $30.00 |
| Electronic Monitoring – Monitoring Fee | $175.00 per week |
| Writ Fee: Restitution, Replevin, Execution Against Property | $75.00 |
| Fingerprinting Fee | $20.00 per request |

## SEC. 7.17 SOLID WASTE.

| SOLID WASTE | |
|---|---|
| **Type** | **Cost** |
| Tipping Fees | $78.00 per ton |
| Construction and Demolition | $5.00 minimum/$100.00 per ton |
| Freon Appliances | $20.00 each |
| Non-Freon Appliances | $5.00 each |
| Brush/Pallets/Ag Bags | $55.00 per ton |
| Fluorescent Bulbs - Ballast | $5.00 per each |
| Fluorescent Bulbs – Other | $1.00 each |
| Incandescent Bulbs | $0.50 each |
| Bulbs in Bulk | $200.00 |
| Anti-Freeze | $1.00/gallon |
| Oil Filter | $0.25/each |
| Box Clean Out | $50.00 |
| Furniture – Couch | $15.00 each |
| Furniture – Chair | $7.00 each |
| Garbage | $1.00/small bag $2.00/large bag greater than 15 gallons $78.00/ton |
| Mattress/Box Spring | $5.00 each |
| Tires | $10.00 each |

| SOLID WASTE | |
|---|---|
| **Type** | **Cost** |
| Tractor Tires - by weight (any load with ten (10) or more tires are charged by weight) | $405.00 per ton |
| Monitors/Televisions – 32” or Larger | $25.00 each |
| Monitors/Televisions – less than 32” | $15.00 each |
| Electronics – Large (i.e. copiers, etc.) | $40.00 each |
| Electronics – Small (i.e. VCR/Receivers/Radios, etc.) | $2.00 each |
| Single Stream | $0 min- $50.00 max ton charge |

The Solid Waste Director is authorized to adjust the fee schedule for single stream and commingle, on a monthly basis. On or before the 15th day of each month, the Solid Waste Director shall set single stream and commingle fees within the minimum to maximum range established in this Ordinance. Current monthly fees will be posted at the Solid Waste Department Office and on the Solid Waste Department Website. The Solid Waste Director shall report any changes in current monthly fees to the Solid Waste Committee, Finance Committee, and to the County Board.

Price List 1/1/2026
**Container Rental/Garbage**
**(Commercial/County Departments)**

| Size | Every Other Week | Weekly | Twice a Week | Once a Month | Additional Pickup | Customer Owned Pickup |
|---|---|---|---|---|---|---|
| 2 Cubic Yard | $70.00 | $ 102.00 | $171.00 | N/A | $38.00 | $55.00 |
| 4 Cubic Yard | $80.00 | $123.00 | $205.00 | N/A | $38.00 | $55.00 |
| 6 Cubic Yard | $93.00 | $145.00 | $240.00 | $76.00 | $65.00 | $70.00 |
| 8 Cubic Yard | $105.00 | $167.00 | $272.00 | N/A | $65.00 | $70.00 |
| 10 Cubic Yd | $129.00 | $205.00 | $336.00 | N/A | $65.00 | N/A |

Container Rental/Recycling

| Size | Every Other Week | Weekly | Twice a Week | Monthly | Additional Pickup |
|---|---|---|---|---|---|
| 2 Cubic Yard | $56.00 | $82.00 | $129.00 | | $35.00 |
| 4 Cubic Yard | $61.00 | $88.00 | $139.00 | | $35.00 |
| 6 Cubic Yard | $65.00 | $91.00 | $142.00 | $69.00 | $35.00 |
| 8 Cubic Yard | $70.00 | $93.00 | $147.00 | | $35.00 |
| 10 Cubic Yd | $82.00 | $98.00 | | | |

Container Rental/Construction

| Size | 1 Week Rental | Minimum Disposal* | Add'l Rental/Day | Add'l Rental/Week | Monthly |
|---|---|---|---|---|---|
| 15 Cubic Yard | $275.00 | $200.00/2 tons | $15.00 | $90.00 | $350.00 |
| 20 Cubic Yard | $275.00 | $300.00/3 tons | $15.00 | $90.00 | $350.00 |
| 30 Cubic Yard | $275.00 | $300.00/3 tons | $15.00 | $90.00 | $350.00 |

*If the actual weight is over the minimum included, an additional demolition charge will be billed at $100.00/ton.

Municipality/Other Contracts are approved by the Solid Waste Committee.
Cart Rental Contracts: Garbage $14.00/month; Recycling $12.00/month
County Hauling Rate: $140.00
Out of County Hauling Rate: $180.00

Volume Discount: Garbage $70.00/ton
Demolition $85.00/ton

## SEC. 7.18 TREASURER.

| TREASURER | |
|---|---|
| **Type** | **Cost** |
| Prorated Costs of Tax Foreclosures | $225.00 per parcel |
| Prorated Costs of Title Searches for Tax Foreclosures | $60.00 per parcel |
| County staff time spent on sale of tax delinquent property after 3/31/2022 Wisconsin Act 216 | $125.00 per hour |
| Copy of Tax Bill (Computer Generated) | $0.35 each |
| Copy of Delinquent Counter Book | $50.00 |
| Certified copies, delinquent tax search | $1.00 per parcel |
| Insufficient Funds/Closed Account/No Account/Stop Payments Checks | $20.00 |

## SEC. 7.19 UW EXTENSION.

| UW EXTENSION | |
|---|---|
| **Type** | **Cost** |
| Registration Fees for U.W. Seminars or Programs | By Department Approval |

# Chapter 8 – County Departments

## SUBSECTION 100: ACCOUNTING

### SEC. 8.101 CREATION AND PURPOSE.

There is hereby created a Columbia County Accounting Department, under the direction of the Comptroller, which fulfills the duties of the County Auditor as defined in Wis. Stats. § 59.72, and develops and maintains the county's financial reporting system in accordance with generally accepted accounting principles and governmental accounting, auditing, and financial reporting guidelines.

Accounting staff are assigned to various departments and operations, with offices located at the Administration Building, Health and Human Services, Health Care Center, Jail, and Highway.

### SEC. 8.102 AUDIT.

The department manages the County's independent audit and is responsible for schedules, reports, calculations, and narratives, as well as the internal audit function. The results are available on the County's website.

### SEC. 8.103 OVERPAYMENT AND UNDERPAYMENT.

Unless otherwise authorized by law, county agencies but also including the Office of the District Attorney, may retain over payments of fees, licenses, and similar charges when the over payment is $3.00 or less, unless such refund is specifically requested in writing. Under payment of not more than $3.00 may be waived when the administrative cost of collection would exceed the amount of under payment.

### SEC. 8.104 COUNTY BUDGET.

The department shall prepare the County budget as directed by the Finance Committee, adopted by the County Board, and apportions taxes to municipalities.

### SEC. 8.105 COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING PROGRAM.

The department shall administer the Fund, which is governed by the State of Wisconsin Department of Administration.

## SEC. 8.106 FAIR AND OPEN HOUSING.

(1) Columbia County recognizes its responsibilities under Wis. Stats. § 106.50, as amended, and endorses the concept of fair and open housing for all persons and prohibition of discrimination therein.

(2) Columbia County hereby adopts Wis. Stats. § 106.50, as amended, and all subsequent amendments thereto.

(3) The officials and employees of Columbia County shall assist in the orderly prevention and removal of all discrimination in housing within Columbia County by implementing the authority and enforcement procedures set forth in Wis. Stats. § 106.50, as amended.

(4) The Columbia County Accounting Office shall maintain forms for complaints to be filed under Wis. Stats. § 106.50, as amended, and shall assist any person alleging a violation thereof in Columbia County to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Wis. Stats. § 106.50, as amended.

## SEC. 8.107 PROPERTY ASSESSED CLEAN ENERGY ("PACE") FINANCING.

(1) **Purpose.** The County finds that renovations or additions to premises located in the County made to improve energy efficiency, improve water efficiency, and/or use renewable resource applications, increase property values, stimulate local economic activity, provide local and global environmental benefits, and promote the general welfare of County residents. The purpose of this Section is to facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for these properties.

(2) **Statutory Authority.** This Ordinance is enacted pursuant to Wis. Stats. § 66.0627, as amended, which authorizes a county to make a loan or enter into an agreement regarding loan repayments to a third party for owner-arranged or lessee-arranged financing, to an owner or a lessee of a premises located in the county for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a premises.

(3) **Definitions.** In this Section:

(a) **Annual installment.** The portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.

(b) **Borrower.** The property owner or lessee of the subject property that borrows the proceeds of a PACE loan.

(c) **Default loan balance.** The outstanding balance, whether or not due, of a PACE loan at the time that the County receives foreclosure proceeds.

(d) **Foreclosure proceeds.** The proceeds received by the County from the disposition of a subject property through an in-rem property tax foreclosure.

(e) **Loan amount.** The principal, interest, administrative fees (including the Program Administrator's fees) and other loan charges to be paid by the borrower under the PACE loan.

(f) **PACE.** The acronym for property assessed clean energy.

(g) **PACE default provisions.**

1. The delinquent annual installment(s) due when the County initiates the in-rem property tax foreclosure on the subject property;

2. Any additional annual installment(s) that become due between the time that the County initiates in rem property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds;

3. Any default interest charges applied to unpaid annual installments referenced in subs. a. and b. above, as provided in the supplemental agreement; and

4. Any default loan balance.

(h) **PACE lender.** Any person that makes a PACE loan, and which may include an affiliate of the borrower.

(i) **PACE loan.** A loan made by a PACE lender to a borrower under this Section for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a subject property.

(j) **Person.** Any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture or other legal entity, or a political subdivision as defined in Wis. Stats. § 66.0627.

(k) **Program Administrator.** The person retained by the Wisconsin PACE Commission as provided in Subsection (5)(b).

(l) **Subject property.** Any premises located in the County on which an energy efficiency improvement, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE loan.

(m) **Supplemental agreement.** A written agreement among a borrower, a PACE lender and the County, as provided for in Subsection (7).

(n) **Wisconsin PACE Commission.** The Wisconsin PACE Commission formed under Wis. Stats. § 66.0301, as amended, by the County and one or more other political subdivisions as defined in Wis. Stats. § 66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.

(4) **PACE Loans as Special Charges; Delinquent Amounts as Liens.** Any PACE loan made and secured pursuant to this Section shall be considered a special charge on the subject property. Any annual installment or portion of a PACE loan made and secured pursuant to the Section that becomes delinquent according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll, as permitted pursuant to Wis. Stats. § 66.0627 as amended.

(5) **Wisconsin PACE Commission.**

(a) Any of the powers and duties of the County under this Section, except for those under Subsection (9) may (but are not required to) be delegated to the Wisconsin PACE Commission.

(b) The Wisconsin PACE Commission is further authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements set forth in this Section and in Wis. Stats. § 66.0627 as amended.

(6) **Loan Approval.**

(a) A prospective borrower applying for a PACE loan shall comply with the loan application process set forth in the program manual approved by the County.

(b) The County shall approve the financing arrangements between a borrower and PACE lender.

(7) **Supplemental Agreement.**

(a) The County, the borrower and the PACE lender shall execute the supplemental agreement which, without limitation:

1. Shall inform the participants that the PACE loan amount shall be imposed as and considered a special charge, and each year's annual installment may be included on the property tax roll of the subject property as a special charge and an annual installment that is delinquent shall be a lien against the subject property pursuant to Wis. Stats. § 66.0627, as amended;

2. Shall recite the amount and the term of the PACE loan;

3. Shall provide for the amount, or a method for determining the amount, of the annual installment due each year;

4. Shall provide whether default interest may be applied to unpaid annual installments;

5. Shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements;

6. Shall provide for any fees payable to the County and/or Program Administrator;

7. Shall recite that the supplemental agreement is a covenant that runs with the land;

8. May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if any; and

9. May allow for amendment by the parties.

(b) Prior to executing the supplemental agreement, the owner of the subject property, if different from the borrower, and any existing mortgage holder(s) on the subject property must have executed a separate writing acknowledging the borrower's use of PACE financing for the subject property and the special charge that will be imposed under this Section and its consequences, including the remedies for collecting the special charge.

(c) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.

(d) The annual payments of a PACE loan may be payable in installments as authorized by Wis. Stats. § 66.0627, as amended.

(8) **Annual Installments Added to Tax Rolls.** Upon the request of the Program Administrator the County shall place each year's annual installment on the tax roll for the subject property as permitted pursuant to Wis. Stats. § 66.0627, as amended.

(9) **Remittance of Special Charges.** The County shall promptly remit to the Wisconsin PACE Commission any payment(s) for a special charge imposed under this Section, including penalties and charges thereon, it may receive from any taxing district or the County treasurer pursuant to Wis. Stats. Ch. 74, as amended.

(10) **Property Tax Foreclosure Procedures.**

(a) The County elects to utilize the provisions of Wis. Stats. § 75.521, as amended, for the purpose of enforcing tax liens if a subject property owner fails to pay any special charges imposed on the subject property under this Section, as required.

(b) The County shall begin an in-rem property tax foreclosure proceeding on the subject property at the earliest time allowed under Wisconsin Statutes, unless the County determines that subject property is a "brownfield" (as defined is Wis. Stat. § 75.106, as amended) or that in rem property tax foreclosure is not in the best interests of the County due to the condition of the property or for other reasons.

(c) If the County has determined that it will not commence an in-rem property tax foreclosure proceeding, then the PACE lender may request that the County, pursuant to Wis. Stats. § 75.106, as amended, assign the County's right to take judgment against the subject property, provided that the PACE lender and the County fully comply with all provisions of Wis. Stats. § 75.106, as amended, concerning the subject property and the PACE lender agrees to pay the amounts required by Wis. Stats. § 75.36(3)(a)1 and 1m, as amended.

(11) **Sale of Foreclosed Property.** If the County prevails in an in-rem property tax foreclosure action against a subject property, the County shall diligently proceed to sell the subject property pursuant to the procedures set forth in Wis. Stats. § 75.69, as amended.

(12) **Distribution of Foreclosure Proceeds.** The County treasurer shall follow the procedures set forth in Wis. Stats. § 75.36, as amended, to distribute the proceeds from the sale of a subject property.

(13) **Effective Date.** This Ordinance shall take effect the day after passage and publication as required by law.

## SEC. 8.108 DEBT MANAGEMENT.

The department manages all debt issued by Columbia County, including statutory requirements, issuance and refunding calculations, repayments, credit rating responsibilities and disclosures, and required financial reporting.

## SEC. 8.109 CAPITAL ASSET SYSTEM.

The department maintains the Capital Asset System for Columbia County property.

## SEC. 8.110 GRANT REPORTING.

The department is responsible for financial compliance with various grants and submits financial reports to the Federal and State government.

## SEC. 8.111 TRANSACTION PROCESSING.

The department shall process journal entries, post receipts, allocate insurance to departments, and bill applicable users of county service.

## SEC. 8.112 PROCUREMENT.

The department is responsible for maintenance and oversight of procurement functions.

## SEC. 8.113 RECREATIONAL FUNDS.

(1) **Purpose.** This is to govern the administration and use of miscellaneous funds by Columbia County Departments, officials and employees. Recreational funds exist for purposes including providing employee holiday parties, other employee social functions, and retirement gifts for Columbia County employees, all without using public money.

(2) **Source of Funds.** Approved sources for recreational funds shall include revenue generated by Columbia County employees from soft drink and other vending machine sales and revenues generated from such other sources as are approved by the appropriate departmental governing committee and the Finance Committee.

(3) **Administration of Funds.** Recreational funds shall not be maintained in cash. Rather, recreational funds shall be maintained either in a checking account administered by a Department or in an account administered by the County Comptroller. Minimum and maximum fund balances shall be determined by the appropriate departmental governing committee and the Finance Committee.

(4) **Accounts.** The recreational funds accounts are broken down as follows:

(a) Court House and Administration Building;

(b) Health and Human Services;

(c) Health Care Center;

(d) Sheriff's Office;

(e) Highway; and

(f) Solid Waste.

(5) **Approved Expenditures.** Recreational funds may be used to provide Columbia County employees with events and items such as holiday parties, other employee social functions and retirement gifts. Recreational funds shall not be used to provide cash payments, bonuses, or awards to individual employees or to purchase or subsidize the purchase of any alcoholic beverages. Either a Department Head or one or more employees designated to do so by a Department Head shall determine the specific purpose or purposes for which individual expenditures from recreational funds can be made.

(6) **Accounting and Auditing.** Detailed records of each deposit and each expenditure of recreational funds must be maintained. Recreational funds not administered through the County Comptroller's office are subject to annual review and audit by the County Comptroller. The County Comptroller shall report the results of any such audit to the appropriate departmental governing committee and to the Finance Committee.

### SEC. 8.114 COUNTY VEHICLES.

The department shall administer the County Owned Vehicle Use Policy as contained in the County Financial Handbook.

### SEC. 8.115 OTHER.

The department trains all County employees involved in applicable functions and systems, prepares financials, costings, reconciliations, claims, and analysis for use by the County Board, departments, and the public, designs programs within County software, and maintains the County Financial Handbook.

## SUBSECTION 200: CHILD SUPPORT

### SEC. 8.201 CREATION AND PURPOSE.

There is hereby created a Child Support Agency as defined in Wis. Stats. § 59.53(5) and overseen by Corporation Counsel, to implement and administer the collection of child and spousal support, and establishment of paternity.

### SEC. 8.202 CORPORATION COUNSEL CHILD SUPPORT DUTIES.

See Section 8.302(2)(k) of this Chapter.

# SUBSECTION 300: CORPORATION COUNSEL

## SEC. 8.301 APPOINTMENT OF CORPORATION COUNSEL.

(1) The Board of Supervisors shall employ a full-time Corporation Counsel.

(2) The Corporation Counsel shall be an attorney at law, duly licensed to practice his or her profession in the State of Wisconsin.

(3) The appointment and duties of the Corporation Counsel shall be pursuant to Wis. Stats. § 59.42(1).

## SEC. 8.302 CORPORATION COUNSEL'S DUTIES.

(1) **General Duties.**

(a) The duties of the Corporation Counsel shall be limited to civil matters, and shall include the prosecution and defense of all civil actions, proceedings, applications and motions in any court, commission, board, tribunal or body in any jurisdiction of this or other states or of the nation or tribal nation in which the County, the County Board, or any commission, committee or officer thereof is interested or a party, by virtue of the office.

(b) The Corporation Counsel shall, when requested, provide advice to the County Board or any commission, committee, departments, agencies or officers of the County, in all civil matters in which the County, the County Board, or any commission, committee or officer thereof is interested or relating to the discharge of official duties of such departments, boards, commissions, committees, agencies or officers and examines all claims against the County for officers, interpreters, witnesses, and jurors fees and costs in civil actions and examinations when presented to the Board of Supervisors and reports, in writing thereto, as to the potential liability of the County for any and all claims of whatever nature files against it; and acts as legislative counsel for the Board of Supervisors when so authorized. The Corporation Counsel shall hire outside counsel for the execution of these duties only when deemed necessary.

(2) **Additional Duties.**

In addition to the above general duties, the Corporation Counsel shall perform all duties as required by the County Board and as listed in the job description, which shall include:

(a) Attending all meetings of the Board of Supervisors of Columbia County, except when prior engagements make it impossible to do so, and shall serve as parliamentarian.

(b) Collecting all claims and accounts due to the County in civil matters.

(c) Duties for the Human Services Department:

1. Act as legal advisor and do legal work for the Columbia County Human Services Department;

2. Enforce and collect old age assistance liens;

3. Process and collect general relief claims, including actions and claims against other counties;

4. Represent the Department in all matters relating to Protective Services for the aged, mentally ill, and developmentally disabled under Wisconsin Chapters 54 and 55.

5. Assist the Director of Human Services in any action to correct errors in the State special charges for persons in institutions outside of Columbia County.

(d) Advising and assisting the County Treasurer in instituting appropriate actions to foreclose tax liens by action in rem and advise the County Information Services and Property Committee with respect to any taxation problems affecting Columbia County.

(e) Processing actions to collect forfeitures and/or seek compliance where the ordinances of Columbia County, other than Chapters 340 to 348 of the Columbia County Code of Ordinances relating to traffic, have been violated.

(f) Having concurrent jurisdiction with consent of the District Attorney to process forfeitures for violations of Chapters 340 to 348 of the Columbia County Code of Ordinances.

(g) Assisting in the processing of mental commitments under Wisconsin Statutes Chapter 5l.

(h) In the absence of the District Attorney, and upon appointment by a judge, shall act as district attorney pro tempore.

(i) Assisting the negotiating committee of the County Board in the collective bargaining of labor contracts.

(j) Performing such other work of a civil nature, such as the handling of bond issues or other matters as may be assigned or delegated to him by the County Board of Supervisors.

(k) Duties for the Child Support Agency:

1. Supervising and directing the Child Support Administrator and staff.

2. Act as Child Support Agent for the State of Wisconsin, and is responsible for representing the Columbia County Child Support Agency in civil and criminal actions.

3. Establishing the paternity of nonmarital children

4. Processing uniform reciprocal enforcement of support actions under Wisconsin Statutes Chapter 767.

### SEC. 8.303 ASSISTANT CORPORATION COUNSEL.

(1) Pursuant to Wis. Stats. § 59.42(1)(c), the Corporation Counsel may appoint one or more Assistant Corporation Counsels, upon authorization by a majority of the County Board.

(2) Any Assistant Corporation Counsel shall also be an attorney at law, duly licensed to practice his or her profession in the State of Wisconsin, and shall have the authority to perform all the duties of the Corporation Counsel.

## SUBSECTION 400: COUNTY CLERK

### SEC. 8.401 PURPOSE.

The position of Columbia County Clerk is governed pursuant to Wis. Stats. § 59.23 and the County Clerk shall perform all the duties as required therein.

### SEC. 8.402 PROPERTY INSURANCE.

(1) All property insurance policies for Columbia County shall be filed in the office of the County Clerk.

(2) Property insurance involves any damage to County property. “Property” can include, but is not limited to, buildings, vehicles, contractor’s equipment, and property in the open.

(3) All incidents must be reported to department heads within 24 hours or as soon as possible.

(4) After an occurrence/loss which could result in a claim Department heads, or their designee, shall report all incidents and submit the required forms along with supporting documentation to the County Clerk’s Office within 24 hours, or as soon as reasonably possible.

(5) Department heads, or their designee, shall report any changes to add or remove property from the statement of values during the policy year to the County Clerk's Office, by submitting the appropriate forms.

(6) The County Clerk shall administer the reporting of claims or changes with the County's insurance carriers and shall coordinate the insurance program with the appropriate committees and departments.

### SEC. 8.403 LIABILITY INSURANCE.

(1) All liability insurance policies for the County shall be filed with the County Clerk's Office.

(2) Liability insurance covers damage that is caused by the County or one of its employees to a non-county individual. "Liability" can be any occurrence that may lead to a potential claim, any Notice of Injury or Notice of Claim on County property, or any damages as a result of County involvement (such as automobile accidents).

(3) All incidents must be reported to department heads within 24 hours or as soon as possible.

(4) Department heads, or their designee, shall report all incidents to the County Clerk's Office within 24 hours, or as soon as reasonable possible, after an occurrence/loss which could result in a claim, and submit the required forms along with supporting documentation.

(5) The County Clerk shall administer the reporting of a claim with the County's insurance carriers and shall coordinate the insurance program with the appropriate committees and departments.

## SUBSECTION 500: EMERGENCY MANAGEMENT

### SEC. 8.501 CREATION AND PURPOSE.

There is hereby created a Columbia County Emergency Management Office to ensure that the County of Columbia will be prepared to cope with emergencies resulting from enemy action or resulting from natural and/or manmade disasters, pursuant to Wis. Stats. Chapter 323. The purpose of the Columbia County Emergency Management Office is to plan for, respond to, and coordinate emergency responses resulting from enemy action, natural and/or manmade disasters.

### SEC. 8.502 LOCAL EMERGENCY PLANNING COMMITTEE.

(1) There shall be a Local Emergency Planning Committee appointed by the Columbia County Board of Supervisors, pursuant to Wis. Stats. § 59.54(8).

(2) **Per Diem and/or Other Reimbursements.** Only those members of the Committee appointed by the County Board Chair are entitled to per diem and/or other reimbursements.

## SEC. 8.503 QUALIFICATION FOR GRANTS.

The Emergency Management Office shall perform its duties in such a manner as to maximize the payment of State and Federal grants for emergency preparation.

## SEC. 8.504 EMERGENCY RESPONSE PLAN.

The Emergency Management Office shall maintain and update a countywide Emergency Response Plan, which shall set forth the succession of county offices to respond to emergencies.

## SEC. 8.505 PENALTIES.

It shall be unlawful for any person willfully to obstruct, hinder, or delay the enforcement of any order, rule, regulation, or plan issued pursuant to the authority contained in this section. Violations shall be subject to penalties as listed in the penalty section of the Code of Ordinances.

## SEC. 8.506 DECLARATIONS OF EMERGENCIES.

(1) A state of emergency in Columbia County may be declared by the Governor, County Board Chair, or in his/her absence, the County Board Vice Chair, the Executive Committee, or by a resolution passed by a majority of the County Board.

(2) Upon declaration of a state of emergency, the issuing authority may issue all necessary proclamations as to the existence of a state of emergency and may issue such disaster warnings or alerts as may be required in the county emergency plan.

(3) The Emergency Management Coordinator may act in accordance with the county emergency management plan and after the declaration of an emergency and the issuance of official disaster warnings.

(4) Such state of emergency shall continue until terminated by the issuing authority. Additionally, provided that any such declaration was not issued by the Governor, the state of emergency may be terminated at the discretion of the County Board Chair or Executive Committee.

## SEC. 8.507 EMERGENCY ORDINANCES.

Whenever necessary to meet an emergency for which adequate ordinances have not been adopted by the County Board, the County Board Chair, or in his/her absence, the County Board First Vice Chair, may proclaim, promulgate and enforce orders, rules and ordinances relating to the conduct of persons and the use of property which are necessary and expedient for the safety, welfare and good order of the county and to protect public peace, health and safety, and preserve lives and property, and to ensure the cooperation in emergency management activities. Any such proclamation shall be posted in three (3) public places and may be rescinded in writing by the issuing authority or by resolution of the County Board.

## SUBSECTION 600: FACILITIES MANAGEMENT

### SEC. 8.601 CREATION AND PURPOSE.

There is hereby created the Columbia County Facilities Management Department to maintain the cleanliness and physical upkeep of the buildings and grounds and technical systems for all buildings, under the governance of the Information Services and Property Committee.

### SEC. 8.602 OFFICE EQUIPMENT.

(1) **Surplus Equipment.** The department shall store and have physical custody of surplus county office equipment for the use by any County departments and offices. If the any surplus is found to be broken or unsafe for use, it will be disposed of by the Facilities Management Department. Surplus that has no demand or foreseeable use may be placed for sale.

(2) **Donation of or Use of Personally Owned Office Furniture and Equipment.** An individual seeking to donate office furniture and equipment, or an employee seeking to utilize a personally owned item of furniture or equipment during their term of employment, in a County office building, shall obtain the written approval of the Facilities Management Director prior to making arrangements for delivery of the items to the County office building.

### SEC. 8.603 TAX DELINQUENT PROPERTY.

The department shall, at the request of the Information Services and Property Committee, secure and perform necessary maintenance on tax delinquent property.

## SUBSECTION 700: HEALTH CARE CENTER

### SEC. 8.701 CREATION AND PURPOSE.

There is hereby created a Columbia Health Care Center, a skilled nursing facility. The Center is to provide quality health care and comply with State and Federal laws governing nursing homes.

### SEC. 8.702 SERVICES.

Services offered at the Health Care Center include: medical and psychiatric care; dietary monitoring; occupational, speech, and physical therapy; social service intervention; and recreational therapy.

### SEC. 8.703 MEMORY CARE UNIT.

The Health Care Center shall maintain and provide care and monitoring for residents diagnosed with dementia related illnesses.

# SUBSECTION 800: HEALTH AND HUMAN SERVICES.

## SEC. 8.801 CREATION AND PURPOSE.

There is established a Health and Human Services Program for Columbia County.

(1) The intent of this subsection is to define the Columbia County Health and Human Services Board's organization and responsibilities. The Health and Human Services Board is considered a standing committee under Columbia County Board of Supervisors. The Health and Human Services Board shall adhere to all the County Ordinances, Standing Rules, and all other County practices and procedures. The ordinance is designed to develop and make available to all Columbia County citizens a comprehensive range of health and human services in an integrated and efficient manner, to utilize and expand existing governmental, voluntary, and private community resources for the provision of services to prevent or reduce social, mental, physical disabilities, and problems associated with aging; to provide for the integration of administration of those services through the establishment of a unified governing and policy making board of directors, in accordance with Wis. Stats. § 46.23 and Chapter 251.

(2) **Purpose.** The program shall possess all the powers and duties, and carry out the responsibilities, of the Health and Human Services Board and programs, established under Wis. Stats. §§ 46.22, 46.23, 48.067, 48.069, 51.42, 51.437, and 251.04; Federal Older Americans Act; and 1991 Wisconsin Act 235, and rules and ordinances adopted pursuant thereto.

## SEC. 8.802 HEALTH AND HUMAN SERVICES BOARD COMPOSITION, TERMS OF OFFICE, AND COMPENSATION.

(1) **Health and Human Services Board.** There shall be appointed a governing and policy making Health and Human Services Board composed of nine members. Members of the Health and Human Services Board shall be appointed as rules of the County Board provide, and in compliance with state and federal regulations and specifications. No more than six shall be members of the Columbia County Board of Supervisors, and the chairman and the vice-chairman of the Health and Human Services Board shall be members of the County Board. The remaining three members shall be citizens. There shall be representation of the interests of the mentally ill, the developmentally disabled, alcoholic and drug dependent, and senior citizens by persons of recognized ability and demonstrated interest in these conditions; there shall also be a consumer or a family member of a consumer who is or has received Human Services; and there shall be a good faith effort to have a registered nurse and physician.

(2) **Terms of Office.** The term of office of each member of the Health and Human Services Board shall be three years except that in establishing the initial Health and Human Services Board hereunder, one-third for a term of one year, one-third for a term of two years, and the remainder for a term of three years. Vacancies for unexpired terms shall be filled in the same manner as original appointments. Any member appointed hereunder, may be removed by the appointing authority in accordance with the procedure and authority set forth in the statutes.

(3) **Compensation.** Members of the Health and Human Services Board shall be paid for their mileage and per diem at meetings of the Health and Human Services Board and other Health and Human Services Board-related business at the rate applicable to meetings of other County Board committees.

## SEC. 8.803 HEALTH AND HUMAN SERVICES BOARD POWERS, DUTIES, AND MEETINGS.

(1) **Powers.** A Health and Human Services Board shall possess all the powers and duties assigned by law to personnel and committees organized under Wis. Stats. §§ 46.22, 46.23, 48.067, 48.069, 51.42, 51.437, and 251.04; the Federal Older Americans Act; and under Wis. Stats. Chapters 46, 48, and 59, except as otherwise specified in this section or as specified by other Columbia County ordinances.

(2) **Duties.** The Health and Human Services Board:

(a) Shall prepare a local plan and budget in accordance with Wis. Stats. § 46.031, for the delivery of health and human services which includes an inventory of all existing resources, identifies needed new resources and services, and contains a plan for meeting the health, mental health, and social service needs of individuals and families. The budget shall attempt to capture appropriate federal and state funds available to Columbia County.

(b) With the approval of the State of Wisconsin Department of Health Services (DHS) and the Department of Children and Families (DCF), the Health and Human Services Board may expend these budgeted funds consistent with any service provided under Wis. Stats. §§ 49.52 (1)(d), 51.42, and 251.10.

(c) Shall determine administrative and program policies within limits established by the State Department of Health Services and the Department of Children and Families and shall establish priorities in addition to those mandated by the State Department of Health Services and the Department of Children and Families.

(d) Shall determine whether services are provided or purchased by contract from other providers. The Health and Human Services Board shall monitor the performance of such contracts. Purchase of service contracts shall be subject to the conditions specified in Wis. Stats. § 46.036, regarding "Purchase of Care and Service." The Health and Human Services Board shall receive recommendations from the Health and Human Services Director regarding all contracts and shall authorize any such contracts.

(e) May by majority vote recommend to the County Board of Supervisors the removal of the Director for just cause. The County Board of Supervisors may remove the director for cause by two-thirds' vote on due notice in writing and hearing of the charges against the Director.

(f) Shall develop Health and Human Services Board operating procedures and policies.

(g) Shall oversee the operation of service delivery systems and programs.

(h) Shall annually evaluate service delivery.

(i) Shall review all new positions if such positions have funds allocated to cover the full costs in the annual budget or in special grants, if the positions are recommended by the Health and Human Services Director. The Health and Human Services Board's review shall be forwarded to the County Human Resources, Executive, and Finance Committees for action if the position is recommended.

(j) Shall coordinate services and cooperate to the extent feasible with local school districts, health planning agencies, law enforcement agencies, and other human service agencies, committees, and planning bodies in the geographic area serviced by the Health and Human Services Board.

(3) **Meetings.**

(a) The Health and Human Services Board shall conduct monthly meetings. Meetings shall be at a time and place to be determined by the Health and Human Services Board and with an agenda clearly stating the purpose and business to be transacted and in conformity with Chapter 19 of the Wisconsin Statutes.

(b) Other meetings of the Health and Human Services Board or its committees may be called by the Health and Human Services Board chairperson upon approval of the County Board Chair.

(c) The Health and Human Services Board and committee members are to be notified of all Health and Human Services Board meetings at least five working days prior to the meeting. Such notice shall set forth the time, date, place, and the subject matter to be discussed at such meeting.

(4) **Annual, and Other, Required Reports.** The Health and Human Services Director, on behalf of the Board, shall make an annual report to the County Board of Supervisors and shall make or cause to be made such reports as may be required by law.

## SEC. 8.804 HEALTH AND HUMAN SERVICES DIRECTOR.

(1) **Powers and Duties.** All the administrative and executive powers and duties of managing, operating, maintaining, and improving programs shall be vested in the Health and Human Services Director, subject to such delegation of authority as is consistent with this section and the rules promulgated by the Wisconsin Department of Health Services and the Department of Children and Families under this section. In consultation with the Health and Human Services Board and subject to its approval, the Health and Human Services Director shall:

(a) Be responsible to the Health and Human Services Board.

(b) Prepare an annual plan and budget of all funds necessary for the program and services authorized by this section in which priorities and objectives for the year are established, as well as any modifications of long-range objectives.

(c) Prepare such other reports as are required by the Secretary of the Department of Health Services, Secretary of the Department of Children and Families, and the County Board of Supervisors.

(d) Make recommendations to the Health and Human Services Board for staffing needs and classification of employees.

(e) Propose operational policies, inform the Health and Human Services Board of areas needing policy, and carry out Health and Human Services Board adopted policies.

(f) Make recommendations for changes in organization, management, and program services as need dictates.

(g) Develop contingency plans in the event financial resources are not as anticipated.

(h) Execute financial controls on contracts, programs, and all other agency spending.

(i) Gather data, carry out a planning process, and recommend alternatives to the Health and Human Services Board on client/patient needs in Columbia County.

(j) Develop community-based prevention programs and recommend alternatives to the Health and Human Services Board.

(k) Develop new programs based on needs, studies, and authorized by the Health and Human Services Board.

(l) Recommend areas in which technical assistance is needed.

(m) Represent the Health and Human Services Board in negotiations with the state and federal governments, as well as service providers.

## SEC. 8.805 PURCHASED AND PROVIDED SERVICES.

The following criteria shall be used in determining whether to purchase or provide services and shall be the duty of the Health and Human Services Board to implement:

(1) When determining whether to purchase or provide services, considerations shall be given to cost, price, service effectiveness, availability, continuity of care and service, quality and accountability. When cost-effective alternatives are found to be available by the Health and Human Services Board, they may either utilize existing vendors or request proposals.

(2) Preference shall be given to providing services which require the use of government police powers.

(3) Administrative costs shall be determined on all service contracts as applied to the contract period.

(4) All service contracts shall have a mandatory audit clause, unless waived by the Purchaser or the Department, requiring a complete audit report within 90 days of completion of the contract period, and an "engagement letter of intent" within 30 days of the end of the contract period. The 90 days may be waived for cause and upon mutual agreement of the parties.

## SEC. 8.806 REPRESENTATIVE PAYEE.

(1) The Health and Human Services Board is hereby authorized to be the representative payee for the residents of Columbia County who receive aid from the Social Security Administration, Veteran's Administration, or Economic Support Programs, but who are not competent or have otherwise shown an inability to handle such aid directly.

(2) The Health and Human Services Board may delegate to the Health and Human Services Director the administrative responsibility of establishing representative payee's accounts referred to in (1). The Health and Human Services Board shall establish guidelines for the handling of these accounts, to ensure that the client may benefit from financial counseling, as well as having strict accountability for his/her aid.

(3) Administration and/or staff shall only advise clients who are served under this Section, with respect to the use of their personal allowances and/or finances. Administration and/or staff shall not exercise any control over a client's personal allowances and/or finances.

### SEC. 8.807 PUBLIC HEALTH DIVISION.

(1) **Incorporation.** There is hereby incorporated as a part of the Health and Human Services Department of Columbia County Public Health Division, which conducts a generalized Community Health Program for residents of Columbia County, under the authority of Wis. Stats. Chapter 250-255. The program is supervised by the Administrator of the Public Health Division under the governance of the Health and Human Services Board in cooperation with the Wisconsin Department of Health and Family Services, Division of Health.

(2) **Purpose.** The purpose of the Columbia County Health Division is to further community health through the selective application of nursing and public health measures within the framework of the total community health effort.

(3) **Public Health Emergency.** A public health emergency cannot be declared without the approval of the County Board Chair. If the County Board Chair approves a public health emergency, the Executive Committee is required to meet within fourteen (14) days to review and approve a continuation of the public health emergency. In the event the Executive Committee approves continuation of the public health emergency, the order shall be reviewed and reapproved by the full County Board of Supervisors within thirty (30) days of the County Board Chair's initial date of approval of the public health emergency. Subsequent to the County Board approving the public health emergency, the order shall be reapproved by the full County Board of Supervisors every (30) days.

### SEC. 8.808 IMPLEMENTATION OF THIS SUBCHAPTER.

The Health and Human Services Board, Health and Human Services Director, and Department staff will implement this chapter in a cooperative and professional manner.

## SUBSECTION 900: HIGHWAY

### SEC. 8.901 INFORMATION.

See generally, Chapter 9 of the Columbia County Ordinances for information about the Columbia County Highway Department.

## SUBSECTION 1000: HUMAN RESOURCES

### SEC. 8.1001 CREATION AND PURPOSE.

(1) **Creation.** There is hereby created a Columbia County Human Resources Department, to maintain Columbia County compliance with Federal, State, and local laws relating to employment and labor relations.

(2) **Purpose.** The Human Resources Department shall implement County Board approved personnel policies and procedures, maintain and administer the payroll and fringe benefit functions, and negotiate collective bargaining agreements. This system shall include policies and procedures to recruit, select, develop and maintain an effective, efficient, and responsible work force for the County that meets all Federal Merit System and Affirmative Action Guidelines. This includes, but is not limited to:

(a) Recruit, select and advance employees on the basis of their relative knowledge, skills, and abilities.

(b) Provide equitable compensation for all employees.

(c) Require good job performance, reward exceptional performance, and correct inadequate performance in a fair and timely manner.

(d) Assure fair treatment of all applicants and employees in all aspects of human resources administration without regard to political affiliation or beliefs, race, color, national origin, creed, sex, age, family/marital status, handicap, and with proper regard for their rights as citizens.

(e) Protect employees against coercive political activities and to prohibit the use of their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.

(f) Provide an opportunity to appeal decisions.

## SEC. 8.1002 HUMAN RESOURCES ADMINISTRATION SYSTEM.

(3) **Authority.** This Subsection is promulgated under the authority of Wis. Stats. § 59.22(2)(c), as amended, and may be amended by the Columbia County Board of Supervisors in the same manner as adopted. The County Board possesses the sole right to operate County government and all management rights repose in it. These rights include, but are not limited to:

(a) Direct all operations of County government.

(b) Establish equitable work rules and schedules of work.

(c) Hire, promote, transfer, schedule, and assign employees to positions within the County.

(d) Suspend, demote, discharge, and take appropriate disciplinary action for cause.

(e) Relieve employees from their duties because of lack of work, funds, or any other legitimate reasons.

(f) Maintain efficiency and services of County government operations.

(g) Apply whatever action is necessary to comply with State and/or Federal law.

(h) Introduce new or terminate existing methods or facilities.

(i) Change or modify existing methods or facilities.

(j) Determine the kinds and amounts of services to be performed as pertains to County government operations, and the number and variations of classifications to perform such services.

(k) Contract out for goods, and services.

(l) Determine the methods, means, and personnel by which County operations are to be conducted.

(m) Take whatever action is deemed necessary to carry out the operations of County government in situations of emergency.

(4) **Scope.** This Subsection shall govern human resources administration for all employees and departments of the County of Columbia, except for the following:

(a) Members of the Columbia County Board of Supervisors;

(b) Elected County officials;

(c) Members of boards, commissions, committees, and judges when they are acting in that capacity;

(d) Students engaged in field training;

(e) Volunteer workers;

(f) Persons employed to make or conduct a temporary special inquiry investigation or examination on behalf of Columbia County (those under contract); and

(g) Sheriff's sworn staff, where specific policies are addressed by the collective bargaining agreement.

(5) **Human Resources Function.**

(a) **Organization**. There shall be in the Columbia County government a Human Resources Department, that operates under the direction of the Human Resources Committee.

(b) **Human Resources Committee.**

1. There shall be a five (5) member committee known as the Human Resources Committee.

2. Duties of the Committee shall be set forth in the County Board Standing Rules.

(c) **Human Resources Department**.

1. There shall be a Human Resources Department. The head shall be the Human Resources Director who shall be hired and appointed pursuant to County Ordinance and serve in the same manner as other department heads.

2. The Human Resources Director shall direct the Department's activities and appoint its employees with approval of the Human Resources Committee.

(6) **Intergovernmental Cooperation.** The Human Resources Director shall cooperate with other governmental agencies regarding personnel tests, recruiting, and training.

(7) **Department Heads.** Department Heads shall cooperate with the Human Resources Director in all areas covered under this Subsection, the Employee Handbook, and the Personnel Manual.

(8) **Unlawful Acts Prohibited.**

(a) No person shall make any false statement, certificate, mark, rating or report, or in any manner commit, or attempt to commit, any fraud preventing the impartial execution of this Subsection and policies.

(b) No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion or any advantage, in a position in the County service.

(c) No person shall deprive another of any right granted by this Subsection or furnish to any person any confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the County service.

## SEC. 8.1003 CLASSIFICATION OF POSITIONS.

Columbia County shall maintain a Classification Plan to be governed by the Human Resources Committee. The purpose of the Classification Plan is to provide a system of standardized titles and standardized job descriptions for effective planning and budgeting, standards of job performance, fair and equitable pay, valid selection and recruitment programs.

## SEC. 8.1004 COMPENSATION PLAN.

Columbia County shall maintain a current and equitable Compensation Plan for all employees (reviewed annually). This Compensation Plan shall include the schedule of pay ranges consisting of minimum and maximum rates of pay for all classes of positions in the County service. The objective of the Compensation Plan shall be:

(1) To provide an appropriate salary structure in order to recruit and retain an adequate number of competent employees; and

(2) To provide appropriate pay incentive for high employee productivity.

## SEC. 8.1005 RECRUITMENT, APPLICANT EVALUATION, APPOINTMENT, AND PROMOTION.

It shall be the policy of the County to recruit and select the most qualified persons for positions in the County's service. Recruitment and selection shall be conducted in an affirmative manner to ensure open competition, provide equal employment opportunity, affirmative action, and compliance with the Civil Rights Act, the American with Disabilities Act, and the County's Personnel Manual.

## SEC. 8.1006 PERFORMANCE EVALUATION; DISCIPLINARY PROCEDURE; GRIEVANCE PROCEDURE; EMPLOYEE ORIENTATION AND TRAINING; EXIT INTERVIEWS.

It shall be the policy of Columbia County to have a performance evaluation system, a disciplinary procedure, a grievance procedure, employee orientation and training, and to conduct exit interviews when appropriate. These polices are located in the Employee Handbook and/or the Personnel Manual. Copies of the records related to the topics enumerated in this section shall be stored with the Human Resources Department.

## SEC. 8.1007 RECORDS MANAGEMENT.

It shall be the policy of Columbia County that an effective personnel records management system be developed and maintained that meets all Federal and State law and County needs.

## SEC. 8.1008 FRINGE BENEFITS.

It shall be the policy of Columbia County to provide fringe benefits as set forth in the Employee Handbook, which is incorporated herein by reference.

## SEC. 8.1009 CONDITIONS OF EMPLOYMENT.

The conditions of employment applying to all employees of Columbia County are as set forth in the Employee Handbook and Personnel Manual.

## SEC. 8.1010 SELECTION AND PLACEMENT OF DEPARTMENT HEAD POSITIONS.

Department Head positions shall be filled in conformance with the procedures in the Personnel Manual, along with any applicable statutes.

## SEC. 8.1011 EMPLOYEE HANDBOOK AND PERSONNEL MANUAL.

(1) The Human Resources Department shall create and retain an Employee Handbook and Personnel Manual. The Human Resources Department may work together with other county departments to revise the Employee Handbook and/or the Personnel Manual.

(2) Any proposed changes to the Employee Handbook must be reviewed and approved by the Human Resources Committee, by a majority vote, before it can be implemented.

(3) Permanent changes to the Personnel Manual shall be made by the Human Resources Committee or the Executive Committee, pending final approval by the County Board. In the event of a fiscal impact, additional approval by the Finance Committee will be required before the change is presented to the County Board.

(4) In the event of contradictory language in the manuals of other departments, the language contained in the Personnel Manual shall supersede the language.

The Personnel Manual shall, at all times, be in conformance with Federal and State laws.

## SEC. 8.1012 WORKERS' COMPENSATION.

(1) All Workers' Compensation insurance policies for the County shall be filed with the Human Resources Department.

(2) All accidents must be reported to department heads within 24 hours or as soon as possible.

(3) Department heads shall within 24 hours submit a written report thereof. If an accident occurs involving a county employee which involves a death, the incident shall immediately be reported to the Human Resources Department.

(4) The Human Resources Department shall administer the reporting of claims with the county's insurance carrier and shall coordinate the insurance program with the appropriate committees and departments.

## SUBSECTION 1100: LAND INFORMATION

### SEC. 8.1101 CREATION AND PURPOSE.

There is hereby created a Columbia County Land Information Department to provide the public with access to land records and pertinent data regarding property located within Columbia County, pursuant to Wis. Stats. § 59.72(3).

### SEC. 8.1102 LAND INFORMATION OFFICER

The duties of the Land Information Officer shall be assigned to the Director of the Land Information Department.

### SEC. 8.1103 REAL PROPERTY LISTER.

The duties of the Real Property Lister, pursuant to Wis. Stats. § 70.09, shall be assigned to the Land Information Department.

### SEC. 8.1104 LAND RECORDS MODERNIZATION.

The Land Information Department shall provide leadership to county departments with respect to the modernization of land records and establish a Land Information Council, pursuant to Wis. Stats. § 59.72 (3m).

### SEC. 8.1105 QUALIFICATION FOR GRANTS.

The Land Information Department shall perform its duties in such a manner as to maximize the payment of State grants for the design, development, and implementation of a land information system, pursuant to Wis. Stats. § 16.967 (7) and Wisconsin Admin. Code, Chapter 47.

### SEC. 8.1106 COUNTY SURVEYOR RECORDS.

The Land Information Department shall serve as the office of the County Surveyor, and the records of the County Surveyor shall be stored and maintained by the Land Information Department, pursuant to Wis. Stats. § 59.74.

## SUBSECTION 1200: LAND AND WATER CONSERVATION

### SEC. 8.1201 CREATION AND PURPOSE.

There is hereby created a Columbia County Land and Water Conservation Department to protect and enhance the county resource base by reducing erosion and improving water quality through technical and educational assistance to landowners, schools, municipalities, and other concerned individuals, pursuant to Wis. Stats. Chapter 92.

## SEC. 8.1202 CONSERVATION PLANS.

The Department shall write conservation plans for landowners or operators in Columbia County to reduce erosion and improve water quality.

## SEC. 8.1203 FARMLAND PRESERVATION PROGRAM.

The Department shall enforce conservation compliance within the county to assure that landowners are fulfilling the conservation requirements to maintain eligibility under the Farmland Preservation Program.

## SEC. 8.1204 PRIORITY WATERSHED PROJECTS.

The Department shall participate in watershed projects as approved by the Columbia County Board of Supervisors.

## SEC. 8.1205 WILDLIFE DAMAGE ABATEMENT AND CLAIMS PROGRAMS.

The Department shall administer the Wildlife Damage Abatement Program within Columbia County, pursuant to Wis. Stats. § 29.598.

## SEC. 8.1206 BARNYARD AND FEEDLOT RUNOFF ADMINISTRATION.

If the Wisconsin Department of Natural Resources finds a water quality problem in Columbia County caused by barnyard or feedlot runoff, the Department shall provide assistance and administer funding to correct the problem, pursuant to NR-243.

## SEC. 8.1207 AGRICULTURAL PERFORMANCE STANDARDS AND AGRICULTURAL WASTE MANAGEMENT.

The Department shall administer Chapter 11, the Columbia County Agricultural Performance Standards and Agricultural Waste Management Ordinance.

## SEC. 8.1208 TREE PROGRAM.

The Department coordinates the provision of trees in Columbia County through the Tree Program in order to improve air quality, reduce erosion, provide wildlife habitat, and increase the County's real and aesthetic values.

## SEC. 8.1209 CONSERVATION FUND PROJECTS.

The Department shall administer the County Fish and Game Aid Program to assist in the improvement of fish and game resources by implementing DNR Manual Code 8718-NR 50.14, pursuant to Wis. Stats. § 23.09.

### SEC. 8.1210 ENVIRONMENTAL AWARENESS.

The Department shall recognize individuals for outstanding conservation accomplishments and contributions, provide scholarships for teachers to attend Trees for Tomorrow Natural Resources Education Center and youth to attend Wisconsin Land Conservation Association (WLCA) Youth Camp, promote youth environmental speaking and poster contest, and deliver educational booklets to Columbia County Fifth Graders.

## SUBSECTION 1300: MANAGEMENT INFORMATION SERVICES

### SEC. 8.1301 CREATION AND PURPOSE.

There is hereby created a Columbia County Management Information Services Department ("MIS"), whose purpose shall be to plan, implement, and direct the daily operation of Columbia County's computer systems and data network. MIS is responsible for designing, acquiring, and implementing software systems that eliminate non-productive procedures, organize information, and improve the productivity of county employees.

### SEC. 8.1302 TELEPHONE AND CELLULAR SYSTEM ADMINISTRATION.

MIS shall administer the cellular systems used by all County employees, as well as all the non-cellular telephone systems used in all County departments.

### SEC. 8.1303 COUNTY INFORMATION TECHNOLOGY SECURITY OFFICER.

MIS shall serve as the County information technology security officer for the Wisconsin Department of Justice (DOJ), Department of Children and Families (DCF) and Department of Workforce Development (DWD) by approving security codes to allow access to the DOJ, DCF and DWD computer systems. MIS shall review the data security of the County's computer systems.

### SEC. 8.1304 COMPUTER AUTHORIZATION.

The Management Information Services Department shall review, recommend and approve all requests to purchase computer equipment within all County departments.

### SEC. 8.1305 AUDIO & VIDEO AUTHORIZATION.

MIS shall review, recommend and approve requests to purchase network connected audio and video equipment within all County departments.

# SUBSECTION 1400: MEDICAL EXAMINER

## SEC. 8.1401 CREATION AND PURPOSE.

There is hereby created a Columbia County Medical Examiner, pursuant to Wis. Stats. § 59.34 and the Medical Examiner shall perform all the duties as required thereunder. The Medical Examiner works in tandem with the Sheriff's Office, but is considered its own department.

## SEC. 8.1402 ASSISTANT MEDICAL EXAMINER COMPENSATION.

(1) **Regular Compensation.**

| | | |
|---|---|---|
| (a) | On-call availability | $5.00 per hour, up to a maximum of $120.00 in a 24-hour period |
| (b) | Phone investigations | $20.00 per call |
| (c) | Cremation investigations | $40.00 per call |
| (d) | Scene investigations | $80.00 per call |

(2) **Training and Conference Compensation.**

| | | |
|---|---|---|
| (a) | Half-day attendance | $50.00 |
| (b) | Full-day attendance | $100.00 |

(3) **Holiday Compensation.**

| | | |
|---|---|---|
| (c) | On-call availability | $10.00 per hour, up to maximum of $240.00 in a 24-hour period |
| (d) | Scene investigations | $160.00 per call |

(4) **Applicable Holidays:**

| | |
|---|---|
| New Year's Day | Memorial Day |
| Independence Day | Labor Day |
| Thanksgiving Day | Day After Thanksgiving |
| Christmas Eve Day | Christmas Day |
| New Year's Eve Day | |

(5) **Applicable Holiday Hours.**

(a) The Holiday Compensation rates listed in Section 8.1302(2) of this Ordinance shall apply from 6:00 a.m. on the day of the holiday until 6:00 a.m. on the day following the

holiday based on the twenty-four (24) hour scheduling for Assistant Medical Examiners.

(b) The remainder of the Columbia County Ordinances, including the Employee Policies and Procedures, are not affected by this Ordinance, and shall remain in full force and effect.

(c) This section shall be effective at 12:00 a.m. (midnight) on January 1, 2019.

## SEC. 8.1403 DISPOSAL OF UNCLAIMED BODIES.

(1) **Authority.** This Section is enacted under the authority of Wis. Stats. § 979.09.

(2) **Disposal by Cremation.**

The Columbia County Medical Examiner's Office shall cause the body of an unclaimed deceased person to be cremated upon the written authorization of the Medical Examiner. Cremation of an unknown or unclaimed body shall occur no earlier than seven (7) days after the pronounced date of death of the deceased person.

(3) **Costs.**

(a) Family members of deceased individuals who refuse or are unable to claim the deceased individual's body shall not have any input into the decision regarding the means of disposition of the unclaimed body. Columbia County shall have no obligation to pay for visitation or other funeral arrangements relating to any deceased individual whose body remains unclaimed.

(b) The Columbia County Medical Examiner, within their discretion, may dispose of an unclaimed body by burial or by other means when it is in the interests of law enforcement or Columbia County.

(c) Nothing contained within this Ordinance shall prevent the Columbia County Medical Examiner or Columbia County from filing a claim against the estate of the deceased, or using other legal means, to recover the costs of disposition of the deceased individual should it appear that assets are available within the estate of the deceased individual or otherwise to cover said disposition costs.

# SUBSECTION 1500: PLANNING AND ZONING

## SEC. 8.1501 CREATION AND PURPOSE.

(1) There is hereby created a Columbia County Planning and Zoning Department to participate in planning and establish and enforce the usage regulations for all unincorporated land within Columbia County.

(2) **Purpose.** The purpose of the Planning and Zoning Department is to participate in land use planning and administer and enforce the following ordinances, located in Chapter 12:

(a) Zoning;

(b) Land Division and Subdivision;

(c) Sanitary Code;

(d) Floodplain; and

(e) Shoreland-Wetland Zoning.

## SEC. 8.1502 FARMLAND PRESERVATION PROGRAM.

The Planning and Zoning Department shall administer the Farmland Preservation Program to assist in providing tax credits for farmland eligible under standards of Wis. Stats. Chapter 91.

## SEC. 8.1503 WISCONSIN FUND.

The Planning and Zoning Department shall administer the Wisconsin Fund to assist in providing funding for the replacement of septic systems within Columbia County.

## SEC. 8.1504 UNIFORM RURAL NUMBERING SYSTEM.

The Department shall maintain the Uniform Rural Numbering System, issue new numbers, keep a record of all numbers assigned, and forward all numbers assigned to the Columbia County Sheriff's Office, Land Information Department, and the Clerk of the municipality in which the number was assigned.

# SUBSECTION 1600: REGISTER OF DEEDS

## SEC. 8.1601 CREATION AND PURPOSE.

The position of Columbia County Register of Deeds is governed pursuant to Wis. Stats. § 59.43 and the Register of Deeds shall perform all the duties as required therein.

## SEC. 8.1602 PARCEL IDENTIFICATION NUMBER REQUIRED.

(1) This section is enacted under the authority of Wis. Stats. § 59.43(7)(b).

(2) The Register of Deeds shall not accept for recording any conveyance, as defined in Wis. Stats. § 706.01(4), of any interest in real estate which does not contain the parcel identification number.

(3) A person recording a conveyance for a newly created parcel, the identification number of which has not yet been assigned by the Columbia County Tax Lister, shall provide the parcel identification number of the parcel from which the newly created parcel is formed.

## SEC. 8.1603 CUT-OFF RECEPTION TIME FOR THE FILING OF DOCUMENTS AND PROHIBITED BUSINESS WITH THE REGISTER OF DEEDS.

(1) Pursuant to Wis. Stats. § 59.20(3)(c), a provision is hereby made that the cut-off reception time for the filing and recording of documents with the Columbia County Register of Deeds shall be one (1) hour prior to the close of the official business day during which time the Register of Deeds Office is open to the public, in order to complete the processing, recording and indexing to conform to the day of reception of the documents.

(2) Prohibited Business

(a) The Registers of Deeds shall not draft legal documents such as deeds, mortgages, or releases of mortgages, except those required by virtue of his or her office.

(b) The Register of Deeds shall not perform searches for legal documents such as deeds, mortgages, or releases of mortgages, except those required by virtue of his or her office.

# SUBSECTION 1700: SHERIFF'S OFFICE

## SEC. 8.1701 PURPOSE.

The position of Columbia County Sheriff's Office is governed pursuant to Wis. Stats. §§ 59.26, 59.27, 59.28, 59.29, 59.30, 59.31, 59.32, and 59.33 and the Sheriff shall perform all the duties as required therein.

## SEC. 8.1702 SHERIFF'S OFFICE DIVE TEAM.

(1) **Per Diem.** Per diems are established for the duly appointed members of the Columbia County Sheriff's Office Dive Team, effective as of June 10, 2023.

| | | |
|---|---|---|
| (a) | Public service event | $25.00 |
| (b) | Response to initial call out | $25.00 |
| (c) | Dive water/ice training | $50.00 |
| (d) | Active rescue/recovery operation (first day of operation) | $75.00 |
| (e) | Active rescue/recovery operation (second and subsequent days) | $100.00 |

(2) Members shall not receive any per diems for dive team meetings or time spent on equipment maintenance repair.

(3) Public service events will normally be limited to three (3) dive team members.

(4) Active rescue/recovery operations will normally be limited to not more than three (3) days in a row.

# SUBSECTION 1800: SOLID WASTE

## SEC. 8.1801 CREATION AND PURPOSE.

(1) **Creation.** There is hereby created a Columbia County Solid Waste Department to provide leadership and work in partnership with the County's local units of government to provide environmentally and economically viable solutions to solid waste issues.

(2) **Purpose.** The purpose of the Department is to operate and manage the Recycling and Composting operations as well as keeping the Committee and the County Board appraised of changes in Solid Waste rules and regulations that affect the residents of Columbia County.

(3) **Planning.** The Department shall prepare and update long range plans in ten-year increments which set forth the policies and goals to provide efficient and ecologically safe disposal of solid waste.

(4) **Specialized Waste.** The Department shall plan for and provide information, guidance, and assistance as to the disposition of specialized, difficult items, such as, but not limited to, hypodermic needles, appliances, tires, and paints.

(5) **Emergency Waste Removal.** The Department shall work with the Wisconsin Department of Natural Resources and Columbia County Emergency Management Department to deal with the cleanup of waste from a natural or manmade disaster.

## SEC. 8.1802 RECYCLING.

(1) **Purpose.** The purpose of this section is to promote and/or require recycling, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.11, and Wis. Admin. Code ch. NR 544.

(2) **Statutory authority.** This article is adopted as authorized under Wis. Stats. §§ 287.09(2)(a), (3)(b) and 59.70(2).

(3) **Responsible Unit.** Columbia County shall be the responsible unit for recycling, pursuant to Wis. Stats. 287.01(9) for all municipalities within the county except: City of Wisconsin Dells and Town of Newport. To fulfill the responsibilities required of Columbia County as a responsible unit, as set forth in Wis. Admin. Code ch. N.R. 544, the Columbia County Solid Waste Department shall provide education, establish a collection system and processing system for recyclable materials, enforce the Recycling Ordinance established by the County Board, and be provided with sufficient staff and equipment to implement a recycling program. The recycling operation shall be managed by the Solid Waste Director.

(4) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restriction, the provisions of this ordinance shall apply.

(1) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Wis. Admin. Code ch. NR 544, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Admin. Code ch. NR 544 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.

(2) **Applicability.** The requirements of this article apply to all persons, residents and/or property owners within the jurisdictional boundaries of the county; and, business entities and/or municipal entities which deliver recyclable materials to the county solid waste facility. Such business entities and/or municipal entities shall, for purposes of definition hereunder, be called "Nonresidential Facilities and/or Properties."

(3) **Administration.** The provisions of this ordinance shall be administered by the Columbia County Solid Waste Department.

(4) **Definitions.** The following meanings shall be applied in the construction and interpretation of this section in this Code of Ordinances, unless such application would be clearly inconsistent with the plain meaning or intent of the section:

(a) **Bi-metal container.** A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(b) **Container board.** Corrugated paperboard used in the manufacture of shipping containers and related products.

(c) **Foam polystyrene packaging.** Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages.

2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(d) **HDPE.** High density polyethylene, labeled by the SPI code #2.

(e) **LDPE.** Low density polyethylene, labeled by the SPI Code #4.

(f) **Magazines.** Magazines and other materials printed on similar paper.

(g) **Major appliance.** Residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator or stove.

(h) **Multiple-family dwelling.** Property containing five (5) or more residential units, including those which are occupied seasonally.

(i) **Newspaper.** Newspaper and other materials printed on newsprint.

(j) **Nonresidential facilities and properties.** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

(k) **Office paper.** High grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(l) **Other resins or multiple resins.** Plastic resins labeled by SPI code #7.

(m) **Person.** Any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stats. § 66.0131(1)(a), state agency or authority or federal agency.

(n) **PETE.** Polyethylene terephthalate, labeled by the SPI code #1.

(o) **Plastic container.** Any individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

(p) **Postconsumer waste.** Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 289.01(17).

(q) **PP.** Polypropylene, labeled by the SPI code #5.

(r) **PS.** Polystyrene, labeled by the SPI code #6.

(s) **PVC.** Polyvinyl chloride, labeled by the SPI code #3.

(t) **Recyclable materials.** Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

(u) **Solid waste.** The meaning specified in Wis. Stats. § 289.01(33).

(v) **Solid waste facility.** The meaning specified in Wis. Stats. § 289.01(35).

(w) **Solid waste treatment.** Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. The term "treatment" includes incineration.

(x) **SPI Code #.** Society of Plastics Industry Symbols.

(y) **Waste tire.** A tire that is no longer suitable for its original purpose because of wear, damage, or defect.

(z) **Yard waste.** Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(5) **Separation of Recyclable Materials.** Occupants of single family and two- to four-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

(a) Lead-acid batteries;

(b) Major appliances;

(c) Waste oil;

(d) Yard waste;

(e) Aluminum containers;

(f) Bimetal containers;

(g) Corrugated paper or other container board;

(h) Foam polystyrene packaging;

(i) Glass containers;

(j) Magazines;

(k) Newspaper;

(l) Office paper;

(m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins;

(n) Steel containers; and

(o) Waste tires.

(6) **Separation, Requirements Exempted.** The separation requirements of Section 8.1802(6) do not apply to the following:

(a) Occupants of single family and two- to four-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8.1802(6) from solid waste in as pure a form as is technically feasible.

(b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(c) A recyclable material specified in Section 8.1802(6) for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11 or Wis. Admin Code ch. NR 544.14.

(7) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 8.1802(6) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

(8) **Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single family and two- to four-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(a) Lead acid batteries shall be returned to the retailer whom sold the replacement battery or contact Columbia County Solid Waste Department.

(b) Major appliances shall be traded into the appliance dealer or contact Columbia County Solid Waste Department for proper disposal options.

(c) Waste oil shall be dropped off at the Highway 16 recycling center or your local oil recycling facility.

(d) Yard waste shall be composted on site or leaves and grass clippings can be composted at an approved central location.

(9) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by Columbia County Responsible Unit, occupants of single family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8.1802(6)(e)-(o):

(a) Aluminum containers shall be cleaned and/or rinsed and drain off all liquids. Put into the proper container provided at a drop off site or put out for curbside collection, as required by local ordinance.

(b) Bi-metal containers shall be cleaned and/or rinsed and drain off all liquids. Put into the proper container provided at a drop off site or put out for curbside collection, as required by local ordinance.

(c) Corrugated paper or other container board shall be flattened, remove any wax or plastic liners. Put into the proper container provided for cardboard at a drop off site or put out for curbside collection, as required by local ordinance.

(d) Foam polystyrene packaging shall be put into the proper container provided for plastic at a drop off site or put out for curbside collection, as required by local ordinance.

(e) Magazines shall be clean and dry, and put into the proper container provided for paper at a drop off site or put out for curbside collection, as required by local ordinance.

(f) Newspaper consists of newspaper, non-corrugated cardboard and mixed paper; clean paper, no wax coated, carbon or tissue paper. Put into the proper container provided at a drop-off site or put out for curbside collection, as required by local ordinance.

(g) Office paper shall be clean, no carbon or tissue paper, put into the proper container provided at a drop off site or put out for curbside collection, as required by local ordinance.

(h) Steel containers shall be rinsed, labels removed, and put into the proper containers provided at drop-off sites or put out for curbside collection, as required by local ordinance.

(i) Waste tires shall be left with the retailer who sold the replacement tires, or contact the Columbia County Solid Waste Department.

(j) Rigid plastic containers shall be prepared and collected as follows:

1. Plastic containers made of PETE, including soda and liquor bottles, etc., labeled with SPI Code #1 shall have caps removed and rinsed and put into the proper container provided for plastic at a drop-off site or put out for curbside collection, as required by local ordinance.

2. Plastic containers made of HDPE, including milk jugs, laundry bottles, household bottles, labeled with SPI code #2, NO PESTICIDE CONTAINERS. Bottles shall have caps removed, be rinsed, put into the proper containers provided for plastic at a drop-off site or put out for curbside collection, as required by local ordinance.

3. Plastic containers made of PVC, identified with the SPI Code #3.

4. Plastic containers made of LDPE, identified with the SPI Code #4.

5. Plastic containers made of PP, identify with the SPI Code #5.

6. Plastic containers made of PS, identify with the SPI Code #6.

7. Plastic containers made of other resins or multiple resins, identify with the SPI Code #7.

(10) **Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Wis. Stats. § 43.08 (5) through (15):

1. Provide adequate, separate containers for the recyclable materials.

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in sub (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8.1802(6)(e)-(o) from solid waste in as pure a form as is technically feasible.

(11) **Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

(a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8.1802(6)(e)-(o)

1. Provide adequate, separate containers for the recyclable materials.

2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in sub (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8.1802(6)(e)-(o) from solid waste in as pure a form as is technically feasible.

(12) **Prohibitions on Disposal of Recyclable Materials Separated for Recycling.** No person may place in a curbside container, dispose of in a solid waste disposal facility or burn in a solid waste treatment facility, any of the materials specified in Section 8.1801.02(6)(e)-(o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(13) **Enforcement.**

(a) For the purpose of ascertaining compliance with the provision of this ordinance, any authorized officer or representative of Columbia County Solid Waste Department may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer or authorized representative of the Columbia County Solid Waste Department who requests access for purposes and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(b) Any person who violates a provision of this ordinance may be issued a citation by Columbia County Corporation Counsel or Columbia County Solid Waste Director to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(c) Penalties for violating this ordinance are listed in the Section 8.1804 below.

## SEC. 8.1803 PROHIBIT HAZARDOUS SOLID WASTE.

(1) The Columbia County Solid Waste Department shall not accept Hazardous Solid Waste for disposal at the recycling and/or co-composting facility, except for collection during a Clean Sweep or similar program.

(2) Haulers of solid waste who fail to abide by the facility's restriction and create potential liability to the county by delivery of hazardous waste to the facility shall be subject to enforcement or fine.

(3) The Columbia County Solid Waste Department shall accept only "non-hazardous solid waste" at its recycling/co-composting facility (non-hazardous waste as defined under Department of Natural Resources Regulation NR600.03 [146]).

(4) **Enforcement.** Haulers who intentionally or negligently deliver hazardous waste to the facility shall be responsible for the costs associated with any environmental damage, removal of said hazardous material, and any and all penalties and/or civil forfeitures which may be assessed.

(5) Any person who violates this Chapter shall be fined as set forth in Section 8.1804 below. Each load of hazardous waste shall be considered a separate offense.

## SEC. 8.1804 PENALTIES/FORFEITURES.

Penalties/forfeitures for violation of this chapter may be assessed as follows:

(1) Any person who violates any provision of this chapter may be subject to a forfeiture of not less than $25.00 for the first violation thereof, not less than $50.00 for a second violation thereof and not more than $100.00 for a third and/or subsequent violation thereof.

(2) Nothing contained herein shall prohibit an attorney from acting on behalf of and at the direction of the County and/or the Solid Waste Department from applying to a court of competent jurisdiction for a temporary or permanent injunction, restraining any person from violating any term, condition or covenant in this chapter.

(3) Any person who violates any term, condition or covenant of this Subsection, and upon conviction thereof (or stipulated forfeiture), in addition to the forfeiture set forth herein, shall pay all costs of prosecution.

(4) Each violation and each day a violation continues of this chapter shall constitute a separate offense.

(5) Nothing herein contained shall preclude or affect the power of a sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

# SUBSECTION 1900: COUNTY TREASURER

## SEC. 8.1901 PURPOSE.

The position of Columbia County Treasurer is governed pursuant to Wis. Stats. § 59.25 and the Treasurer shall perform all the duties as required therein, in addition to the duties listed below.

## SEC. 8.1902 TAX DELINQUENT PROPERTY: INTEREST RATE AND PENALTY ON OVERDUE OR DELINQUENT REAL ESTATE TAXES AND SPECIAL ASSESSMENTS.

(1) **Interest Rate.** Pursuant to the authority of Wis. Stats. § 74.47(2), there is hereby 1/2 percent (0.5%) per month or fraction of a month, in addition to the interest provided for in Wis. Stats. § 74.47(1), on all delinquent general property taxes, special charges and special taxes included in the tax roll which are delinquent.

(2) **Distribution.** The County Treasurer shall make distribution of any interest and penalties collected in accordance with the statutory authority set forth in Wis. Stats. § 74.47(3).

## SEC. 8.1903 TAX DELINQUENT PROPERTY: ENFORCEMENT OF TAX LIENS AND SALE OF TAX DEEDS.

(1) **Environmental Inspection.** The Treasurer and one other County representative are required to do a visual environmental inspection of all tax delinquent properties included in In Rem foreclosure actions, prior to the actual foreclosure hearing, to determine if there is any reason to suspect a potential risk of incurring financial liability for the County.

(2) **Refrain from Taking Title.** The Columbia County Finance and Information Services and Property Committees may direct the Treasurer to refrain from or defer taking title to those parcels which it deems may be of questionable environmental condition.

(3) **Refrain from Selling.** The Columbia County Finance and Information Services and Property Committees may direct the Treasurer to refrain from selling those parcels which they determine the County should set aside for future County use.

(4) **Expedite.** The Information Services and Property Committee and the Treasurer shall expedite the appraisal and sale of tax deed properties, except for those parcels set aside for County purposes, and shall return parcels to the tax rolls as soon as possible. The Treasurer is authorized to manage and sell tax deeded lands owned by the County, except such lands as have been set aside by the committee.

(5) **In Rem Procedure.** The County elects to adopt the provisions of Wis. Stats. § 75.521, for the purpose of enforcing tax liens in the cases where the procedure provided by said Section is applicable, and Wis. Stats. § 75.35 for the Sale of Tax Deeds.

(6) **Out of Pocket Expenses.** If an owner redeems, or a former owner repurchases tax delinquent property after the County has incurred any out of pocket costs in commencing an in rem procedure pursuant to Wis. Stats. § 75.521, the owner or former owner shall pay a pro rata share of the County's expenses, as required in Section 7.18 and as authorized in Wis. Stats. § 75.36(a) l.

(7) **Appraisal.** The Treasurer and another County representative are required to view the tax delinquent parcels in order to establish an appraised value for the purpose of sale of the property. The assessed value, market value, amount of delinquency, and other pertinent information will all be taken into consideration to establish the appraised value.

(8) **Sale of Tax Delinquent Real Estate (Wis. Stats. § 75.69).** Tax delinquent real estate acquired by Columbia County may not be sold unless the sale and appraised value of such real estate has been first advertised by a Class 3 notice under Wis. Stats. Chapter 985. The County may accept the bid most advantageous to it, but every bid less than the advertised appraised value of the property shall be rejected.

(9) **Bid Process.** After the County obtains title, property may be offered for sale to the public. The established method for bidding on these properties, is by sealed bid, unless the Information Services and Property Committee designates an alternative method of sale in specific instances. The bid forms shall indicate that the County has the right to accept or reject any or all bids deemed to be in the best interest of the County.

(a) The County Clerk, Treasurer, and Chair of the County Board of Supervisors shall constitute a Special Committee to open, review and accept or reject bids on behalf of the County.

(b) If the Special Committee determines that a further review or opinion on the potential sale of a tax deed property is warranted, it shall consult with the Corporation Counsel and the Information Services and Property Committee. If a further review or opinion is sought, the Information Services and Property Committee shall make the final determination on whether or not to accept the bid.

(c) In the case of a tie bid for properties advertised in a land sale, the Treasurer will notify the tied bidders in writing, and give them an opportunity to re-bid on the property.

(d) In an instance where the successful bidder defaults on the terms of the sale or withdraws his/her bid, the Treasurer is authorized, contingent on the approval of the Information Services and Property Committee, to accept the bid which is the next most advantageous to the County, that meets the requirements stated in the advertised land sale. In cases of a defaulted or withdrawn bid, the County retains any earnest money that has been paid by the bidder.

(10) **Parcels Not Immediately Sold.** Once a parcel is offered for sale but not sold on the advertised date of sale, it may be sold by the Treasurer at any time during the next five years without readvertising, upon approval by the Information Services and Property Committee, provided the offer meets or exceeds the advertised appraised value and terms and conditions listed in the sale.

## SEC. 8.1904 TAX DELINQUENT PROPERTY: PREFERENCE TO FORMER OWNERS TO REPURCHASE FORECLOSURE PROPERTY.

(1) At the option of the County, former owners or surviving spouses of former owners may be granted the right to repurchase land to which Columbia County has taken title through delinquent tax enforcement collection by payment of:

(a) All delinquent taxes, together with interest, and penalty;

(b) A pro rata share of the costs of the proceedings; and

(c) An additional sum equal to ten percent (10%) of the delinquent tax certificates.

(2) This Section is passed pursuant to Wis. Stats. § 75.35 (3), and is permissive. At any time after proceedings for publication and sale of such lands, pursuant to Wis. Stats. § 75.69, have been commenced, the County may grant former owners the right to repurchase land pursuant to this Section may refuse to grant the privilege of repurchase provided by Subsection (1) herein. No former owner shall be allowed to repurchase lands to which Columbia County has taken title beyond 4:30 p.m. on the last day prior to the date set for opening bids. The Finance and Information Services and Property Committees shall have the authority to determine whether former owners will be allowed to repurchase lands in accordance with this Section.

(3) In the event it appears that any person seeking to repurchase property from the County pursuant to this Section has acted in bad faith or has attempted to avoid any type of legal obligation by allowing said property to be foreclosed upon for delinquent taxes, it shall be within the discretion of the Columbia County Finance and Information Services and Property Committees to refuse to allow the repurchase of land in accordance with this section.

## SEC. 8.1905 INVESTMENT OF COUNTY FUNDS.

(1) **Deposit of County Funds.** County Funds may be placed in banking or financial institutions as established by Resolution submitted by the Finance Committee and approved by the County Board of Supervisors.

(2) **Procedure for Investment of Funds.** The County Treasurer shall follow the approved Columbia County Investment Policy and Wis. Stats. § 66.0603 for investment of all funds.

### SEC. 8.1906 SALES TAX.

(1) **Authority and Purpose.** This ordinance is enacted under authority of Wisconsin Statutes Chapter 77, Subchapter V, and the county sales and use taxes imposed herein shall be used only for the purpose of directly reducing the property tax levy of Columbia County.

(2) **Imposition of Tax.** There are hereby imposed county sales and use taxes at the rate of 0.5 percent in the manner and to the extent permitted as set forth in their entirety in Wisconsin Statutes Chapter 77, Subchapter V, and acts amendatory thereon.

(3) **Effective Date.** This ordinance is effective as of April 1, 1989.

(4) **Certification.** A certified copy of this ordinance shall be delivered to the Secretary of Revenue of the State of Wisconsin at Post Office Box 8933, Madison, Wisconsin, 53708.

## SUBSECTION 2000: UNIVERSITY OF WISCONSIN-MADISON DIVISION OF EXTENSION

### SEC. 8.2001 CREATION AND PURPOSE.

The Columbia County Board of Supervisors does hereby authorize entering into a contract with the University of Wisconsin-Madison Division of Extension to provide staff for the Columbia County University of Wisconsin-Madison Division of Extension Department to provide services to Columbia County citizens as directed by the Columbia County Board of Supervisors, pursuant to Wis. Stats. § 59.87. The salaries for the Extension Agents are to be shared jointly by Columbia County and the University of Wisconsin-Madison Division of Extension.

The purpose of the University of Wisconsin-Madison Division of Extension Department is to provide, jointly with the University of Wisconsin-Madison Division of Extension and Columbia County, an extension program designed to apply research, knowledge, and resources to meet the educational needs of Columbia County citizens.

### SEC. 8.2002 SPECIFIC PROGRAMS.

The University of Wisconsin-Madison Division of Extension Department shall provide educational programs in the areas of agriculture, youth, families, and resource development. The department shall assist in such activities as the County Fair, Dairy Brunch, 4-H program, commodity organizations, and similar projects.

### SEC. 8.2003 GRANTS.

The University of Wisconsin-Madison Division of Extension Department shall attempt to utilize grant funding to supplement available resources to fulfill educational projects, as authorized by the Columbia County Board of Supervisors.

### SEC. 8.2004 ADVISORY COMMITTEES.

The 4-H Leaders Association, Columbia County Association for Home and Community Education, Producer Associations, and similar groups, shall serve in an advisory capacity to the department in determining priority needs for educational activities.

## SUBSECTION 2100: VETERANS SERVICE OFFICE

### SEC. 8.2101 CREATION AND PURPOSE.

There is hereby created a Columbia County Veterans Service Office to fulfill the duties of a County Veterans Service Officer by advising veterans of all wars residing in the county who were engaged in the service of the United States relative to any complaint or problem arising out of war service and rendering them and their dependents all possible assistance, pursuant to Wis. Stats. Chapter 45.

### SEC. 8.2102 SPECIFIC PROGRAMS.

Through cooperation with State and Federal agencies, the Veterans Service Officer shall provide information which explains veteran's compensation, pension, hospitalization, vocational training, educational programs, loan applications, insurance, domiciliary care, hospital care, burial benefits, employment counseling, and benefits to dependents.

### SEC. 8.2103 VETERANS SERVICE COMMISSION.

A Veterans Service Commission, comprised of three county residents who are veterans and who are appointed for three-year terms by the County Board Chair and approved by the County Board of Supervisors, shall investigate claims for aid, determine eligibility, and authorize assistance for applying veterans and dependents, pursuant to Wis. Stats. Chapter 45. The Commission may delegate its administrative duties to the County Veterans Service Officer, who shall serve as its Executive Secretary.

# Chapter 9 – Highway and Transportation Department

## SEC. 9.01 CREATION AND PURPOSE.

(1) **Creation.** There is hereby created a Columbia County Highway and Transportation Department.

(2) **Purpose.** The purpose of the Columbia County Highway and Transportation Department is to plan for, maintain, and build county roads and to fulfill the duties of a county highway department as set forth in Chapter 83, Wis. Stats.

## SEC. 9.02 DEFINITIONS.

For the purpose of simplicity, the following terms shall be applied as indicated throughout this ordinance.

(1) **Access.** Driveway or road access point for any motorized/non-motorized vehicles except for State of Wisconsin funded snowmobile trails.

(2) **Access Permit.** A driveway or road access permit issued by Columbia County Highway and Transportation granting access onto a CTH.

(3) **ADT.** Average Daily Traffic generated on a given road or highway.

(4) **County Trunk Highway.** Any segment of a Columbia County Trunk Highway.

(5) **Department, Wisconsin Department of Transportation, and WisDOT.** The meaning within statutory provision for the State of Wisconsin Department of Transportation.

(6) **Driveway.** Any type of access for motorized/non-motorized vehicles to one or more parcels.

(7) **Expiration Date.** The final completion date in which any/all installations, updates and changes can be made.

(8) **Extraordinary Services.** Work performed or assistance by any department of county government (e.g., Sheriff's Office, Highway, Emergency Management, etc.) to provide a service to assist an Organizer of a Special Event with the delivery of their event, whether required through the permit process or by a voluntary request made herein.

(9) **Highway and Transportation.** Columbia County Highway and Transportation, which is the responsible entity for County Trunk Highway right-of-way.

(10) **Limited Access Highway.** Highways (or segments of highways) on which access is provided with entrance and exit ramps (i.e.: I39, I90, I94, USH 151).

(11) **Measurement of Distances.** All distances unless otherwise stated shall be measured in the horizontal direction.

(12) **Organizer.** The event coordinator, planner, scheduler, corporation, government entity, club, association, or other person(s) who has the responsibility for hosting an event.

(13) **Parcel.** A contiguous area of land described in a single description in a deed or lot or outlot on a subdivision plat or Certified Survey Map, separately owned or capable of being separately conveyed. Not necessarily the same as a "tax parcel."

(14) **Race.** Any event in which competition shall determine a winner or loser, or the act of competing such that a winner is discerned separate of the other participants, presuming the Organizer promotes or sponsors the event as a race, requires law enforcement involvement for traffic control and road closures for control of other highway users, and the participants are not required or encouraged by the Organizer to follow the Rules of the Road.

(15) **Ride or Tour.** Any event in which the participants' activities are non-competitive and the Organizer encourages and requires the participants to follow the Rules of the Road.

(16) **Road.** Any road, street, alley, expressway, highway, avenue, parkway, lane, drive, boulevard, circle, bypass or other pathways intended for the use of motorized/non-motorized vehicles to obtain access to more than two parcels.

(17) **Rules of the Road.** Wis. Stats. Chapter 346.

(18) **Rural CTH.** Any CTH with a 55 m.p.h. (88km/h) speed limit.

(19) **Semiurban CTH.** Any CTH outside of the municipal boundaries of a city or village with a speed limit below 55 m.p.h. (88km/h).

(20) **Special Event.** Any occurrence on County highway rights-of-way where the time and size of an event would substantially interrupt the safe and orderly movement of traffic and/or deprive the local residents' unimpeded use of their properties.

(a) Events generally require a user of the roadway to preregister for the event. Events of less than 100 participants are typically exempt.

(b) Events where the participants can maintain a speed of 40 MPH are typically exempt.

(21) **Tourist-Oriented Directional Signage.** The meaning specified pursuant to Wis. Stats. § 86.196(1)(a), a sign providing identification of and directional information for tourist-related businesses, services or activities.

(22) **Tourist-Related Business, Store, or Activity.** The meaning specified pursuant to Wis. Stats. § 86.196(1)(b), a business, service or activity the major portion of whose income or visitors is derived during the normal business season from motorists not residing in the immediate area where the business, service or activity is located.

(23) **Urban Areas.** The meaning specified pursuant to Wis. Stats. § 86.196(1)(c), the areas located within the urban area boundaries contained in the January 1, 1989, document prepared by the Wisconsin Department of Transportation in cooperation with the federal highway administration and entitled "Urban Federal Aid Systems".

(24) **Urban CTH.** Any CTH within the municipal boundaries of a city, village, or township with a speed limit below 36 m.p.h. (57.6km/h).

(25) **Used or Occupied.** Also mean intended, designed or arranged to be used or occupied.

## SEC. 9.03 EMERGENCY WORK OUTSIDE COUNTY.

(1) The Highway Committee/Commissioner may enter into agreements with Highway Committees/Commissioners of other counties and states to do emergency work in and for such other counties and states, and for local units of government in said counties and states provided that such emergency work is officially requested by the Highway Department of a respective county or state.

(2) Any work done for a municipality in other counties or states by the Columbia County Highway and Transportation Department shall be paid for by the county or state which requested assistance. The requesting municipality shall provide a certificate of insurance to provide liability insurance coverage during the time the Columbia County Highway and Transportation Department provides services.

## SEC. 9.04 AUTHORITY TO CONTRACT.

The Columbia County Highway Committee/Commissioner is hereby authorized to enter into contracts with cities, villages and towns within the County borders to enable the County to construct and maintain streets and highways in such municipalities.

## SEC. 9.05 TRAFFIC SAFETY COMMISSION.

(1) **Traffic Safety Commission.** The County Board Chair shall appoint a Commission, titled "Columbia County Traffic Safety Commission", pursuant to Wis. Stats. § 83.013.

(2) **Commission Officers.** The Sheriff or a designee shall serve as Chair of the Traffic Safety Commission. The Commission shall elect the following officers whose terms shall be commensurate with the terms of the Commission:

(a) Vice Chair, and

(b) Secretary.

(3) **Required Commission Members.** Each Commission is required to have at least the following nine (9) members:

(a) County Highway Commissioner or a designated representative;

(b) Sheriff or a designated representative;

(c) County Highway Safety Coordinator, appointed by the County Board;

(d) Education Representative, appointed by the County Board;

(e) Medical Representative, appointed by the County Board;

(f) Legal Representative, appointed by the County Board;

(g) Division of State Patrol Representative, designated by the Wisconsin Department of Transportation (WisDOT);

(h) Highway Traffic Engineering Representative, designated by WisDOT; and

(i) Traffic Safety Representative, designated by WisDOT Bureau of Transportation Safety (BOTS, Regional Program Manager).

(4) **Additional Commission Members.** The County Board Chair may appoint additional members to the Commission to include:

(a) County Board Supervisors or other elected officials; and

(b) Citizen members concerned with traffic safety.

(5) **Commission Member Terms.** The County Board Chair, with County Board approval, shall appoint statutorily-mandated members as other standing committees are appointed. All County Board Supervisors and other County Board appointees shall serve a two (2) year term to coincide with the biennial organizational meeting of the County Board held in April on even numbered years.

The County Board Chair shall reappoint no less than six (6) members of the Commission for the purpose of assuring continuity of programs and planning; and shall appoint one (1) member the County Highway Safety Coordinator.

(6) **Meetings.** The Commission shall meet at least quarterly to review traffic accident data from the County and other traffic safety related matters. The Commission Secretary shall properly notice the meetings and keep a record of attendance and minutes of all proceedings, which shall be on record in the County Clerk's Office.

(7) **Duties and Responsibilities.** The Traffic Safety Commission shall have the following duties and responsibilities:

(a) To secure voluntary coordination and reinforcement of traffic safety activities conducted by the political subdivisions of the County and the functional areas of: driver education; codes and laws; traffic courts; alcohol in relation to highway traffic safety; identification and surveillance of accident locations; traffic records; emergency medical services; highway design; construction and maintenance; traffic control devices; pedestrian safety; police traffic services; debris hazard control and cleanup; and school bus safety.

(b) Review and develop a written statement of highway traffic safety needs in the aforementioned functional areas and develop immediate priorities and long-range goals for highway safety programs.

(c) To advise the County Board and its various committees on highway traffic safety matters. The Commission shall report annually in May of each year to the County Board.

(d) The Commission shall maintain liaison with highway traffic safety programs carried on by the cities of the County and related State functions conducted in the County.

(e) It shall act as an advisory body to the County Highway Traffic Coordinator for the purposes of developing local actions necessary to implementing projects under the Federal Highway Safety Act.

(f) It shall cooperate with the nonofficial organizations and groups in developing and conducting public information programs directed toward highway safety improvements.

(g) Develop procedures for periodic review of local highway safety improvement programs.

(8) **Committees and Study Groups.** The Commission may establish technical or advisory panels for the functional areas outlined above.

(9) **Per Diem and/or Other Reimbursements.** Only those members of the Commission appointed by the County Board Chair are entitled to per diem and/or other reimbursements.

## SEC. 9.06 LAND CONVERTED FROM HIGHWAY PURPOSES.

(1) **Portion of Former Highway P.** The below described portion of the former Highway P in the Town of Springvale, Town of Randolph, and Town of Courtland, shall:

(a) Be converted from highway purposes to a wetland mitigation site;

(b) Remain in the public domain;

(c) Continue to be under the jurisdiction of and maintained by Columbia County; and

(d) No longer be eligible for highway allotments.

(2) The property is more particularly described as follows:

A parcel of land in Government Lot 9 and Government Lot 16 of Section 1, T12N, R11E, in the Town of Springvale, and in SW 1/4-SW 1/4 of Section 31, T13N, R12E, in the Town of Randolph, and in NW 1/4-NW 1/4 of Section 6, T12N, R12E, in the Town of Courtland, all located in Columbia County, Wisconsin, contained in the following description: Commencing at an aluminum monument at the southwest corner of Section 31, T13N, R12E; Thence N 00 degrees 38'14" E along the west section line of said Section 31, 161.23 feet to a point on the existing south right-of-way line of CTH P and the point of beginning; Thence northwesterly 72.60 feet along the existing right-of-way line also being the arc of a curve concave to the northeast having a radius of 333.63 feet (the chord of which bears N 19 degrees 49'38" W, 72.46 feet); Thence N 76 degrees 24'25" E, 66.00 feet to a point on the existing east right-of-way line of CTH P; Thence southeasterly 357.82 feet along the existing right-of-way line also being the arc of a curve concave to the northeast having a radius of 267.63 feet (the chord of which bears S 51 degrees 53'41" E, 331.76 feet); Thence N 89 degrees 48'12" E, 379.73 feet along the existing right-of-way; Thence S 00 degrees 12'02" E, 66.00 feet to a point on the existing south right-of-way line of CTH P; Thence S 89 degrees 48'12" W, 379.73 feet along the existing right-of-way; Thence northwesterly 373.46 feet along the existing right-of-way line also being the arc of a curve concave to the northeast having a radius of 333.63 feet (the chord of which bears N 58 degrees 07'44" W, 354.26 feet) to the point of beginning. Said parcel contains 1.18 acre of land (net centerline length is 782 feet).

## SEC. 9.07 HIGHWAY ACCESS CONTROL.

(1) **Authorization.** This ordinance is established by the provisions set forth in Wis. Stats. §§ 83 and 86, and Department of Transportation Chapters of the Wisconsin Administrative Code.

(2) **Purpose and Jurisdiction.** The purpose of this ordinance is to restrict and regulate access onto county highways and rights-of-way in order to promote the public safety, convenience, general welfare, economic viability and to protect the public investment of existing and proposed highways, by preventing costly road improvements, premature obsolescence, and to provide for safe and efficient ingress and egress to Columbia County Highways.

(3) **Regulations.**

(a) **Permits for Excavation, Drainage, Obstructions, etc., on Highway Right-of-Way.**

1. No structure, object, excavation nor growth shall be constructed, reconstructed, altered, placed, installed, or planted within the right-of-way of a CTH until an access permit has been issued by Highway and Transportation.

2. Said permit shall be placed in clear view as near to the point of proposed construction or access as possible. An access permit shall expire one (1) year from the date of approval. All construction must be completed within this time. At its discretion, Highway and Transportation may extend approval of an access permit.

3. The access applicant shall be liable for all materials, labor and other costs connected with the construction of the access within the highway right-of-way. Columbia County shall not be liable for any damage or injury, which results from the construction of an access. Columbia County shall not be responsible for any maintenance of a private access/access culvert including the removal of snow, ice, or sleet from the access.

4. Mowing and tree maintenance or removal within the right-of-way is exempt from the Access Permit requirement provided:

   a. The right-of-way being maintained is adjacent to abutting land; owned by the party that is ordering the activity to be completed; and

   b. There is no obstruction to traffic or travel way for any period of time. In the event of obstruction, a lane closure permit from Highway would be required.

5. Mailbox installation within the right-of-way is exempt from the Access Permit requirement, provided the mailbox being installed and maintained is:

   a. Constructed in a break-away manner, from break-away materials suitable to the Highway Department standards;

   b. In a referenced location amenable to both the Highway Department and the respective, local Post Master authority;

c. The mailbox is installed in accordance with Highway Department requirements based on U.S. Postal Service Guidelines for mailbox installation;

d. The mailbox does not encroach upon the paved travel lane(s).

6. Construction Access. Temporary access points may be permitted in certain situations provided;

a. Access is exclusive for the temporary accessibility of construction or forestry equipment, men, and materials to the parent parcel and is not to be used for routine parcel access;

b. Utility or other similar easement accessibility activity may be allowed under the Construction Access provided the access conditions are followed, this section applies, and the activity is related exclusively to the temporary access of a utility easement;

c. Access location complies substantially with the requirements of permanent access or driveway requirements;

d. Access is constructed for the purpose of construction activity entry to the parcel or easement and incorporates design characteristics in accordance with Wisconsin Department of Natural Resources Technical Standard #1057 for Trackout Control Practices (e.g., breaker run, railroad tie, or timber platform temporary construction);

e. Visibility is suitable from a road safety standpoint in terms of location, vehicle speeds, visibility, and other engineering-based considerations at the discretion of the County; and

f. Access shall be removed upon completion of construction activities or within 9 months of permit issuance, whichever occurs first;

g. When directed by County and at locations deemed necessary by County, a suitable sized culvert pipe shall be installed to maintain proper roadside drainage. Plastic pipe may be allowed subject to the approval of the County.

(b) **Permits for Utility Access to Highway.**

1. Utilities seeking permission for installations within the CTH right-of-way shall seek a Utility Accommodation Permit from the Commissioner or designee in accordance with the most current Utility Accommodation Policy.

2. Small private line usages may be excluded from this requirement and allowed permission via the Columbia County Right-of-Way Access permit process, at the discretion of the Commissioner, and provided the line:

    a. Is for private use only, restricted to an adjacent, abutting land owner;

    b. Does not exceed a length of 250 ft for the section that is in the right-of-way;

    c. Is not owned or controlled by a public entity; and

    d. Work is completed in accordance with the permit conditions.

(c) **Access to Highway.** Entrance upon or departure from a CTH shall be prohibited except at locations specifically designated by this section. No road shall be opened into or connected with any CTH, under this section or converted from one use of access to another use of access without an access permit.

(d) **Existing Access.** Any use of access to a CTH (via driveway or road) prior to February 15, 1995 will be allowed provided a permit has been issued or the access is used for an agriculture field entrance.

(e) **Vacated Access.** If Highway and Transportation considers the use of an access to have been discontinued for a period of at least two years, Highway and Transportation shall notify the owner by certified mail that the access is to be considered vacated. Highway and Transportation will allow the owner thirty (30) days to reply. If after this time period Highway and Transportation decides that the access has been abandoned for at least one year, the access shall be considered vacated and its use will be illegal thereafter.

Any further use of this access after this period will require a permit and be subject to the regulations of this ordinance as a new access. It will no longer be considered an existing access.

(f) **Access Spacing and Frequency.**

1. In a case where a property owner owns more than one adjacent parcel (of the same land use) with frontage, all parcels shall be treated as a single parcel for the purposes of this section.

2. Where a property owner owns more than one adjacent parcel with frontage, all of which are zoned A-1 Agriculture or AO-1 Agriculture and Open Space no more than six accesses shall be allowed in a mile (see Section 9.06(4)(f)8.).

3. Only one access shall be allowed per parcel zoned R-1 Single Family Residence, RR-1 Rural Residence or A-2 General Agriculture Districts.

4. Two points of access may be allowed in all Commercial and Industrial zoned districts, the RC-1 Recreation, R-2 Multiple Family and R-3 Manufactured/Mobile Park Districts provided they each separately meet the remaining criteria of this ordinance, and require more than 50 parking spaces.

5. Access to Minor Road. Whenever possible, access should be granted onto the most minor road adjacent to the property when there is a choice between roads.

6. Access Permits shall not be issued where the horizontal distance between access points measured at the centerline, would become less than:

   a. 300' (91.44 m) for RURAL CTH;

   b. 150' (45.72 m) for SEMIURBAN CTH; and

   c. 100' (30.48 m) for URBAN CTH.

7. Maximum Access Points Per Side Per Mile shall be no more than the following, unless there is no other way of providing access to the existing parcel:

   a. 6 for RURAL CTH;

   b. 12 for SEMIURBAN CTH; and

   c. 36 for URBAN CTH.

   This distance is to be measured one half of a mile in each direction from the centerline of a proposed driveway and is to count all driveway centerlines within one half of a mile in each direction.

8. Private Entrances on Corner Lots. From the centerline of an intersecting road to the CTH, access on a corner lot shall not be allowed at a distance of less than:

   a. 300' (91.44 m) for RURAL CTH;

   b. 150' (45.72 m) for SEMIURBAN CTH; and

   c. 100' (30.48 m) for URBAN CTH.

9. Road Access. In addition to the remaining criteria in this ordinance, road access from the nearest road which enters onto the CTH in question must be at least:

   a. 1000' (304.8 m) for RURAL CTH;

   b. 500' (152.4 m) for SEMIURBAN; and

   c. 250' (76.2 m) for URBAN CTH**.**

   Where possible roads should not be staggered, creating "T" intersections, but rather connect with another road on the other side of the highway.

10. Safety shall not be interfered with due to access locations near hills, curves or other locations, which may not be in clear and apparent view of on-coming traffic.

(g) **Paved Apron.** Access onto a CTH may require a paved apron within the right-of-way of the CTH, at owner's expense, in instances when usage or drainage warrant.

(h) **Hazard Marking and Lighting.** Any access location shall during construction within the right-of-way be provided with adequate warning device, hazard marking and lighting to prevent possible accidents. Any type of warning device, hazard marking and lighting shall be in conformance with all current Uniform Traffic Control Manual standards. The warning device, hazard marking and lighting shall be provided by the owner of the parcel to which the access will enter.

(4) **Design Standards and Vision Triangle.** Driveways and roads within the CTH right-of-way must comply with the following design standards:

(a) **Culverts.** When required, shall be:

1. At least 24 feet (7.315 m) long plus endwalls, placed at least 1 foot (30.48 m) under the access;

2. A minimum of 15 inches (38.1 cm), or equivalent in diameter, or as large as needed for adequate drainage;

3. At least 10 feet (3.048 m) from the nearest culvert; and

4. Constructed of corrugated metal or concrete, with endwalls.

5. Culvert placement shall not be within 10 feet (3.048m) of the property line except for entrances with a shared access.

6. Plastic pipe and/or plastic endwalls shall not be allowed.

(b) **Access Height.** At the point of the culvert, the access height shall be equal to/or lower than the level of the outside edge of the road shoulder.

(c) Slopes to the side of the access shall not be steeper than 4 to 1 (25 percent desirable) or that of the embankment of the existing CTH, whichever is less.

(d) Retaining walls, stone walls, etc. shall not be allowed on driveways or within right-of-way.

(e) Any pavement of access shall consist of asphalt; concrete shall not be allowed.

(f) Any Pavement in the right-of-way, whether new, resurface, or replacement may be required to be replaced at the owner's expense when it causes a safety or drainage problem.

(g) Crowning of access shall be provided with a minimum pitch of 1-1/2 percent towards the side of the access.

(h) Curb and gutter shall not be allowed within the CTH right-of-way for private access.

(i) Angle of a driveway shall be as close to 90 degrees with the centerline of the CTH as possible, but not less than 75 degrees.

(j) Facing access on opposite sides of a CTH shall be located directly opposite each other whenever possible.

(k) Shared access is encouraged to minimize the number of access points and interruption of traffic flow.

(l) **Type "A" Access.** Private Driveways, with access to one or two agricultural or residential parcels, must have a driveway width of 24 feet (6.096 to 7.315 m) and a return radius of 20 feet (6.096 m) (see diagram A).

(m) **Type "B" Access.** Standards (see diagram B) must be used for residential with 3-20 units, and commercial or industrial with up to 25,000 square feet (2,322.5 sq. m).

(n) **Type "C" Access.** Standards (see diagram C ) must be used for residential with over 20 units, and commercial or industrial over 25,000 square feet (2,322.5 sq. m)

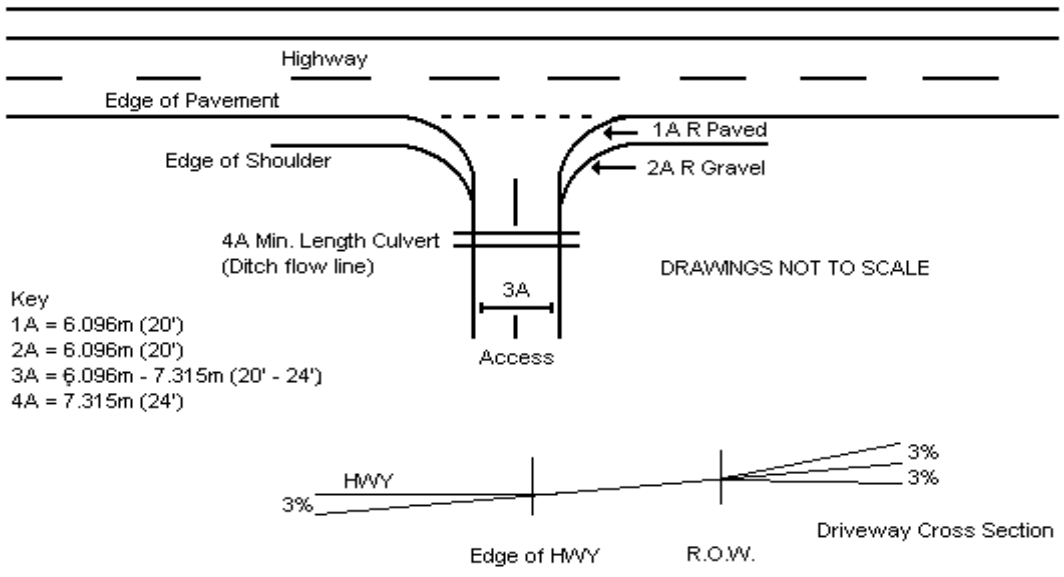
(o) Bypass Lane is required for access when the ADT of the abutting CTH is 2,500 or more for type B access, and 1,000 or more for type C access.

(p) Turnarounds should be provided so that vehicles do not need to back out onto a CTH.

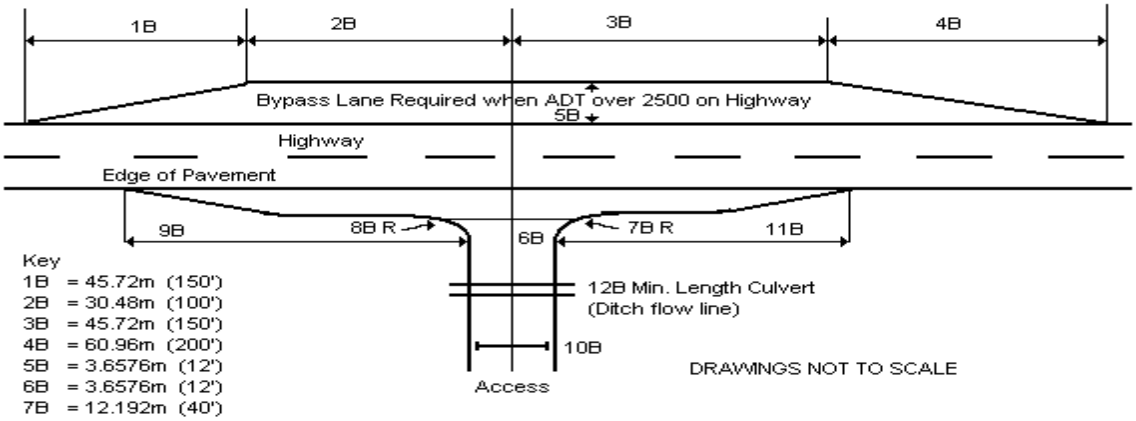
(q) Existing CTH Property, including road surfaces, curbs, shoulders, slopes, ditches and vegetation, shall be restored to its original condition.

(r) Vision Corners must be free of all obstructions at each access point in accordance with the applicable "Vision Corner" diagram below. Driveway Vision Corners are to be measured from a point 3.5 feet (1.0668 m) above the center of the proposed access, 15 feet (4.572 m) back from the edge of pavement of the CTH, to two points 4.5 feet (l.3716 m) above the center of the nearest on-coming lane of the CTH in each direction, at a distance of "D" from the point where the CTH meets the center of the proposed access. Distance "D" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used. Signalized intersections need only meet the standards provided for driveways, in addition to approval by Highway and Transportation.

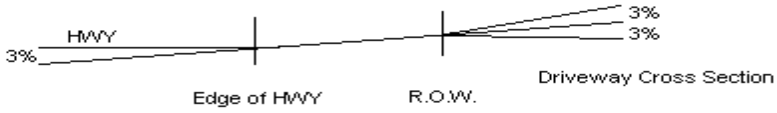
Access Design Standards



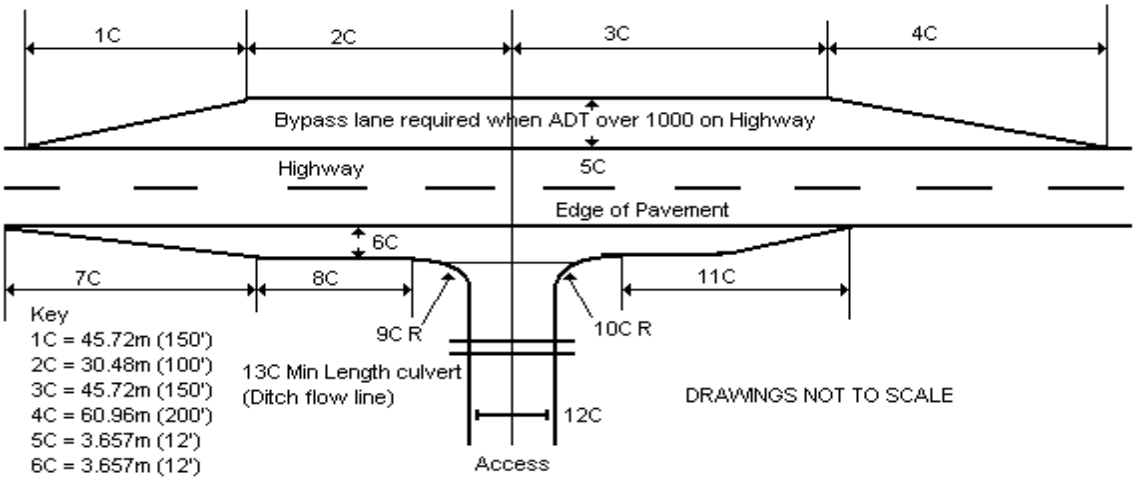

TYPE "A" ACCESS



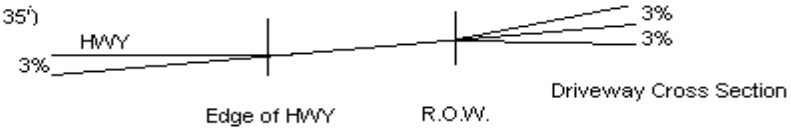

Key
1B = 45.72m (150')
2B = 30.48m (100')
3B = 45.72m (150')
4B = 60.96m (200')
5B = 3.6576m (12')
6B = 3.6576m (12')
7B = 12.192m (40')
8B = 18.288m (60')
9B = 45.72m (150')
10B = 7.315m - 10.668m (24' - 35')
11B = 30.48m (100')
12B = 7.315m (24')




TYPE "B" ACCESS

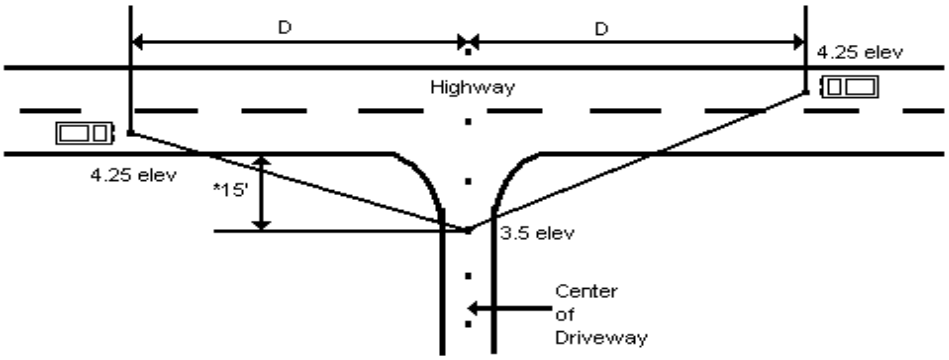



Key
1C = 45.72m (150')
2C = 30.48m (100')
3C = 45.72m (150')
4C = 60.96m (200')
5C = 3.657m (12')
6C = 3.657m (12')
7C = 45.72m (150')
8C = 15.24m (50')
9C = 18.288m (60')
10C = 12.192m (40')
11C = 30.48m (100')
12C = 7.315m - 10.668m (24' - 35')
13C = 7.315m (24')




TYPE "C" ACCESS

**Vision Triangles**




DRAWINGS NOT TO SCALE

Vision Corners (Driveways Only):
4.572 m (15 feet) or back edge of right-of-way; whichever distance is further.

| Speed Limit km/h (MPH) | Distance "D" in m (feet) |
|---|---|
| 40 (25) | 68.58 (225) |
| 56 (35) | 83.82 (275) |
| 72 (45) | 106.68 (350) |
| 88 (55) | 152.4 (500) |

VISION CORNERS: STOP CONTROL ON MINOR ROAD GUIDE DIMENSIONS:

| Design Speed km/h (MPH) | Distance "A" m (feet) | Distance "B" m (feet) |
|---|---|---|
| 64 (40) | 45.72 (150) | 36.576 (120) |
| 80 (50) | 60.96 (200) | 45.720 (150) |
| 88 (55) | 76.20 (250) | 48.768 (160) |
| 97 (60) | 91.44 (300) | 53.340 (175) |

Use design speed of minor road to determine Distance "B"

(5) **Administration and Enforcement.**

(a) **Administration.** Highway and Transportation is hereby authorized to administer this ordinance.

(b) **Applicant.**

1. The term "applicant" used with this subsection shall mean seeking a permit or variance; it may also refer to those issued the permit. Such a reference may include the agent, property owner, employee and/or other person with the necessary authority to seek the permit or variance.

2. The applicant is solely responsible in securing and possessing the necessary authority for any permit or variance sought.

(c) Applications for permits and variances shall be made to Highway and Transportation. A Highway Superintendent shall review the proposed development or construction, and make a determination whether to issue or decline a permit request in accordance with this ordinance.

When an access permit is denied, the applicant may seek a variance from the Highway Commissioner. The Highway Commissioner shall either grant or deny the proposed variance based upon the provisions, standards, and requirements of this ordinance, in conjunction with engineering principles and knowledge. The Highway Commissioner may independently postpone action on a variance request if additional information is needed. The Highway Commissioner shall report any approved variances to the Highway Committee at the next regular committee meeting from the date of the variance issuance.

Applicants unsatisfied with a denied permit and/or variance requests may appeal those decision to the Highway Committee in accordance with Section 9.12.

(d) **Interpretation.** All restrictions on the use of land is restricted to the objects, growth, and use of land within the right-of-way of the Columbia County Highways. Whenever it is questionable as to whether an object or a part of an object is within the jurisdiction of this ordinance, the entire object shall be considered to be entirely within.

(e) **Access Control Map.** The location of access points on CTHs will be established on a map named "THE OFFICIAL HIGHWAY ACCESS CONTROL MAP OF COLUMBIA COUNTY," which will be drawn and updated by Highway and Transportation. Copies of this map will be available to the public at Highway and Transportation.

(f) **Land Division and Zoning Approvals.**

1. Before any vacant parcel of land is allowed to be subdivided, pursuant to the Columbia County Land Division and Subdivision Ordinance, it shall be proven by the applicant that access can be provided to each proposed parcel in such a way that it will not violate any of the regulations of this Ordinance.

2. A land division for an existing house with an existing driveway does not have to be approved by Highway and Transportation.

3. An application for a rezoning to a Commercial or Industrial zoning district or a Conditional Use Permit (CUP) in a Commercial or Industrial district shall also be filed with Highway and Transportation to determine if the rezoning or CUP will impact the access permit or existing access, and if so, the nature of that impact.

Highway and Transportation will provide this determination within ten (10) business days of receiving a copy of the application.

4. Zoning and Sanitary Permits and Emergency Response Numbers.

   a. An application for the first new building on the parcel, first sanitary system or new Emergency Response Number on the parcel shall not be approved until an access permit has been issued by Highway and Transportation.

   b. A new access permit will not be required for building additions and accessory structures.

   c. A new access permit will be required for residential building demolition and replacement with a new building(s).

   d. Highway and Transportation will review access permits for all commercial and industrial buildings that are replaced.

(g) **Fees.**

1. The applicant shall pay to Highway and Transportation a non-refundable fee for each access permit application as determined by the type of access. All fees shall be received prior to the issuance of any application for permit.

2. If a variance is required of the Highway Committee, the applicant shall pay to Highway and Transportation a non-refundable fee for each access application permit for variance in addition to the standard application fee. All fees shall be received prior to meeting with the Highway Committee and the issuance of any application for permit.

3. If an appeal is requested of the Highway Committee, the applicant shall pay to Columbia County Highway and Transportation a separate and non-refundable fee for each access application permit upon filing each appeal.

4. Refer to the Columbia County Fee Schedule for amendments and changes to current fees.

5. No fee is required for work performed by or on behalf of Highway and Transportation.

(h) **Enforcement and Penalties.**

1. The permitted work shall only be performed during the permitted period. Any work performed after the expiration of the permit is prohibited, and a new permit shall be required before any work may be commenced or continued.

2. Where work has commenced or the public way occupied without first obtaining a permit as required by this section or maintaining a valid permit, the fee specified shall be doubled.

3. At all times and regardless of payment, the applicant shall comply with this Code of Ordinance, as well as all other applicable law, in the execution of any work.

4. Upon the discretion of the Highway Commissioner, or designee, he or she may revoke any permit subject to this Ordinance and may issue a stop-work order requiring the cessation of work which is a violation of this Ordinance. A copy of that stop-work order shall be furnished to the permit holder in writing, stating the reasons therefor. Notice of any stop-work order shall be posted upon land where the violation occurred as well as provided applicant, if different. Any stop-work order shall remain in effect until removed by the Highway Commissioner, or designee.

5. The continuance of work after the issuance of a stop-work order is prohibited unless the order is first removed by the Highway Commissioner, or designee.

6. If a violation continues thirty (30) days after the provision of written notice, the access point shall be declared illegal and the permit revoked. No work may commence or continue until a new permit is issued.

7. If an applicant fails to restore the public way or if the restoration is unsatisfactory, the Highway Commissioner may order the public way to be restored at the applicant's expense.

8. If at any time, the Highway and Transportation Department performs restoration work under this section, all costs related to the work shall be billed to the applicant. No additional permits shall be issued to the applicant until full payment is received. By those means legally permissible, the County may also pursue payment of any cost accrued under this subsection.

9. Nothing within this section shall be construed to limit the ability of the Highway and Transportation Department to address any safety concern(s) more immediately and as it deems appropriate. At all times, costs incurred for the failure to abide by this subsection may be billed to the applicant.

10. Each day in which a violation continues to exist shall constitute a separate offense.

11. A violation of this Ordinance may result in that person being subject to all penalties applicable under the law, including those listed within the Code of Ordinance.

12. The Highway Commissioner may refer any violation to the Corporation Counsel for commencement of legal proceedings necessary to enforce this Ordinance. Corporation Counsel may bring an action to enforce this Ordinance and seek any remedy, legal or equitable, subject to its prosecutorial discretion. Nothing within this Ordinance may be construed to limit any recourse Corporation Counsel may take in the enforcement of the Ordinance.

## SEC. 9.08 SPEED LIMITS.

(1) **Speed Limits Established.** A traffic and engineering investigation having been made on the following described County Trunk Highways, the maximum permissible speed at which vehicles may be operated on said highways, which speed is herein established as reasonable and safe pursuant to Wis. Stats. § 349.11, shall be as set forth herein upon creation of standard signs giving notice thereof:

| SPEED LIMITS | | | | |
|---|---|---|---|---|
| **CTH** | **Location** | **Distance** | **Speed** | **Last Updated** |
| A | South from Long Crossing 966 ft. | 3,046 ft. | 35 | 04/21/98 |
| B | South from CTH P | 3,482 ft. | 25 | 04/21/98 |
| C | South from STH 16 | 1,538 ft. | 35 | 04/21/98 |
| C | North from STH 60 | 1,710 ft. | 45 | 09/06/18 |
| C | South from CTH DM | 1,500 ft. | 45 | 03/29/07 |
| C | North from CTH DM | 1,500 ft. | 45 | 03/29/07 |
| CS | West of Bridge Deck Abutment over I90-94-39 for 990 ft. East of Bridge Deck Abutment over I90-94-39 for 2,355 ft. Bridge Deck Length over I90-94-39 is 233 ft. | 3,578 ft. | 45 | 04/21/98 |

| SPEED LIMITS | | | | |
|---|---|---|---|---|
| **CTH** | **Location** | **Distance** | **Speed** | **Last Updated** |
| CS | East from CTH V | 2,082 ft. | 35 | 04/21/98 |
| CS | West from CTH Q | 2,255 ft. | 30 | 09/03/2020 |
| CS-Q | East from USH 51 | 1,365 ft. | 25 | 04/21/98 |
| CS-Q | West from USH 51 | 6,675 ft. | 25 | 04/21/98 |
| CS-Q | West from WIBU Rd to CTH Q | 1,010 ft. | 30 | 09/03/2020 |
| CX | North from STH 16 | 2,871 ft. | 25 | 05/16/18 |
| CX | North from STH 16 2,871 ft. | 5,314 ft | 45 | 04/21/98 |
| CX | North from STH 16 8,185 ft. | 1,370 ft. | 30 | 04/21/98 |
| CX | North from US 51 | 1,584 ft. | 35 | 12/30/08 |
| D | East from STH 16 300 ft. | 865 ft. | 35 | 04/21/98 |
| D | East from STH 16 1,165 ft. | 4,657 ft. | 25 | 04/21/98 |
| D | East from STH 16 5,822 ft. (15 when children are present) | 1,174 ft. | 25 | 12/27/25 |
| D | East from STH 16 6,996 ft. | 3,706 ft. | 25 | 12/27/25 |
| D | From Fall River East Village Limit to CTH DG Intersection | 2,720 ft. | 35 | 09/18/24 |
| DM | East from CTH C | 1,982 ft. | 45 | 03/29/07 |
| DM | West from CTH C | 2,200 ft. | 45 | 03/29/07 |
| DM | East from Kronke Rd | 1,250 ft. | 45 | 09/03/2020 |
| DM | West from Kronke Rd | 1,200 | 45 | 09/03/2020 |

| SPEED LIMITS | | | | |
|---|---|---|---|---|
| **CTH** | **Location** | **Distance** | **Speed** | **Last Updated** |
| EF | North from Friesland Rd | 2,644 ft. | 25 | 04/21/98 |
| EF | South from Friesland Rd | 1,466 ft. | 25 | 04/21/98 |
| G | East from STH 22 | 2,320 ft. | 25 | 04/21/98 |
| G | West from STH 22 1,600 ft. | 3,653 ft. | 35 | 04/21/98 |
| G | East from STH 22 2,403 ft. | 985 ft. | 30 | 05/16/18 |
| G | West from STH 22 | 3,660 ft. | 25 | 04/21/98 |
| I | South from STH 60 | 1,308 ft. | 25 | 04/21/98 |
| J | North from STH 113 | 4,082 ft. | 45 | 04/21/98 |
| J | South from CTH J-V | 925 ft. | 45 | 09/03/2020 |
| J-V | East from CTH J | 2,240 ft. | 45 | 09/03/2020 |
| K | East from STH 113 | 1,288 ft. | 25 | 07/25/00 |
| K | East from STH 113 1,288 ft. | 4,214 ft. | 45 | 07/25/00 |
| K | West from STH 73 (15 when children are present) | 1,085 ft. | 25 | 04/21/98 |
| K | West from STH 73 1,085 ft. | 1,567 ft. | 25 | 04/21/98 |
| K | West from STH 73 2,652 ft. (15 when children are present) | 1,794 ft. | 25 | 04/21/98 |
| N | STH 60 North to Hall Rd | 7,690 ft. | 45 | 04/21/98 |
| O | West from STH 16 | 2,252 ft. | 25 | 04/21/98 |
| O | West from STH 16 2,252 ft. | 1,114 ft. | 35 | 04/21/98 |

| SPEED LIMITS | | | | |
|---|---|---|---|---|
| **CTH** | **Location** | **Distance** | **Speed** | **Last Updated** |
| O | West from East bridge abutment to Boeck Road | 2,545 ft. | 45 | 09/22/98 |
| P | East from STH 146 | 964 ft. | 25 | 04/21/98 |
| P | East from STH 146 964 ft. (15 when children are present) | 1,204 ft. | 25 | 04/21/98 |
| P | West from STH 146 | 3,695 ft. | 25 | 04/21/98 |
| P | West from STH 73 | 665 ft. | 25 | 04/21/98 |
| P | West from STH 73 665 ft. | 1,745 ft. | 45 | 04/21/98 |
| P | West from STH 22 | 3,284 ft. | 25 | 04/21/98 |
| P | West from STH 22 3,284 ft. | 720 ft. | 35 | 04/21/98 |
| Q | South from CTH CS | 1,348 ft. | 35 | 04/21/98 |
| V | North from CTH CS | 6,600 ft. | 35 | 09/03/2020 |
| V | West from CTH CS | 19,350 ft. | 35 | 09/03/2020 |
| V | East from Rory Rd | 8,200 ft. | 35 | 09/03/2020 |
| V | CTH West to CTH B | 2,350 ft. | 45 | 09/03/2020 |
| V | West from CTH B | 4,300 ft. | 35 | 09/03/2020 |
| V | East from STH 113 | 8,240 ft. | 25 | 09/18/24 |
| V | West from CTH J | 4,350 ft. | 35 | 09/03/2020 |

(2) **Temporary Speed Limits.**

(a) If a highway is being constructed, reconstructed, maintained or repaired; temporary speed limits may be established as set forth in Wis. Stat. § 349.11(10).

(b) The Highway Commissioner, or designee, is authorized, at his/her discretion, to impose mandatory temporary speed limits under the continuing authority of this section and without need of further action of this body.

(c) Temporary speed limits shall be in accordance with this section and shall be imposed by the posting of other portable or fixed temporary regulatory speed limit signs of the same face size and design as permanent regulatory speed limit signs, type R2-1, as described in the Manual on Uniform Traffic Control Devices as adopted by the Wisconsin Department of Transportation.

(d) Signs may be posted on any highway under the jurisdiction of this authority (and any state trunk highway upon which this county performs maintenance under Wis. Stats. § 84.07) when such highway is being constructed, reconstructed, maintained or repaired, but only in the immediate area of such work and of those persons engaged in performing such work.

(e) Any temporary speed limit imposed in an area where construction, reconstruction, maintenance or repair is being performed on the shoulders or what is normally the travelled portion of the roadway, or where the highway construction or maintenance workers performing such work area necessary on the shoulders or what is normally the traveled portion of the roadway, shall be determined by, and at the discretion of, the Columbia County Highway Commissioner or his/her designee.

(f) No temporary speed limit shall be imposed when construction, reconstruction, or maintenance or repair work is being performed inside the highway right-of-way but not on the shoulders or the traveled portion of highway.

(g) Any speed limits imposed under the authority of this section are temporary, and the signs imposing such limits shall be removed, covered, or otherwise obscured when the highway construction or maintenance workers performing construction, reconstruction, maintenance or repairs and their equipment are not present on the shoulders or the traveled portion of the highway.

(h) The area in which any temporary speed limit imposed shall be terminated by posting a regulatory speed limit sign informing the public of the specific speed limit outside of the area where construction, reconstruction, maintenance or repair work is being performed.

(i) Nothing herein shall prohibit the Highway Commissioner from posting advisory speed limit signs of the type W13-1 as described in the Manual of Uniform Traffic Control Devices, in areas of highway construction, reconstruction, maintenance and repair suggesting such speed as he or she deems appropriate to promote the safety of highway construction and maintenance workers, pedestrians, and highway users and that such advisory signs may also be posted in conjunction with the temporary mandatory speed limit signs, as described and authorized above.

## SEC. 9.09 AT-GRADE RAILROAD CROSSING.

**Crossings Established.** Determining the need for public safety for rural at-grade railroad crossings in Columbia County, being authorized by the local maintenance authority, and being established as reasonable and safe pursuant to Wis. Stats. § 349.085, shall be as set forth herein; upon creation and placement of standard signs giving notice thereof.

| STOP CONDITION AT THE CROSSING | | |
|---|---|---|
| **Road** | **Location** | **Last Updated** |
| JV | 3,130 ft west of USH 51, Town of Dekorra | 10/02/2020 |
| Meek | 2,620 ft east of CTH I, Town of Arlington | 10/02/2020 |
| Jones | 2,740 ft south of CTH P, Town of Courtland | 10/02/2020 |
| Schilling | 1,220 ft south of Cemetery Rd, Town of Courtland | 10/02/2020 |
| Fordeg | 2,540 ft south of STH 33, Town of Courtland | 10/02/2020 |
| Oshaukauta | 2,100 ft east of CTH B, Town of Dekorra | 10/02/2020 |
| Bilkie | 4,630 ft west of USH 51, Town of Dekorra | 10/02/2020 |
| Thompson | 2,380 ft west of USH 51, Town Dekorra | 10/02/2020 |
| McCubbins Lane | 265 ft north of STH 113, Town of West Point | 1/18/2023 |

| YIELD CONDITION AT THE CROSSING | | |
|---|---|---|
| **Road** | **Location** | **Last Updated** |
| K | 2,290 ft east of CTH I, Town of Arlington | 10/02/2020 |
| B | 4,960 ft west of USH 51, Town of Dekorra | 10/02/2020 |
| Richards | 960 ft west of USH 51, Town of Arlington | 10/02/2020 |
| Kampen | 3,280 ft east of CTH I, Town of Arlington | 10/02/2020 |

## SEC. 9.10 TOURIST-ORIENTED DIRECTIONAL SIGNAGE ("TODS") REGULATIONS.

1. **Jurisdiction.**

   (a) **Columbia County Highway Committee.** In accordance with Wis. Stats. § 83.015 and County Ordinance, the Columbia County Highway and Transportation Committee ("Highway Committee") shall represent the County in constructing and maintaining highways within the County.

   (b) **Columbia County Highway Commissioner** shall be charged with the administration, permitting, and enforcement of this Ordinance.

2. **Intent.**

   (a) **Advertising in Highways Prohibited.** No person shall erect, or cause to be erected, any advertising, direction, guide, warning, or other sign or marker within any County Trunk Highway unless permission is first obtained from the officials charged with the maintenance of such highways per County Ordinance Section 12.145.2(3).

   (b) **Intent.** This ordinance is created pursuant to County Board authority under Wis. Stats. §§ 86.196(3), 86.19(c), and 346.41, and Wisconsin Administrative Code Chapter 200 following due consideration of the tourism, recreational, and economic value to connect traveling motorists with various tourist destination opportunities.

3. **Eligibility.** All requests for new Tourist-Oriented Directional Signage (TODS) shall come from a business, service, activity group, or organization. The business, service, activity group, or organization shall meet the following criteria:

(a) The entity requesting signage must qualify as a tourism-related business pursuant to Wis. Stats. § 86.196(1)(b). Generally, tourist related businesses include the following; as described below:

1. **Gas.** As is consistent with Wis. Stats. § 86.195(3)(a), an applicable business under this section shall include vehicle services for fuel, oil, and water; have restrooms and drinking water available to the public; continuous hours of operations of at least twelve (12) hours a day for seven (7) days each week; and a public telephone.

2. **Food.** As is consistent with Wis. Stats. § 86.195(3)(b), an applicable business under this section shall be licensed or approved whenever required; be open to the public five (5) days per week with hours at no later than 10:00 am until at least 7:00 pm with at least fifty (50) percent of its gross receipts from food and non-alcoholic beverages; and have a public telephone.

3. **Lodging.** As is consistent with Wis. Stats. § 86.195(3)(c), an applicable business under this section shall be licensed or approved wherever required; have adequate sleeping accommodations; and a public telephone.

4. **Camping.** As is consistent with Wis. Stats. § 86.195(3)(d), an applicable business under this section shall be licensed or approved wherever required, have adequate parking accommodations, and possess modern sanitary facilities and drinking water available to the public.

5. **Tourist Attractions.** As is consistent with Wis. Stats. § 86.195(3)(e) and Wis. Admin. Code Tran. § 200.03(2)(e), an applicable business under this section shall have a primary purpose of providing amusement, historical, cultural, or leisure activity(s) to the public; be of significant regional interest; be licensed or approved whenever applicable; have adequate parking accommodations; be open at least eight (8) hours per day for at least five (5) days per week for at least three (3) consecutive months of each year have public restrooms and drinking water, and the minimum number of visitors for a tourist attraction as determined by the Department (e.g., antique shop, amusement park, bait shop, etc).

(b) The tourism-related business must be within five (5) miles of the proposed signage location on the County Trunk Highway.

(c) The tourism-related business must not have direct access to the portion of County Trunk Highway the signage resides on.

(d) The tourism-related business shall have the primary business purpose of providing amusement, historical, cultural, or leisure activities to the public. As is consistent with this section, the following types shall be considered as conditionally permissible:

1. Hotel, motel, cabin, resort, or cottage if for rent less than thirty (30) days;

2. Campground or recreational vehicle park;

3. Museum, zoo, or other amusements;

4. Athletic facility, horseback riding, or shooting ranges;

5. Ski trail, nature trail, conservation area, if open to public;

6. Church, school, theater, religious camp, or youth camp;

7. Marina, boat landing, recycling station, or exhibition area;

8. Supper club, country club, or restaurant, if open to the public; or

9. Experimental station – such as agricultural, art, or other sciences.

(e) Under this chapter, the following types shall be considered as excluded from application and may not have TODS:

1. Park, cemetery, hatchery, and fishery;

2. Government office, post office, and tourist bureau;

3. Plumber, electrician, builder, contractor, painter, material supplier, and home improvement;

4. Landscaper, nursery, and tree service;

5. Auto body repair, detailer, dealer, or rental; and

6. Others not meeting the criteria of Section 9.09(3)(a)-(e) above.

4. **Regulations.**

(a) Signage may only be erected where deemed appropriate by the Highway and Transportation and all of the following criteria shall apply:

1. Signage for any one entity shall not be erected at more than four (4) locations;

2. No more than two (2) County Trunk Highway intersections shall be marked for any one entity or destination;

3. Signage will not be allowed if the entity has any advertising in the vicinity of the intersection where the guidance is requested; and

4. Highway and Transportation may require TODS to be co-located if an existing TODS is placed within the vicinity of the requested location.

(b) Signs shall be of type, size, shape, and design as herein specified:

1. Shall be constructed of metal with reflective blue backing and reflective white lettering; 6' x 9" for 1 line, and 6' x 18" for two lines;

2. No flashing, illuminated, or reflecting signs or installation shall be permitted;

3. May not resemble, regulate, or imitate any Stop, Stop condition, Yield, Traffic Signal, or other regulatory signs;

4. May not resemble any official traffic control device or railroad sign or signal; and

5. May not contain any logo.

(c) No signs shall be erected until the location and manner of erection is approved and a permit is issued.

(d) The owner or applicant shall be responsible for all costs related to the signage; installation, maintenance, damage, and/or disrepair. Fees shall be determined based on actual cost of labor, equipment, materials, overhead, and administrative costs incurred by Highway and Transportation. Equipment, overhead, and administrative rates and charges shall be as determined annually by the Highway and Transportation within the Routine Maintenance Agreement and the guidelines of the Highway Maintenance Manual. Applicant shall pay Highway and Transportation all costs as agreed within the permit process; see County Ordinance Section 7.08.

(e) All signage shall be erected and maintained by Highway and Transportation.

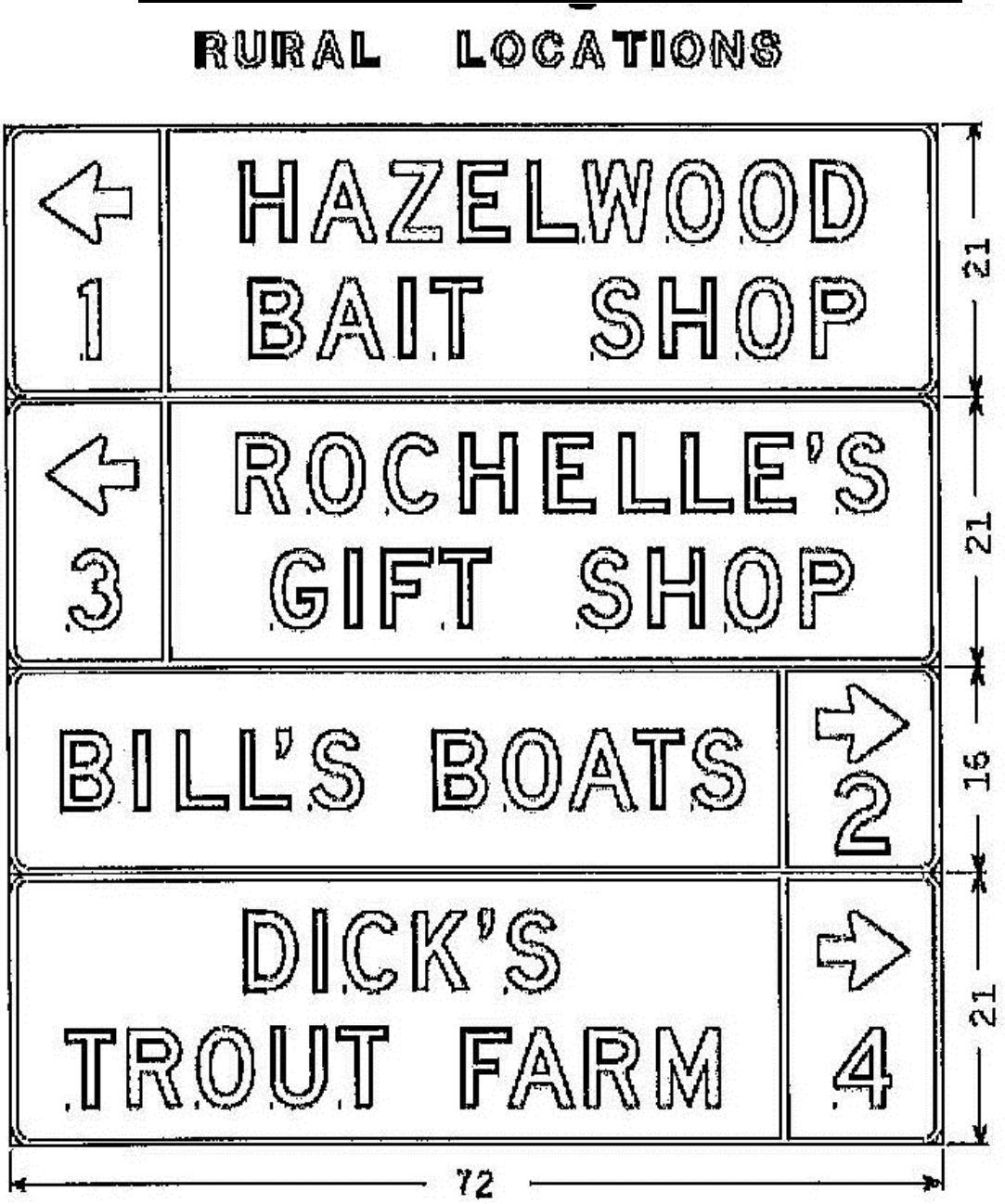
(f) Signage shall only be at such locations as permitted.

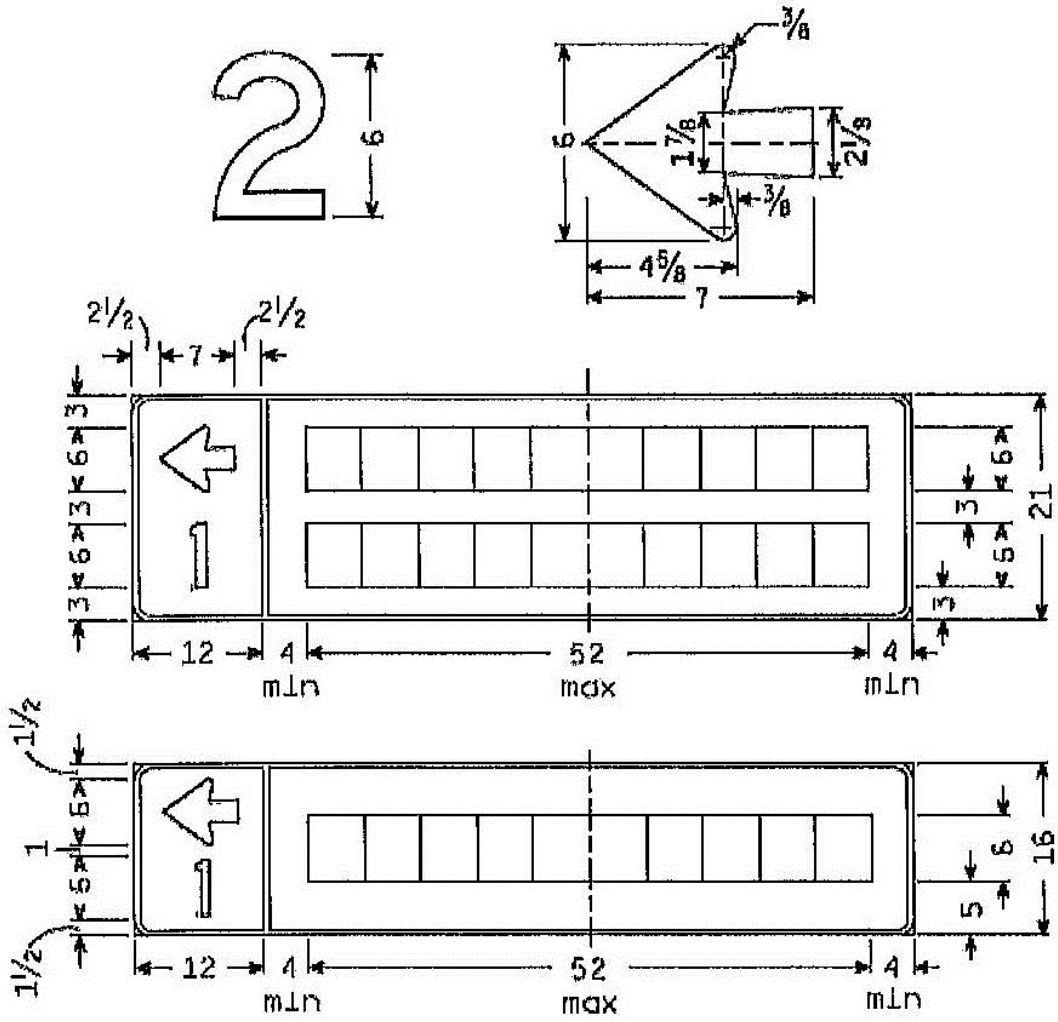
(g) Sign requests within any city or village shall meet the requirements of the city or village. Where the city or village does not have an ordinance or requirements, all TODS shall be prohibited.

(h) A permit shall be valid for a period not to exceed ten (10) years from the date of the approved application. Upon the expiration of permit, a new permit application must be sought from the Owner if the signage is to continue.

(i) Expired TODS shall be removed by Highway and Transportation. However, if a new permit application is in process, expired TODS may remain in place until such time as Highway and Transportation is able to replace it with a new sign, pursuant to Sections 9.09(4) and 9.09(4).

**SAMPLE TEMPLATE FOR TYPICAL INSTALLATION:**






5. **Enforcement.**

(a) Signs or installations in violation shall be removed.

(b) Prior to removal of violating signs, Highway and Transportation may provide a letter to the owner of the sign demanding removal in accordance with this chapter. Once letter is sent, Highway and Transportation will not remove sign for a minimum of sixty (60) days from the date of the letter. Failure to provide notice as described herein, does not alleviate the owner, sign, or Highway and Transportation from compliance with this chapter.

(c) All removal shall be conducted by the Highway and Transportation.

(d) In addition to any removal, enforcement of this ordinance applies to any officer of the Columbia County Sheriff Department.

(e) Pursuant to Columbia County Ordinance Section 1.12, the penalty for violating any provision of this chapter shall result in a forfeiture of at least $250.00. Additional costs, such as actual labor and equipment costs, shall also be due.

(f) Each day of continued offense shall constitute a separate offense.

(g) Solely upon and at its discretion, any violation of this chapter shall be prosecuted by the Columbia County Corporation Counsel. As is consistent with Wisconsin law, nothing within this chapter or otherwise shall limit any recourse available to Columbia County Corporation Counsel in its prosecution of any applicable action.

6. **Restrictions and Exceptions.**

(a) Signs existing as of September 1, 2019, that do not meet the Eligibility requirements of Section 9.09(3), shall be removed by Highway and Transportation. Prior to removal of these observed and identified sign types, Highway and Transportation will provide written notice to the known sign owner presenting this chapter and explaining why the sign is non-compliant. The sign will not be removed for a minimum of sixty (60) days from the date of the letter.

(b) Signs existing as of September 1, 2019, that meet the Eligibility requirements of Section 9.09(3) but do not meet the Regulation requirements of Section 9.09(4), shall be allowed to remain for a period to not exceed two (2) years. Effective September 1, 2021, this signage shall be required to have a permit from Highway and Transportation and comply with this Ordinance. Highway and Transportation will provide written notice to known owners of these type of signs in as timely a manner as sign is identified and owner determined.

(c) The following signs shall not be subject to the conditions of this Ordinance:

1. Regulatory, warning, route signage of Highway and Transportation or utilized on any route for legal purposes related to traffic control, speed, direction, or guidance;

2. Temporary signage of any nature that is used specifically by Highway and Transportation for its operations;

3. Signs erected for the purposes of marking, locating, or identifying any underground or buried utility lines, pipes, conduits, cables, or other services for the transmission of electric power, communications, liquids, gaseous fuels, or other products shall be allowed and regulated by the issuance of a Utility Permit for public utilities or a Work in Right-of-Way Permit and Private Utility Agreement for any private utilities under the Utility Accommodation Policy and the Supplemental Conditions, in lieu of this ordinance; and

4. Signs regulated within Columbia County Ordinance Section 12.145.

## SEC. 9.11 HIGHWAY ACCESS FOR SPECIAL EVENTS REGULATIONS.

(1) **Jurisdiction.**

(a) **Columbia County Highway Committee.** In accordance with Wis. Stats. §§ 83.015, 349.185, and Columbia County Ordinance, the Columbia County Highway & Transportation Committee (Highway Committee) shall represent the County in constructing and maintaining highways within the County.

(b) **Columbia County Sheriff Office** shall be charged with the administration, permitting, and enforcement of the Highway Access for Special Events Ordinance under this chapter.

(2) **Intent.** Pursuant to Wis. Stat. § 349.185, this ordinance has been created to regulate community events or celebrations, processions, or assemblages on the highways and regulate the traffic of pedestrians upon highways within its jurisdiction including the prohibition of crossings.

(3) **Eligibility.** All requests for Special Events permit(s) shall come from Organizer of the event be that an individual, sole proprietor, corporation, business, service group, not for profit entity, activity group, association, branch of government, County Department, other municipality, or organization.

(4) **Insurance and Indemnification.**

(a) By permit, Organizer shall bear the full and complete responsibility for all risk of harm caused by, arising from, or resulting from the event. Organizer shall indemnify, defend, and hold harmless Columbia County and its officials, officers, employees, volunteers, and agents against all claims, liability, loss, damage, or expense incurred on account of any injury to or death of any person or any damage to any property caused by, arising from, or resulting from the activities for which the permit is granted.

(b) In order to secure Organizer's obligation to hold harmless and indemnify the County, Organizer shall procure and maintain insurance; types including but not limited to general bodily injury liability, property damage liability, and if vehicles are to be used by Organizer or as part of the event, comprehensive automobile bodily injury liability. The policy amount(s) shall reflect the size, scope, and nature of the event and shall be sufficient in coverage. Organizer shall add the County, its officials, officers, employees, volunteers, and agents to the Organizer's insurance policy(s).

(c) Organizer shall be responsible for any damage to County property caused by, arising from, or resulting from the activities for which the permit is granted.

(5) **Regulations.**

(a) Application shall include sufficient additional information so as to verify and confirm that the Applicant will comply with all of the following minimum requirements:

1. Duration and Hours of Operation: The Special Event application shall specify the day(s), date(s), time, and location upon which the incident is to occur, or in the case of a seasonal or recurring event, the days within the season or period within the calendar year upon which the event will re-occur. The application must include the hours of pre-event setup and post-event tear down operations will occur.

2. Parking and Access: The Special Event permit application shall include a plan which identifies area(s) that may be reasonably expected to be utilized by event participants for off-street and on-street. Efforts shall be made by the Organizer to minimize on-street parking.

3. Sanitary Facilities, Potable Water, and Rest Stations: Organizer shall make reasonable accommodations for rest areas facilities throughout the course of the event or at the site of the event and outside of the county highway right of way.

4. Refuse Removal: Organizer shall remove all litter, debris, and refuse during, immediately following, and after the conclusion of the event along its' course, for debris attributable to the event. No litter, debris, or refuse shall remain in excess of twenty-four (24) hours of the special event.

5. Severe Weather notification: Organizer shall have a plan of how to notify event participants in the event of severe weather or emergency conditions which would affect the event or participants.

6. Emergency Contact: The Special Event permit shall indicate the contact name and phone number for all emergency contacts between the County 911 system and the event. The event contact shall be immediately available during the event and shall serve as the sole source point of contact between the organizer's staffing, participants, and any applicable governmental agencies and /or County departments.

7. Notification: Organizer shall be required to notify the Sheriff's Office of their event. The Sheriff's Office shall notify the other governmental within the County including affected departments. Affected departments shall work jointly on reviewing any application.

8. Participation: The Organizer shall have a method of identification of all participants in the event. All participants shall display some method of individual identification on their person during the event

9. Security: Organizer shall review whether security is necessary. Arrangements and costs for security are the responsibility of the Organizer.

10. Barricades, Signage, and Traffic Control: Organizer may be required to develop a traffic plan for the event to address any special signage requirements or conditions. Dependent on the course, the provision of traffic control attendants, appointed by the County, shall be required.

(b) Course Markings: Organizer shall be responsible for determining the route or course its event will cover. The Organizer may determine if course/route markings are required to inform the participants of the course or route to be followed by the event. If course markings are to be utilized, the Organizer shall only use temporary signage of the following requirements:

1. Temporary signage may be utilized to mark routes or courses in accordance with Wis. Stats. Chapter 86. Spray paint on pavement in the travelled way shall not be allowed.

2. Paper arrows and lane markers may be used for marking routes or courses. The paper arrows shall be biodegradable with a short life span, shall be temporary or removable, and shall be of manufacturer of www.routearrows.com or approved equivalent. Nothing within this provision shall relieve the Organizer of requirements as set forth herein.

(c) A permit shall be valid only for the day(s) and time period of the Special Event as identified within the approved application.

(d) The Organizer shall meet all minimum requirements described within this subsection, as well as those additional requirements provided in the submitted application and as otherwise required.

(e) Compliance with Other Code Provisions: No Special Event shall be held unless all necessary approvals, permits, and licenses applicable to the activities to be held during the Special Event have been issued.

(f) Compliance with Other State, Federal, or Local regulations: This ordinance is not meant to be all inclusive of the Rules of the Road or other regulations which may govern various aspects of the event.

(g) Extraordinary Services: The County may require or an Organizer may request as to if and when extraordinary services are required for a Special Event.

(h) Insurance: Organizer shall submit the certificate(s) of insurance as required by this ordinance to the County.

(i) Organizer shall comply with all Federal, State, and local law, rules, and regulations. Nothing within this ordinance shall be construed to waive any other requirement Organizer may have as a result of the special event planned.

(j) Organizer is required to comply with Sections 9.11(5)(a)-(j) before, during, and after the event. The failure to abide by these requirements shall be subject to the provisions set forth in Section 9.11(6).

(6) **Enforcement.**

(a) Enforcement of this ordinance applies to any officer of the Columbia County Sheriff Department.

(b) Pursuant to Columbia County Ordinance Section 1.12, the penalty for violating any provision of this chapter shall result in a forfeiture. Each violation of this chapter shall be considered a separate offense. Each day a violation continues shall be considered as a separate offence from any previous offense.

(c) Solely upon and at its discretion, any violation of this chapter shall be prosecuted by the Columbia County Corporation Counsel. As is consistent with Wisconsin law, nothing within this chapter or otherwise shall limit any recourse available to Columbia County Corporation Counsel in its prosecution of any applicable action.

(7) **Restrictions and Exceptions.**

(a) Special Events which occur for charity or non-profit purposes shall be exempt from payment of permit fees. No other part of this ordinance shall be waived and all other provisions shall apply. Special Events which require assistance from a County department shall be required to reimburse the County for the cost of extraordinary services utilized on behalf of the applicant, regardless of tax exempt or non-profit status.

(b) Extraordinary services provided by the County shall be determined by the Department Head of the department(s) involved. The cost and impact of the extraordinary services will be provided to the Organizer prior to providing the services.

(c) If additional services are needed during the event, the cost of those services shall be billed to the Organizer within sixty (60) days of the provision of those services. If, because of the services required, more time is needed to calculate the cost(s) of those services, the County shall provide Organizer that notice in writing before the expiration of sixty (60) days from the date of the event.

(d) Applications may be submitted commencing on January 1st of the calendar year in which the event is to be held. Applications must be submitted a minimum of six (6) weeks prior to the date of the occurrence of the event. Preferences for dates of an event may be granted for annually recurring events.

(e) Each permit application shall be jointly reviewed by the Sheriff's Office and Highway and Transportation.

(f) Upon the completion of the application's view, each permit shall be approved, approved with conditions, or denied. Denial justification may be based on any one or more of the following condition criteria:

1. The time, size, proposed location, or route of the event would substantially interrupt the safe and orderly movement of traffic in or around the vicinity of the event's location.

2. The concentration of persons at the event would interfere with the administration of emergency services.

3. Another highway use permit has already been applied for or issued for substantially the same time and location.

4. Organizer has provided incomplete or fraudulent information on the application or has failed to satisfy the permit requirements or requests for additional information or planning.

5. Organizer has submitted an incomplete or vague application and fails to reply timely to requests for additional information (within seven calendar days of the request from County).

6. Organizer fails obtain and maintain liability insurance as required by this Ordinance.

7. Any other condition which, in the discretion of the Sheriff's Office or impacted department, creates an unacceptable health or safety risk such as but not limited to roadway surface conditions, road construction, road maintenance, other operations, or requests extending beyond the County's capability to provide services.

8. Revisions to any permitted routes shall be approved by the Sheriff's office and Highway and Transportation.

9. The Sheriff or Highway Commissioner may cancel or alter the route of a Special Event in accordance with Wis. Stats. Chapters 83, 86, and 346.

## SEC. 9.12 APPEALS.

(1) **Procedure.**

(a) Excepting those appeals made pursuant to Wis. Stats. § 86.16(5), any person aggrieved by a decision made in the administration of this Ordinance may appeal that decision to the Highway Committee.

(b) All appeals shall be made in writing and shall be filed within 30 (thirty) calendar days of the administrative decision with the Highway Commissioner. Each appeal shall include the legal description of the parcel, the administrative decision that is being appealed, and why the appellant is seeking the Highway Committee's review.

(c) The Highway Committee shall hear each appeal at the next committee meeting following the receipt of the appeal. If the appeal is received after the Highway Committee's agenda has been posted, that appeal will be heard at the following committee meeting.

(d) The Highway Committee shall make a decision on each appeal. A decision shall be made by the majority present. If additional information is needed by the Highway Committee before it can make a decision, the Highway Committee may postpone its decision until the necessary information has been received and reviewed by the Highway Committee.

(e) Appeals of the Highway Committee shall be controlled by Wis. Stats. Chapter 68, unless otherwise specifically required by law.

## SEC. 9.13 ATV AND/OR UTV HIGHWAY ACCESS CONTROL.

(1) **Title and Purpose.**

(a) **Title.** This ordinance shall be known as, cited and referred to as: Columbia County ATV/UTV Highway Access Control Ordinance.

(b) **Statutory Authorization.** Following due consideration of the recreational and economic value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic under Wis. Stats. § 59.02 and § 23.33 and Wis. Admin. Code DNR ch. 64 and as subject to Wis. Stat. § 346.02(11).

(c) **All-Terrain/Utility Terrain Laws Adopted.** For the purpose of this Ordinance, all references to all-terrain vehicles (ATV) and utility-terrain vehicles (UTV) shall be as set forth within State Law and administrative code, and all acts to be performed or are prohibited by are made a part of this section as if fully set forth herein.

(2) **Definitions.** Those definitions found within Wis. Stats. §§ 23.33, 340.01, and 346.01 and Wis. Admin. Code DNR Ch. 64 shall apply herein to this ordinance.

(3) **Regulations, Designations, Rules of Operation, and Signage.**

(a) **Regulations.** Operators and passengers of all ATVs/UTVs shall comply with all federal, state, and local ordinances, laws, orders, regulations, restrictions, and rules. County Highway routes designated for ATV/UTV use shall be established and approved by the Columbia County Highway & Transportation Committee.

1. **Helmets**. All individuals under the age of 18, either operating or riding on an ATV/UTV, must wear a helmet.

2. **Operator Requirements.**

a. No person who is under 16 years of age may operate an ATV unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

b. No person who is at least 12 years old and who is born on or after January 1, 1988, may operate an ATV unless holding a valid WDNR safety certificate or a valid certificate from another state or Canada, shall carry the certificate while operating, and shall present the certificate to a law enforcement officer upon request.

c. No person who is under 16 years may operate an UTV on a roadway.

d. No person may operate while under the influence of an intoxicant to a degree which renders him/her incapable of safe operation or results in injury to another person. No person while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an all-terrain vehicle or utility terrain vehicle may cause injury to another person by the operation of an all-terrain vehicle or utility terrain vehicle.

e. No person may engage in the operation while the person has an alcohol concentration of 0.08 or more. No person who has an alcohol concentration of 0.08 or more may cause injury to another person by the operation of an all-terrain vehicle or utility terrain vehicle.

f. No person may engage in the operation while the person has a detectable amount of a restricted controlled substance in his or her blood. No person who has a detectable amount of a restricted controlled substance in his or her blood may cause injury to another person by the operation of an all-terrain vehicle or utility terrain vehicle.

3. **Proof of Registration.** ATVs/UTVs shall have their Wisconsin DNR registration number clearly visible and in legible letters from the rear of the vehicle. A copy of the current, valid registration certificate shall be present on the vehicle and shall be presented to law enforcement when requested.

(b) **Designations.** ATV/UTV routes on County Highways within Columbia County shall be as follows:

1. All Columbia County Highways shall be open to lawful use of ATVs/UTVs; except, the following road segments are not open to ATV/UTV use:

   a. CTH C from STH 16 at Rio south STH 60, and from STH 60 south to the Dane County line;

   b. CTH CS from CTH V in Town of Dekorra east to the Poynette Village Limit;

   c. CTH CX from Marquette County line south to the intersection with Northside Drive in the City of Portage;

   d. CTH EF from STH 33 to CTH E;

   e. CTH F from STH 33 to Marquette County line;

   f. CTH I from Dane County line north to Village of Arlington limit;

   g. CTH J from State Trunk Highway 113 in Lodi east to CTH V in Lodi; then from CTH V in Lodi north to Kent Road in Town of Dekorra;

   h. CTH P from U.S. Highway 51 east to the Brenemann Road intersection;

   i. CTH P from State Trunk Highway 44 east to Inglehart Rd;

   j. CTH P from Village of Cambria east limit then east to Village of Randolph limit;

   k. CTH Q from State Trunk Highway 60 in Arlington north to Village of Poynette limit;

   l. CTH V from Ryan Road east to Smith Rd in Town of Lodi; and

   m. CTH CS in Town of Dekorra from Stebbins Rd east to State Trunk Highway 22.

2. County Highway routes within municipalities of Columbia County are also subject to local municipal jurisdiction. As such, local municipalities have some statutory discretion regarding ATV/UTV routes within their municipality. County Highways within municipal jurisdictions are closed unless the local jurisdiction has in place an ordinance authorizing and defining their use; excepting, specific and certain road segments listed in Sec. 9.13(c)(2)(a) are specifically closed by determination of the County.

(c) **Rules of Operation.** Certain and specific conditions of operation apply.

1. **Speed Limits.** ATVs/UTVs shall travel at specific ATV/UTV speeds.

   a. Where speeds are not posted, ATVs/UTVs shall not be operated at a speed greater than 35 miles per hour.

   b. Within 100 ft of a pedestrian or within 150 ft of a home, ATVs/UTVs shall not be operated at a speed greater than 10 miles per hour.

2. **Hours.** ATVs/UTVs shall not be operated on any County Highway between the hours of 10:00 p.m. and 5:00 a.m.

3. **Lights**. ATVs/UTVs shall not be operated on any County Highway without fully functional headlights, taillights, and brake lights. Headlights and tail lights must be turned on at all times.

4. **Operations.**

   a. ATVs/UTVs shall operate on the extreme right side of the paved surface or travel.

   b. ATVs/UTVs shall only operate on the paved portion of the County Road right-of-way; unless yielding the right of way or lane if pavement does not exist.

   c. Multiple units shall operate single file, providing sufficient distance between vehicles.

   d. ATVs/UTVs may not harass or restrict travel for frightened or distressed animals used in transportation within the roadway, Wis. Stat. § 346.11.

5. **Seatbelts.** All occupants riding in or operating a UTV shall be required to wear a seatbelt when travelling on any County Highway in Columbia County.

(d) **Signage.** The most recent versions of the U.S. Department of Transportation (USDOT) Federal Highway Administration (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), Wisconsin Supplement of MUTCD, and Wisconsin Administrative Code NR § 64.12(7) will govern the use of proper signage. Any amendments or modifications to these shall be incorporated automatically into this ordinance.

1. Approval, installation, and maintenance of ATV/UTV signs for the County system shall be conducted by the Columbia County Highway & Transportation Department.

2. The quantity and location of signage shall be determined by the Columbia County Highway Commissioner.

3. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

4. No person shall do any of the following in regards to signage marking ATV/UTV:

   a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV sign, or

   b. Possess any uniform ATV/UTV sign of the type established by the County for the warning, instruction, or information of the public, unless obtained in a lawful manner. Possession of a uniform ATV/UTV sign creates a rebuttable presumption of illegal possession.

(4) **Administration, Enforcement & Penalties.**

(a) **Authority.** The Columbia County Highway & Transportation Committee shall have the authority to suspend operation on any County Highway route or segment thereof due to hazards, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety.

1. The Columbia County Highway Commissioner shall have the authority to close, terminate, or suspend operation on any County Highway route or segment thereof until such time as the Highway & Transportation Committee shall have an opportunity to consider the concern and rule on its disposition.

2. Routes subsequently removed as an ATV/UTV route will be posted on the Columbia County website.

(b) **Applicability.**

1. Provisions of this Ordinance shall apply to all County Highways within the jurisdiction of Columbia County.

2. This Ordinance does not apply to Columbia County owned land. No person shall operate any ATV/UTV on lands owned by Columbia County except where the use is authorized by posted notice or County permit.

(c) **Enforcement.**

1. Provisions of this Ordinance shall be enforced by the Columbia County Sheriff's Office or any other law enforcement official as set forth in Wis. Stat. § 23.33(12).

2. Adoption of this Ordinance shall not prohibit any law enforcement officer or WDNR warden from proceeding under any other ordinance, regulation, State Statute, law or order that pertains to the subject matter addressed under this section.

(d) **Penalties.** Pursuant to Wis. Stat. § 23.33(13)(a), penalties are hereby adopted and incorporated herein, by reference.

# Chapter 10 – Human Health Hazard

## SEC. 10.01 GENERAL PROVISIONS.

(1) **Administration.** This ordinance shall be administered by the legally designated county health officer in cooperation with the Columbia County Health and Human Services Board and the appropriate state agencies. The health officer shall have the power to insure compliance with the intent and purpose of this ordinance by any appropriate means under the law.

## SEC. 10.02 DEFINITIONS.

(1) **Definition.** A human health hazard shall be defined throughout this text as any action, act, occupation, condition or use of property which shall continue for such length of time as to:

(a) Substantially injure or endanger the health, repose, or safety of the public;

(b) In any way render the public insecure in life or in the use of property;

(c) Create or prolong a condition detrimental to the natural environment or through direct negligence allow the introduction of materials which present a hazard to the environment as a whole.

(2) Whosoever by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a human health hazard:

(a) Maintains or permits a condition which unreasonably injuries or endangers the safety or health of the public; or,

(b) Is guilty of any other act or omission declared by law to be a human health hazard and for which no sentence has been specifically provided.

(3) **Public.** Affecting or having the potential to affect the people and/or environment outside the limits of an individual's personally occupied structure or all persons outside of an individual's personally occupied structure.

(4) **Health Officer.** The legally designated health officer of Columbia County and his/her designated agents shall work under the direction and supervision of the Columbia County Health and Human Services Board.

(5) **Immediate Human Health Hazard.** Any condition which adversely affects or demonstrates the potential to adversely affect the community at large and which should, in the opinion of the health officer, be abated immediately or within a maximum of twenty-four (24) hours to prevent possible severe damage to human health and/or to the environment.

(6) **Pollution.** Contaminating or rendering unclean or impure the air, land or waters of the county or making the same injurious to the public health or harmful for commercial or recreational use or deleterious to fish, bird or animal life.

(7) **Solid Waste.** Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials from industrial, commercial and agricultural activities, but excluding solids or dissolved materials in waste water effluent or other common water pollutants.

(8) **Toxic and Hazardous Materials.** Any chemical and/or biological materials that are or have the potential to create a human health hazard.

(9) All other words not specifically defined in this ordinance shall be defined as set forth in any applicable State of Wisconsin Regulations, and if not defined otherwise, the standard dictionary definition of the word shall apply.

## SEC. 10.03 HUMAN HEALTH HAZARDS PROHIBITED.

No person shall erect, cause, continue, maintain or permit any human health hazard within the county. Any person who shall cause, create or maintain such a human health hazard or who shall in any way aid or contribute to the causing or maintenance thereof shall be guilty of a violation of this ordinance and shall be liable for all costs and expenses attendant upon the removal and correction of such a human health hazard and to the penalties provided within the ordinance.

## SEC. 10.04 RESPONSIBILITY FOR HUMAN HEALTH HAZARDS.

It shall be the responsibility of the property owner to maintain their property in a human health hazard-free manner and also to be responsible for the abatement and/or correction of any human health hazard that has been determined to exist on their property.

## SEC. 10.05 HUMAN HEALTH HAZARDS ENUMERATED.

Human Health Hazard is defined in Section 10.02(1) of this Ordinance. More specifically but not limited by enumeration, the following are human health hazards, if determined to meet the definitions put forth in this ordinance.

(1) **Air Pollution.** The escape of excessive smoke, soot, cinders, acids, fumes, gases, fly ash, industrial dust or other atmosphere pollutants within the county that endanger the human health or create non-compliance with applicable state regulations.

(2) **Noxious Odors.** Any negligent use of property, substance or device within the county which emits or causes any foul, offensive, noxious or disagreeable odor deemed repulsive to the physical senses or ordinary persons or to the public as a whole, but exclusive of those odors common to ordinary and approved agricultural practices.

(3) **Unburied Carcasses.** The carcasses of any animals or fowl not intended for human consumption or food which are not buried or otherwise properly disposed of within a reasonable time period.

(4) **Manure.** Excessive accumulations of body wastes from any domestic animal or fowl that are handled, stored, or disposed of in any manner that creates a human health hazard, but exclusive of those wastes common to ordinary and approved agricultural practices.

(5) **Toxic and Hazardous Materials.** Any chemical and/or biological material that is stored, used or disposed of in such quantity or manner that it is, or has the potential to create, a human health hazard. Violations of this subsection must be immediately referred to the appropriate county, state, and federal agencies by the health officer.

(6) **Open Dumps.** The unauthorized disposal of any waste materials on private or public lands in a manner not in compliance with the requirements of Wisconsin State Statutes.

(7) **Waste Water.** The presence of waste water or sewage effluent from buildings seeping onto the ground surface or backing up into buildings and/or running into a surface body of water and caused by a damaged or inadequately maintained sewage system or private sewage lateral. This restriction shall also apply to any waste water or sewage effluent that is not handled or disposed of in compliance with all county and state codes.

(8) **Holes or Openings.** Any hole or opening caused by an improperly abandoned cistern, septic system, dug or drilled well, foundation, mine shaft, or tunnel, and including any improperly abandoned, sealed, barricaded or backfilled excavation for which no property precautions (i.e. posting and fencing) to prevent entry have been taken.

(9) **Dilapidated Buildings.** All buildings or structures so old, dilapidated, neglected or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for use and for which no appropriate precautions (i.e. posting, fencing, or closure of entryways) to prevent admittance have been taken.

(10) **Food and Breeding Places for Vermin, Insects, etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting timber, bedding, packing materials, scrap metal, abandoned structures, animal and human fecal matter or any other substance or condition which promotes flies, mosquitoes, lice, disease-carrying insects, rats or other vermin or their reproduction and including areas in which such pests can live, nest or seek shelter.

(11) **Animal Welfare.** Intentional abuse or prolonged confinement of any domestic or wild animal or fowl such that a decline in the health or well-being of the animal occurs.

(12) **Unhealthy or Unsanitary Conditions.** Any condition or situation which renders a structure or any part of a structure unsanitary, unhealthy or unfit for human habitation, occupation or use or renders any property unsanitary or unhealthy.

(13) **Other.** Any other situation or condition determined to meet the definition of a human health hazard as stated in Section 10.02(1) of this ordinance.

## SEC. 10.06 INVESTIGATION OF POSSIBLE HUMAN HEALTH HAZARDS.

It shall be the responsibility of the health officer or his/her designated representative to investigate all potential human health hazard complaints and, in cooperation with local officials, determine whether a human health hazard exists.

## SEC. 10.07 AUTHORITY AND ADMINISTRATION.

(1) **Authority.** The purpose and intent of this Ordinance, in cooperation with the local, state and federal agencies, is to protect the public health, safety and general welfare of the people of the county; and

(a) Prevent the spread of communicable diseases;

(b) Prevent the continuation of human health hazards;

(c) Assure that citizens are protected from hazardous, unhealthy or unsafe conditions.

(2) **Administration.**

(a) General Provisions. The Columbia County Human Health Hazard Ordinance shall be interpreted, administered and enforced by the Columbia County health officer or a designee of the Health Officer.

(b) Responsibilities of the Health Officer:

1. To insure compliance with the purpose and intent of this ordinance.

2. To maintain records of all official actions taken.

3. To enforce with local, county and state government officials the provisions of this ordinance.

(c) Powers. The health officer or his/her designee, with just cause, shall have the power necessary to enforce the provisions of this ordinance, including the following:

1. To enter any structure or premises at a reasonable time for the purpose of performing his/her duties and to secure a court order to accomplish this purpose, if deemed necessary.

2. To order abatement and/or correction of any human health hazard in non-compliance with this ordinance or state statute.

3. To delegate the responsibilities of administration and enforcement of this ordinance to another person qualified in the field of public health.

4. Any other action authorized under the law or this ordinance to insure compliance with the purpose and intent of this ordinance and the requirements of this ordinance.

## SEC. 10.08 COMPLIANCE AND ENFORCEMENT.

(1) **Compliance.**

(a) **Written Orders.** Compliance with this ordinance shall include compliance with written orders issued under this ordinance or state health laws by the Columbia County health officer or his/her designee to abate and/or correct a human health hazard or to bring any other situation or condition in non-compliance with this ordinance into compliance.

(b) **Non-Compliance.** Non-compliance with this ordinance and/or with a written order from the health officer or his/her designee shall be cause for appropriate enforcement action under provision of this ordinance.

(2) **Enforcement.**

(a) If the existence of a human health hazard is confirmed, a written cleanup and/or abatement order will be issued specifying the action needed to correct the situation and including the following information:

1. The name, address and pertinent information on the violator.

2. The nature of the violation and the steps necessary to abate or correct it.

3. The time period in which the violation must be corrected and/or abated (usually 1 to 5 days for immediate human health hazards or 10 to 30 days for human health hazards, depending on the nature of the violation). Allowance for limited extension of this time period may be allowed if warranted by extenuating circumstances.

4. The penalties the violator will be subject to if the apparent violation is not abated and/or corrected within the given time period.

(b) **Exceptions to the written orders.** In extreme cases where a violation poses an immediate human health hazard as determined by the health officer or in the case of repeated occurrences of the same violation by the same person, the violator shall be considered to be in non-compliance and subject to immediate action under subsection (3) of this section.

(c) **Non-compliance with written orders.** If a person does not comply with a written order from the health officer or his/her designee, the violator may be subject to one or more of the following actions and/or penalties:

1. The issuance of an enforceable citation.

2. Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the damage created by the violation.

3. Commencement of legal action against the person, seeking a court-imposed forfeiture and/or imprisonment.

4. Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the health officer.

5. The initiation of one action or penalty under this section does not exempt the violator from any additional actions and/or penalties prescribed by law.

(d) **Ordered abatement of certain human health hazards.** Where human health hazards as defined in this ordinance or in the Wisconsin State Statutes are encountered which may require ordered abatement and/or correction, the health officer shall serve on the responsible person written order as per Section 10.08 (1)(a) of this Ordinance. A copy of this order shall be forwarded to the local governing body. If the human health hazard is not abated and/or corrected within the time period specified in the order, the local governing body may enter upon the property and abate and/or correct the human health hazard or cause such action to be taken. If the local governing body fails to abate and/or correct the human health hazard, the county may enter the property and take necessary action. The cost of such abatement and/or correction is to be recovered by the local governing body, and if not by the local body then by the county, either directly from the responsible party or as a special tax assessment on the property.

(e) **Penalties.** In case of a conviction for a violation of the provisions of this Ordinance, judgment shall be entered against the violator for a forfeiture as set forth in Section 1.12 for a single violation. In default of the payment of the judgment, the violator shall be subject to the further penalties as set forth in Section 1.12. In the case of court-imposed forfeitures and citations, a separate offense shall be deemed committed during each ten (10) day period during which or upon which a given violation occurs or continues. In cases where the violation poses an immediate health hazard as determined by the health officer, this ten (10) day period can be reduced to twenty-four (24) hours with a written notice of such reduction given to the violator.

(f) **Initiation of Legal Action.** Legal action shall be initiated against a violator as requested by the health officer in concurrence with the Columbia County Corporation Counsel, who shall be responsible for all cases where a court-imposed forfeiture is being sought and/or any case which arises from the use of county enforcement personnel.

(g) **Coordination with State Agencies.** Where a human health hazard involves non-compliance with a state-enforced Administrative Code, the health officer shall first refer the complaint to the appropriate agency for abatement and/or correction. If the human health hazard continues without adequate enforcement from the state agency to cause abatement and/or correction, then the health officer or his/her designee may initiate action under this section to bring about proper abatement and/or correction.

(h) Where a human health hazard is determined to be an immediate human health hazard by the health officer, he/she may proceed immediately to have it abated and/or corrected.

## SEC. 10.09 OVERSIGHT

In the event the public health officer or his/her designee determines enforcement of a public health hazard is required as defined in Section 10.05, that has County-wide impact, the public health officer or his/her designee is required to notify the Columbia County Health and Human Services and the County Board Chair as soon as possible.

Furthermore, the public health officer or his/her designee is required to inform the Columbia County Health and Human Services Board and Executive Committee at their next scheduled meetings. If the public health officer or his/her designee determines the enforcement of a public health hazard is an emergency, the public health officer or his/her designee may appeal to the County Board Chair for subsequent or temporary approval that still requires full approval from both the Health and Human Services Board and Executive Committee.

Upon approval from Health and Human Services Board and Executive Committee, a public health hazard, as defined in Section 10.05, shall be reviewed by the full County Board every 30 days.

## SEC 10.10 ABROGATION, GREATER RESTRICTIONS, SEVERABILITY AND REPEAL.

(1) **Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, annul, abrogate, impair or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

(2) **Repeal.** All other ordinances or parts of ordinances of Columbia County inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

# Chapter 11 – Agricultural Performance Standards and Agricultural Waste Management

## SEC. 11.01 AUTHORITY.

This Ordinance is adopted under authority by Wis. Stats. §§ 59.02, 59.03, 59.70, 92.11, 92.15, and 92.16, and Wis. Admin. Code §§ ATCP 50.56, ATCP 51.12, and NR 151.05.

## SEC. 11.02 JURISDICTION.

This ordinance applies to all land located within unincorporated areas of Columbia County. This ordinance may also apply to any agriculturally related waste management brought within the boundaries of the County.

## SEC. 11.03 PURPOSE.

The purpose of this ordinance is to provide for proper and safe storage, handling, and land application of manure and to reduce the delivery of manure, other waste materials, fertilizers, and sediment to surface waters and groundwater through the use of conservation practices and implementation of state performance standards and prohibitions for agriculture. It is also intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

Compliance with this ordinance requires that individuals follow the procedures contained herein, receive a permit from the department before beginning regulated activities, and comply with the requirements of this ordinance and the permit.

## SEC. 11.04 SEVERABILITY.

**Judgement of Permit.** If a court of competent jurisdiction adjudges as invalid any requirement or limitation contained in a permit given under this chapter, it shall be presumed that the permit would not have been granted without the requirement or limitation, and therefore, the permit shall also be invalid.

## SEC. 11.05 DEFINITIONS.

(1) **Word Usage.** For the purposes of this chapter, certain words and terms are used as follows:

(a) Words used in the present tense include the future.

(b) Words in the singular include the plural.

(c) Words in the plural include the singular.

(2) **Adequate sod, or self-sustaining vegetative cover.** Maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves, and woody debris.

(3) **Agency.** The committee designated by the county board pursuant to Wis. Stat. § 92.06.

(4) **Agricultural lands.** Lands in agricultural use as provided under Wis. Stat. § 91.01(2).

(5) **Applicant.** Any person who applies for a permit under this ordinance.

(6) **Best management practices ("BMPs").** Structural or nonstructural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state.

(7) **Department.** The Columbia County Land and Water Conservation Department.

(8) **Direct conduit to groundwater.** Wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, cenotes, or depressional groundwater recharge areas over shallow fractured bedrock.

(9) **Direct runoff.** Any of the following:

(a) Runoff from a feedlot that can be predicted to discharge a significant amount of pollutants to surface waters of the state or a direct conduit to groundwater.

(b) Runoff of stored manure, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit to ground water.

(c) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with Wis. Admin. Code § NR 154.04(3).

(d) Discharge of a significant amount of leachate from stored manure to waters of the state.

(10) **Feedlot.** A barnyard, exercise area, or other outdoor area where livestock are concentrated for feeding or other purposes and self-sustaining vegetative cover is not maintained. "Feedlot" does not include a winter grazing area or a bare soil area such as a cattle lane or a supplemental feeding area located within a pasture, provided that the bare soil area is not a significant source of pollution to waters of the state.

(11) **Human Health Hazard.** Any action, act, occupation, condition or use of property which shall continue for such length of time as to:

(a) Substantially injure or endanger the health, repose, or safety of the public;

(b) In any way render the public insecure in life or in the use of property;

(c) Create or prolong a condition detrimental to the natural environment or through direct negligence allow the introduction of materials which present a hazard to the environment as a whole.

(12) **Idle storage facility.** When an operation with a facility ceases operations and/or where manure has not been added or removed for a period of 24 months.

(13) **Land application.** The physical transfer of manure from any animal confinement area or manure storage facility to fields for purposes of fertilization or disposal.

(14) **Landowner.** Any person holding fee title, an easement, or other interest in a property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMP's on the property.

(15) **Livestock.** All domestic animals, including deer, elk, or any fenced-in animals.

(16) **Livestock operation.** A feedlot or other facility or a pasture where animals are fed, confined, maintained, or stabled.

(17) **Manure.** Livestock excreta. This includes the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas. "Agricultural Waste" has the same definition as "Manure."

(18) **Manure storage facility.** An impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural wastes.

(19) **Manure storage facility, existing.** A facility that was constructed prior to October 1, 2002.

(20) **Manure storage facility, substantially altered.** A change initiated by an owner or operator that results in a relocation of a manure structure or facility or significant changes to the size, depth or configuration of a manure structure or facility including:

(a) Replacement of a liner in a manure storage structure.

(b) An increase in the volumetric capacity or area of a structure or facility by greater than 20%.

(c) A change in a structure or facility related to a change in livestock management from one species of livestock to another, such as cattle to poultry.

(21) **Manure storage facility, unpermitted.** A facility that was constructed prior to June 1, 1985.

(22) **Natural Resources Conservation Service ("NRCS").** An agency of the United States Department of Agriculture ("USDA") which, for purposes of this chapter, provides the agency and the department with technical assistance and information on the design criteria, size, shape, engineering strength, and other necessary technical data for the proper and safe installation of a manure storage facility.

(23) **Navigable waters.** Any body of water that is navigable under the laws of the state as defined in Wis. Stat. § 30.01(4m) (2008).

(24) **Nutrient management plan.** A plan that balances the nutrient needs of a crop with the nutrients available from legume crops, manure, fertilizer, or other sources. The requirements for a nutrient management plan are as established in Wis. Admin. Code § ATCP 50.04(3).

(25) **Nutrients.** Plant nutrients derived from commercial fertilizers, manure, organic wastes, soil reserves, legumes, or other sources.

(26) **Operator.** A person responsible for the oversight or management of equipment, facilities or livestock at a livestock operation, or is responsible for land management in the production of crops.

(27) **Ordinary high-water 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, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

(28) **Pasture.** Land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over the grazing area. Pasture may include limited areas of bare soil such as cattle lanes and supplemental feeding areas provided the bare soil areas are not significant sources of pollution to waters of the state.

(29) **Permit.** The signed, written statement issued by the department under this ordinance authorizing the applicant to construct, install, substantially alter, close, or reuse a manure storage facility, and to use or dispose of waste from the facility.

(30) **Permitted facility.** A facility that was permitted under this ordinance.

(31) **Permittee.** Any person to whom a permit is issued under this ordinance.

(32) **Person.** Any individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency, or federal agency pursuant to Wis. Stat. § 283.01(11).

(33) **Phosphorus index.** The State's agricultural land management planning tool for assessing the potential of a cropped or grazed field to contribute phosphorus to surface waters.

(34) **Pollutant.** Any dredged, spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water as defined in Wis. Stat. § 283.01(13).

(35) **Pollution.** Contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

(36) **Process wastewater.** Wastewater from the production area directly or indirectly used in the operation of animal feeding operation that results from any or all of the following:

(a) Spillage or overflow from animal or poultry watering systems.

(b) Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities.

(c) Direct contact swimming, washing, or spray cooling of animals or dust control.

(d) Water that comes into contact with any raw materials or animal byproducts including manure, feed, milk, eggs, or bedding.

(37) **Runoff.** Storm water or precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

(38) **Safety devices.** Constructed measures designed to protect humans and livestock from hazards associated with a manure storage facility.

(39) **Site that is susceptible to groundwater contamination.** Under Wis. Stat. § 281.16 (1) (g), means any one of the following:

(a) An area within 250 feet of a private well.

(b) An area within 1000 feet of a municipal well.

(c) An area within 300 feet upslope or 100 feet downslope of a direct conduit to groundwater.

(d) A channel that flows to a direct conduit to groundwater.

(e) An area where the soil depth to groundwater or bedrock is less than 2 feet.

(f) An area where the soil does not exhibit one of the following soil characteristics:

1. At least a 2-foot soil layer with 40% fines or greater above groundwater and bedrock.

2. At least a 3-foot soil layer with 20% fines or greater above groundwater and bedrock.

3. At least a 5-foot soil layer with 10% fines, or greater above groundwater and bedrock.

(40) **Surface waters.** All natural and artificial named and unnamed lakes and all naturally flowing streams within the boundaries of the state, but not including cooling lakes, farm ponds and facilities constructed for the treatment of wastewaters.

(41) **T-value ("T"), or Tolerable soil loss.** The maximum average annual rate of soil erosion for each soil type that will permit a high level of crop productivity to be sustained economically and indefinitely.

(42) **Technical guide.** The United States Department of Agriculture ("USDA") Natural Resources Conservation Service ("NRCS") Technical Guide as adopted by the agency, including subsequent amendments or additions.

(43) **Top of the channel.** An edge, or point on the landscape landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

(44) **Transfer system.** All components including pipes, pumps, gutters, flow channels, and any other component designed to convey manure either into or out of buildings, retention basins, or storage facilities.

(45) **Unconfined manure pile.** A quantity of manure that is at least 175 cubic feet in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

(46) **Waste transfer system.** Components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure, loading area, or treatment area.

(47) **Waste utilization.** The land application of manure at an environmentally acceptable rate and in such a manner as to make use of the constituent nutrients for maintenance or improvement of the soil and plant resources.

(48) **Water pollution.** Any act or condition contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

(49) **Water quality management area ("WQMA").** Land that includes any of the following: an area within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage; an area within 300 feet of the high-water mark of a navigable river or stream; an area that is susceptible to groundwater contamination, or has the potential to be a direct conduit for contamination to reach groundwater.

(50) **Waters of the state.** Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

(51) **Winter grazing area.** A cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period of October 1st to April 30th.

## SEC. 11.06 ADMINISTRATION.

(1) **Delegation of authority.** The department shall be the agency designated to administer and enforce this ordinance.

(2) **Administrative duties.** In the administration and enforcement of this ordinance, the department shall:

(a) Keep an accurate record of all permit applications, manure facility plans, permits issued, inspections made and other official actions.

(b) Review permit applications and issue permits in accordance with this chapter.

(c) Review the nutrient management plan prepared for the facility.

(d) Review designs of conservation practices and inspect construction and implementation of them to ensure that they are constructed and maintained according to technical standards and design specifications.

(e) Inventory and ensure landowner compliance with agricultural performance standards and prohibitions in Columbia County Code Section 11.10.

(f) Inspect manure facility construction to insure the facility is being constructed according to plan specifications.

(g) Investigate complaints relating to compliance with the ordinance.

(h) Review certificate applications and issue certificates of use in accordance with Columbia County Code Section 11.18.

(i) Perform other duties as specified in this ordinance.

(3) **Inspection authority**. The department is authorized to enter upon any lands affected by this chapter to inspect the land, and request records to determine compliance with this chapter including inspection of sites prior to or after the issuance of a permit or certificate, and sites with unpermitted storage facilities. If permission cannot be received from the applicant or permittee, entry by the department shall be according to Wis. Stat. § 92.07(14). Refusal to grant permission to enter lands affected by the permit provisions of this ordinance shall be grounds for denial of or revocation of the permit.

(4) **Enforcement authority.**

(a) The cost share requirements, notification requirements, and compliance periods for landowners listed in Wis. Admin. Code §§ NR 151.09, NR 151.095, ATCP 50.08, ATCP 50.40, and ATCP 50.54 shall be used when applicable in the enforcement of this ordinance.

(b) In addition to the authority to revoke permits and certificates specified in this chapter, the department is authorized to post an order stopping construction work upon any permitted facility which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity shall cease immediately. Failure to comply with such an order shall constitute a separate and independent violation of the ordinance.

(c) Any permit revocation or order stopping work shall remain in effect until retracted by the agency, the department, or by a court of competent jurisdiction, or until the activity is brought into compliance with the ordinance and approved by the department.

(d) The department is authorized to refer any violation of this ordinance, or of an order stopping work issued pursuant to this ordinance, to the Columbia County corporation counsel for commencement of further legal proceedings, seeking penalties and other appropriate relief in enforcement of the ordinance, as set forth in Columbia County Code Section 11.08(3).

## SEC. 11.07 VARIANCES AND WAIVERS.

(1) The setbacks in this chapter shall apply except under the following condition:

(a) A waiver to the setback requirement is granted by the agency. The request for a waiver must include a description of a unique limitation, hardship or a site-specific suitability issue. A form for application for a waiver, is available from the department. Once a completed application for a waiver is received, the agency will place the request for a waiver on the agenda of its next regularly scheduled meeting.

(2) No variance from the standards in the technical guide may be granted unless the applicant or department receives a variance from the technical standards through the NRCS or other qualified engineering authority. If public funds are involved, this may be a program requirement.

(3) No variance from the performance standards in Columbia County Code Section 11.10 may be granted unless the county complies with the requirements for variances specified in Wis. Admin. Code § NR 151.097, and receives approval from the Department of Natural Resources. Requests for a variance shall be made in writing and shall provide information documenting the following:

(a) Compliance with the performance standard or technical standard is not feasible due to site conditions.

(b) The landowner or operator will implement best management practices or other corrective measures that ensure a level of pollution control that will achieve a level of water quality protection comparable to that afforded by the performance standards and prohibitions in NR 151.

(c) The landowner or operator or their agents or assigns did not create the conditions for which the variance is requested.

(4) **Process for Performance Standard Variance.** The department shall use the following process when administering a variance request:

(a) The landowner or operator shall submit the variance request in writing to the department within 60 days of receiving the compliance notice.

(b) The department shall send any variance request to the Wisconsin Department of Natural Resources within 10 working days of receiving the variance request.

(c) The WDNR shall make its determination based on the factors in Wis. Admin. Code § NR 151.097(3).

(d) The WDNR shall notify the landowner or operator and the department of its determination. If the variance is granted, the WDNR or department shall send to the

landowner or operator an amended notice.

(e) The period of time required to make a ruling on a variance request does not extend the compliance period allowed under Wis. Admin. Code §§ NR 151.09 and 151.095.

## SEC. 11.08 ENFORCEMENT AND PENALTIES.

(1) The department may do all of the following:

(a) Provide voluntary cost sharing to secure compliance.

(b) Follow the procedures in Wis. Admin. Code § NR 151.09 to implement and enforce the cropland performance standards and the procedures in Wis. Admin. Code § NR 151.095 to implement and enforce the livestock performance standards.

(c) Pursue any other action or remedy authorized under this ordinance.

(2) Investigation and notice of violation. Department staff are responsible for conducting the necessary inspection and investigation to ensure compliance with this chapter and documenting the presence of violation(s).

(3) Enforcement of violations.

(a) Violations of a permit or other approval issued under this chapter, or any condition or approved plan associated with such permit or other approval, shall be deemed a violation of this chapter and shall constitute grounds for revocation of the permit as well as fines, forfeitures, and any other available remedies. A permit or other approval may be revoked only by action of the body that initially granted the permit or other approval, following procedures required for its initial issuance to the extent practical. The decision of the appropriate body shall be furnished to the permit holder in writing, stating the reasons thereof.

(b) A permit or other approval issued in violation of this chapter, other ordinances of the Columbia County Code of Ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes, gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.

(4) Any manure storage facility erected, moved or structurally altered or any use established in violation of the provisions of this chapter by any person, firm, association, corporation, including building contractors or their agents, shall be an unlawful structure or use.

(5) The Columbia County Corporation Counsel may bring an action to enforce this chapter and seek any remedy, legal or equitable, subject to prosecutorial discretion. The Corporation Counsel may seek an order to enjoin, remove, or vacate any violation of this chapter; or any use, erection, moving or structural alteration of any building, or use in violation of this chapter and seek fines as provided herein.

(6) The issuance of a citation is among the remedies available to gain compliance with this ordinance. Any person, firm, company, or corporation that violates, disobeys, omits, neglects, or refuses to comply with; or who resists the enforcement of any of the provisions of this chapter; shall be subject to a fine of not less than $50 or more than $500, together with the costs of action. Any person found guilty of violating this chapter who has previously been convicted of a violation of the same ordinance, shall be subject to a fine of not less than $100 or more than $1000, together with the costs of action. Each day a violation exists or continues constitutes a separate offense. This chapter may be enforced by any remedy, legal or equitable. Actions may be brought by the corporation counsel or by the owner of land within the zoning district affected by the regulations of this chapter.

## SEC. 11.09 APPEALS FROM ADMINISTRATIVE DECISIONS.

(1) **Authority.** The agency shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination by department staff in administering this ordinance.

(2) **Procedure.** Any appeal shall be made by written request, mailed or delivered to the agency, c/o LWC Department, 112 East Edgewater Street, Portage, Wisconsin, 53901, within 60 days of any determination of the department. The request shall state the grounds upon which it is contended that the decision should be modified or reversed. The agency shall, as soon as is reasonable but no later than its next regular meeting, review the determination under appeal. The appellant shall be notified of the time and date of the hearing.

(3) **Persons who may appeal.** Appeals may be taken by any person having substantial interest that is adversely affected by the order, requirement, decision, or determination for which review is sought.

(4) **Appeal of Agency Decision.** Any agency decision may be appealed as allowed by law.

## SEC. 11.10 AGRICULTURAL PERFORMANCE STANDARDS AND PROHIBITIONS.

(1) **Sheet, rill, and wind erosion.** All pastures and land where crops or feed are grown shall be managed to meet the tolerable soil loss value for that soil established by the USDA-NRCS.

(2) **Tillage setback.** Cropland producers shall not conduct tillage operations within 5 feet of the top of the channel of surface waters. Crop producers shall maintain the area within the tillage setback in adequate sod or self-sustaining vegetative cover. Tillage setbacks greater than 5 feet but no more than 20 feet may be required to meet this standard. Determinations for tillage setbacks are established in Wis. Admin. Code § ATCP 50.04(4)(b)2.

(a) Conservation practices such as critical area stabilization, grade stabilization, and shoreland protection should be installed if necessary to stabilize the bank and protect its integrity.

(b) Determinations regarding compliance with this standard may be appealed as authorized under Wis. Stat. § 227.42 or other provisions of law.

(c) Landowners may achieve compliance with this standard by enrolling riparian land in the CREP program or other federal set−aside programs.

(3) **Phosphorus index.** All cropland, pastures, and winter grazing areas must meet the Wisconsin Phosphorus Index (PI) established in Wis. Admin. Code § NR 151.04 including where the PI applies, the methods for calculating the PI, and acceptable PI runoff levels. A nutrient management plan meeting the standard in Wis. Admin. Code § ATCP 50.04 (3) may be used to demonstrate compliance with Wis. Admin. Code § NR 151.04.

(4) **Nutrient management.** All crop and livestock producers that apply manure or other nutrients directly or through contract to agricultural fields shall comply with this section.

(a) This performance standard does not apply to industrial waste and byproducts regulated under Wis. Admin. Code ch. NR 214, municipal sludge regulated under Wis. Admin. Code ch. NR 204, or septage regulated under Wis. Admin. Code ch. NR 113.

(b) Nutrient management plans are required on pastures unless exempt as established in Wis. Admin. Code § ATCP 50.04(3)(b).

(c) Manure, commercial fertilizer, and other nutrients shall be applied in conformance with a nutrient management plan as established in Wis. Admin. Code § ATCP 50.04(3).

1. The nutrient management plan shall be designed to limit or reduce the discharge of nutrients to waters of the state for the purpose of complying with state water quality standards and groundwater standards.

2. Nutrient management plans for croplands in watersheds that contain impaired surface waters or in watersheds that contain outstanding or exceptional resource waters shall meet the following criteria: unless otherwise provided in this subsection, the plan shall be designed to manage soil nutrient concentrations so as to maintain or reduce delivery of nutrients contributing to the impairment of impaired surface waters and to outstanding or exceptional resources waters.

3. An updated plan shall be submitted to the department annually by June 1st to ensure the plan meets requirements of this section.

(d) The plan may allow for an increase in soil nutrient concentrations at a site if necessary to meet crop demands.

(5) **Clean water diversion.**

(a) All livestock producers within a water quality management area shall comply with this section.

(b) Runoff shall be diverted away from contacting feedlot, manure storage areas and barnyard areas within water quality management areas except that a diversion to protect a private well under Wis. Admin. Code § NR 151.015(18)(a) is required only when the feedlot, manure storage area, or barnyard area is located upslope from the private well.

(6) **Manure management prohibitions**. All livestock producers shall comply with this section as follows:

(a) A livestock operation shall have no overflow of manure storage structures.

(b) A livestock operation shall have no unconfined manure piles within a water quality management area.

(c) A livestock operation shall have no direct runoff from a feedlot or stored manure to waters of the state.

(d) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

(7) **Process wastewater handling.** All livestock producers shall comply with this section.

(a) There may be no significant discharge of process wastewater to waters of the state.

(b) The department shall consider all of the following factors when determining whether a discharge of process wastewater is a significant discharge to waters of the state:

1. Volume and frequency of the discharge.

2. Location of the source relative to receiving waters.

3. Means of process wastewater conveyance to waters of the state.

4. Slope, vegetation, rainfall, and other factors affecting the likelihood of process wastewater discharge to waters of the state.

5. Available evidence of discharge to a surface water of the state or to a direct conduit to groundwater.

6. Whether the process wastewater is discharged to a site that is defined as a site that is susceptible to groundwater contamination.

7. Other factors relevant to the impact of the discharge on water quality standards of the receiving water or to groundwater standards.

(8) **Manure storage facilities.** All livestock producers building new manure storage facilities, substantially altering manure storage facilities, or choosing to abandon their manure storage facilities shall comply with this section.

(a) **New construction and alterations.**

1. New or substantially altered manure storage facilities shall be designed, constructed, and maintained to minimize the risk of structural failure of the facility and to minimize leakage of the facility in order to comply with groundwater standards. The levels of materials in the storage facility may not exceed the margin of safety level. Storage facilities that are constructed or significantly altered on or after January 1, 2011, shall be designed and operated to contain the additional volume of runoff and direct precipitation entering the facility as a result of a 25-year, 24-hour storm.

2. A new manure storage facility means a facility constructed after October 1, 2002.

3. A substantially altered manure storage facility is a manure storage facility that is substantially altered after October 1, 2002.

(b) **Closure.**

1. Conditions for closure. Idle storage facilities shall be closed in a manner that will prevent future contamination of groundwater and surface waters in accordance with NRCS technical standard 360.

2. Conditions for retention. The owner or operator may retain the facility for a longer period of time by demonstrating to the department that all of the following conditions are met:

a. The facility is designed, constructed and maintained in accordance with Columbia County Code Section 11.10(8)(a)1. of this ordinance.

b. The facility is designed to store manure for a period of time longer than 24 months.

c. Retention of the facility is warranted based on anticipated future use.

(c) **Failing and leaking existing facilities.** Manure storage facilities in existence as of October 1, 2002, and that pose an imminent threat to public health or fish and aquatic life, or are causing a violation of groundwater standards, shall be upgraded, replaced, or abandoned in accordance with this section.

## SEC. 11.11 STANDARDS.

(1) **Standards for evaluating sheet, rill, and wind erosion.** The standards for evaluating sheet, rill, and wind erosion shall be the Revised Universal Soil Loss Equation II ("RUSLE2") equation or the Wind Erosion Prediction System ("WEPS") models published by NRCS. Copies of RUSLE2 and the WEPS models are on file with the department.

(2) **Standards for design and construction of manure storage facilities, process wastewater handling, and unconfined manure pile.** The standards for design and construction of Manure Storage Facilities and Process Wastewater Handling shall be the current standards in the NRCS Technical Guide, including 313 Waste Storage Facility, 634 Manure Transfer, 635 Vegetated Treatment Area, 638 Water and Sediment Control Basin, and 629 Waste Treatment. The standards for unconfined manure piles shall be NRCS Technical Guide 318 Short Term Storage of Animal Waste and Byproducts and any amendments to these standards referenced in this section.

(3) **Standards for nutrient management.** The standards for management of manure and nutrients applied to cropland and pastures shall be the current standards in the NRCS Technical Guide, including 590 Nutrient Management and any amendments.

(4) **Standards for closure of manure storage facility.** The standards for closure of Fan unused manure storage facility shall be the current standards in the NRCS Technical Guide, including 360 Closure of Waste Impoundments and any amendments.

(5) **Standards for determination of significant discharge and direct runoff.** The standards for determination of direct runoff shall be the Barnyard Runoff Evaluation Tool (BERT) or an equivalent predictive model for manure runoff or the Feedstock Storage Area Evaluation Rating Tool or equivalent predictive model for feed leachate. If significant discharge and or direct runoff is modeled, applicable standards shall apply.

(6) **Standards for the determination of adequate sod or self-sustaining vegetative cover.** Standards for determination of adequate sod or self-sustaining vegetative cover shall be the standards outlined in the NRCS Technical Guide 528 Prescribed Grazing or vegetative measurement by grid sample shall show at least 70 percent living plant material cover.

(7) **Subsequent modification of standards.** The standards of the NRCS Technical Guide are adopted and by reference made a part of this section as if fully set forth herein. Any future amendment, revision or modification of the standards incorporated herein are made a part of this section, unless otherwise acted upon by the agency. Copies of the current standards are available at the department

## SEC. 11.12 COST SHARE REQUIRED.

A determination that cost-sharing is available to meet the performance standards, prohibitions, conservation practices or technical standards under this subsection will be determined in accordance with Wis. Admin. Code §§ NR 151.09(4)(d) or NR 151.095(5)(d) when funding is provided under Wis. Stat. § 281.65, and will be determined in accordance with Wis. Admin. Code ch. ATCP 50 when funds are from any other source. Cost sharing under this section is only required for the minimum practice necessary to meet the performance standards and prohibitions. An owner or operator of an agricultural facility or practice that is in existence before October 1, 2002, may not be required to comply with the performance standards, prohibitions, conservation practices, or technical standards under this chapter unless cost-sharing is available from any source to the owner or operator.

## SEC. 11.13 MANURE STORAGE FACILITY PERMIT, UNCONFINED MANURE PILES, USE, AND SPECIFICATIONS.

(1) **Permit required.**

(a) No person may do any of the following without obtaining a permit in accordance with this section:

1. Construct a new manure storage facility or substantially alter an existing manure storage facility, including the construction or substantial alteration of waste transfer systems connected to a manure storage facility.

2. Upgrade, repair or replace a manure storage facility that has been identified as posing an imminent threat to public health, fish and aquatic life, or groundwater under Section 11.10(8).

3. Close an existing manure storage facility, including conversion of its use, regardless of whether the facility must be closed in accordance with Section 11.10(8)(b).

(2) **No permit required.** Manure storage facilities in place as of the date of passage of this ordinance shall be determined to be existing storage facilities subject to the rules in place at the time of construction and shall not be required to obtain a permit unless they are being substantially altered or closed after the date of passage.

(3) **Exception to permit requirement.** Emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a permit. Any repairs performed as a result of the facility failing, overtopping or repairs substantially altering the original design or construction of a facility shall be reported, in writing, immediately within one day of the emergency to the department for a determination by the department whether the repairs made were reasonably necessary to respond to the existing emergency. The department is authorized to enter upon lands where a repair has been made to a facility to make this determination.

A permit shall be required for any work deemed to constitute additional alteration or repair to the facility in excess of that reasonably necessary to respond to the emergency. The department's determination shall be rendered within 5 business days of the reporting. Work done without a proper permit shall constitute noncompliance with the ordinance. The passage of this ordinance is not to be construed as a requirement that livestock operations construct manure storage facilities but rather that facilities that are constructed be required to obtain the appropriate permits and approvals.

(4) **Unconfined Manure Piles.** No permit is required. Stacks will be regulated. Stacks shall not be placed in a Water Quality Management Area (WQMA) or adjacent to grassed waterways, drainage ways, ditches, undrained areas, areas of concentrated flow, wells or abandoned wells. Criteria-NRCS Technical Standard 318 shall apply. Upon written notice, stacks will be relocated to an approved site within two (2) weeks, or timeframe approved in writing by department.

## SEC. 11.14 MANURE STORAGE FACILITY PERMIT, UNCONFINED MANURE PILES, USE, AND SPECIFICATIONS - FEES.

All fees under this ordinance are established pursuant to a Fee Schedule adopted by the agency. Copies of the current fee schedule are kept on file at the department. Any permit fee is payable upon submission of a permit application.

## SEC. 11.15 MANURE STORAGE FACILITY PLAN REQUIREMENTS.

Each application for a manure storage permit under this section shall include the completion of the county permit application and a detailed manure storage facility construction plan. The applicant can employ the services of a private design consultant or a registered professional engineer to prepare the plan. Technical assistance for plan development may also be made available to applicants upon request through the department, or partner agencies utilizing staff that have the DATCP Conservation Engineering Practitioner Certification and/or NRCS Engineering Job Approval Authority, as available staff time will allow.

(1) **Manure storage facility plan requirements.** Manure storage structures, and any additions to such structures, shall maintain the following setbacks pursuant to Wis. Admin. Code § ATCP 51.12 and additional setbacks set forth herein.

(a) **Setbacks from property lines and road rights-of-way.** Manure storage structures shall be setback 100 feet from any property line or road right-of-way, however, the setback from the road right-of-way may be reduced to 50 feet provided there is not a structure utilized for human habitation located within 100 feet from the manure storage structure. For purposes of measuring this setback, property line is defined as the outermost boundary of a property as described on a deed recorded with the Columbia County Register of Deeds.

(b) **Expansion.** Manure storage structures located within a setback area may be laterally expanded provided the area to be expanded does not further encroach on or reduce the existing setback of the structure.

(2) **Manure storage construction plan requirements.** A complete permit application for a new or modified storage facility shall meet or exceed the minimum established limits and specific criteria within NRCS Technical Standard 313 for Waste Storage, and additional Technical Standards, including, but not limited to, 342 Critical Area Planting, 382 Fence, 558 Roof Runoff Structure, 590 Nutrient Management, and 634 Manure transfer where they apply. The plan shall include all of the following:

(a) The number, type, and size of animals for which storage is provided and the duration for which storage is to be provided.

(b) The type of bedding to be used in the operation and all aspects of handling and recovery of this bedding material.

(c) A site plan of the facility and its location in relation to the following:

1. **Residences.** The location of any residential buildings other than that of the owner of the premises, or owned by the owner of the premises but occupied by his/her family, agent or employee within 300 feet of the facility shall be identified.

2. **Property Lines.** The location of any property lines within 350 feet of the facility shall be identified.

3. **Wells.** The location of any wells within 500 feet of the facility shall be identified. The location of any municipal well within 1000 feet of the facility.

4. **Utilities.** The location of all utilities within 500 feet of the facility shall be identified.

5. **State and federal highways, county and town roads, and public streets designated as roadways.** The location of any roadway within 200 feet of the facility shall be identified.

6. **Navigable waters and drainage ways.** The location of any navigable water and drainage ways within 300 feet of the facility shall be identified.

7. **Floodplains and other water bodies.** The location of floodplains and other waterways within 100 feet of the facility shall be identified.

8. The north arrow, scale of the drawing, legal description of the proposed facility, and location, description and elevation of a temporary benchmark.

9. The structural details including, but not limited to, dimensions, cross-sections, concrete thickness, reinforcing steel location and design loading details when other than NRCS pre-qualified designs and drawings are used.

10. The construction and material specifications including, but not limited to, applicable specifications for earth fill, excavation, concrete, reinforcing steel, timber and pipes.

11. The soil test pit locations, elevations, and soil descriptions to a depth as required for the planned structure according to the NRCS Technical Standard 313. Soil test pits must be verified by department staff.

12. The elevation of groundwater, bedrock or seasonally saturated conditions if encountered in the soil profile and the date of any such determinations.

13. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater.

14. A time schedule for construction of the facility.

15. The details and plans for the method and structures used in transferring manure into and from the facility.

16. A plan to control erosion during the construction or modification of the facility.

17. Plans that address the safety requirements of the facility as needed.

18. An emergency response plan identifying the names and phone numbers of individuals or others to be notified in the event of any leaks, spills or other system failures that could discharge manure.

19. A certification by a professional engineer registered in the State of Wisconsin, or an engineering practitioner certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection ("DATCP") or the NRCS that the plans meet technical and ordinance standards.

20. An operation and maintenance plan for the facility signed by the owner that identifies the basics of operation, the manure removal interval, the use of agitation pads, and required repairs to berms and roads that are a necessary part of the facility function and meets all other requirements of NRCS Technical Standards 313 and 634.

21. A nutrient management plan that complies with Wis. Admin. Code § ATCP 50.04. The nutrient management plan must be prepared by a nutrient management planner qualified under Wis. Admin. Code § ATCP 50.04 (3) and submitted prior to issuance of the permit.

22. Any other additional information required by the department to protect water quality and determine compliance with this section.

(3) **Safety devices.** The following safety devices are required on all manure storage facilities in Columbia County whether or not a permit has been issued under this ordinance:

(a) A fence around the manure storage facility is required unless the manure storage facility has vertical walls 5 feet above the ground surface or the manure storage facility has a cover that will support foot traffic. Fences shall be a minimum of 48 inches above grade and shall not allow the passage of a larger than 6-inch sphere between any fence or gate member. All fence openings shall have gates that can be shut and securely fastened.

(b) A grate or tank cover, covering the opening to the pump or gravity flow collection pit, which is designed to withstand all load requirements. A barrier around the transfer system may be used in lieu of the grate only if the barrier provides protection to children and others.

(c) Proper ventilation is required in enclosed areas.

(d) Safety stops, gates, or both shall be installed at push-off ramps and load out areas of impoundments and structures to prevent accidental entry of tractors and other equipment.

(e) Manure storage facilities and their components shall have signs at all access points to warn of the danger of entry. The department may make such signs available. Minimum number of signs shall be determined by department staff.

(f) Other devices deemed necessary by the department, NRCS Technical Guide, Agricultural Waste Management Field Handbook ("AWMFH") or Engineering Field Handbook ("EFH").

(4) Manure storage facility closure application requirements. A complete permit application for waste storage facility closure shall meet all standards as outlined in NRCS Technical Standard 360 and shall specify:

(a) Provisions to remove and properly dispose of all accumulated wastes in the manure facility.

(b) Provisions to remove any concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner as clean fill at the site.

(c) Provisions to remove and properly dispose of any soil saturated with waste from the manure storage facility.

(d) Provisions to remove any soils, to the depth of significant manure saturation or 2 feet, whichever is less, from the bottom and sides of a facility without a constructed liner.

(e) Provision to remove or permanently plug the waste transfer system serving the manure storage facility.

(f) Covering all disturbed area with topsoil, seeding the areas with a grass mixture, and mulching the seeded area. This section does not apply if an alternative use of the site is authorized under an abandonment plan approved by the county as part of the permit.

(g) Any other additional information required by the department to protect water quality and determine compliance with this section

## SEC. 11.16 MANURE STORAGE FACILITY – REVIEW OF APPLICATION.

The department shall receive and review all permit applications. The department shall determine if the proposed facility meets required standards set forth in Columbia County Code Section 11.15. Within 45 calendar days after receiving the completed application and fee, the department shall inform the applicant, in writing, whether the permit is approved and issued, denied, or pending. The department shall inform the applicant, of the reasons for denial or if additional information is required. If additional information is required, the department shall notify the permit applicant. The department has 30 calendar days to approve or disapprove the permit application, in writing, from receipt of the requested additional information. No construction may commence without the issuance of a permit by the department.

## SEC. 11.17 MANURE STORAGE FACILITY – PERMIT CONDITIONS.

All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

(1) Manure storage facility design, construction, closure, management and utilization activities shall be carried out in accordance with the manure facility plan and applicable standards specified in Columbia County Code Section 11.15.

(2) The permittee shall give a written notice at least 5 business days to the department before starting any construction or closure activity authorized by the permit.

(3) Written approval from the department must be obtained prior to any modifications to the permitted plans.

(4) Activities authorized by permit must be completed within 2 years from the date of issuance, after which the permit shall be void. Permits can be extended annually upon request with approval from the department.

(5) The permittee, design engineer or consultant, and the contractor shall certify, in writing, that a new facility was installed as planned. Certification documentation shall include a statement of certification, signature and copy of signed "as built" construction plans.

(6) The permittee, engineer and contractor shall participate in a pre-construction conference with department staff before initiating construction of a new facility to outline the requirements and responsibilities of all of the involved parties.

(7) The department shall provide onsite inspection and final approval for all construction projects conducted under a permit issued under this chapter. To receive final approval, a manure storage facility must be fully constructed as designed including the marking of the maximum operating level and implementation of all safety devices.

(8) No permitted manure storage facilities may receive manure until the county provides its final approval. No manure may be emptied from a permitted manure storage facility until the county approves the nutrient management plan submitted by the applicant.

## SEC. 11.18 MANURE STORAGE FACILITY – CERTIFICATE OF USE.

(1) **Certificate requirement.** No person may operate or use an animal waste storage facility or any portion of an animal waste storage facility that was constructed after the effective date of this ordinance unless the person has a valid certificate of use for the storage facility or portion of the animal waste storage facility that is being operated or used.

(2) **Issuance.** The department will issue a certificate of use upon receipt of the written certification required by Columbia County Code Section 11.17.

(3) **Operating requirements.** The landowner and/or operator of a manure storage facility is in compliance with the certificate of use if the person does all of the following:

(a) Updates and follows an annual nutrient management plan that complies with requirements in this ordinance, and covers all manure land applied from the manure storage facility covered by the certification of use.

(b) Provides a nutrient management plan checklist and plan annually to the department by June 1st to document compliance with ordinance requirements. The department may ask the operator to submit the documentation to substantiate the planner's answer to one or more questions on the nutrient management checklist. The department may take appropriate action authorized by this chapter if the submitted documentation does not reasonably substantiate a checklist answer.

(c) Properly operates the storage facility in accordance with performance standards in Columbia County Code Section 11.10(8) and consistent with the recommended operating methods as defined by the Technical Guide, AWMFH and EFH.

(d) Properly maintains the storage facility free from visible and serious damage, erosion, or deformities that would impair the facility's safety or function as determined by the Technical Guide, AWMFH, and the EFH.

(e) Properly maintains the safety devices for a manure storage facility.

(f) Provides the department proof of compliance with the requirements in Columbia County Code Section 11.17 upon request and submits to periodic inspections of the storage facility with advance notice from the department.

(g) Develops and implements a plan for closure of the manure storage facility when the operator ceases use of the facility or closure is required based on conditions specified in this ordinance.

(4) **Certificate revocation.** The department may revoke a certificate of use if there is a misrepresentation of any material fact in the permit application, a misrepresentation of any material fact in the storage facility plan, a misrepresentation of any material fact in the animal waste management plan, a failure to comply with the nutrient management plan requirement, a failure to provide the department with a copy of the nutrient management plan upon request, or for multiple or repeat violations of this ordinance. The department will immediately provide written notice of the revocation and the reason for the revocation.

## SEC. 11.19 MANURE STORAGE FACILITY – PERMIT REVOCATION.

The department may revoke the permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or manure facility plan, or if the holder of the permit violates any of the conditions of the permit.

# Chapter 12 – Planning & Zoning
# Subchapter 100 Columbia County Zoning Ordinance

***This Subchapter is a separate document listed on the Ordinances webpage as "Chapter 12 Planning & Zoning; Subchapter 100 Columbia County Zoning Ordinance"***

# Chapter 12 - Planning & Zoning
# Subchapter 200 Land Division and Subdivision Ordinance

## SUBSECTION 201: INTRODUCTION

### SEC. 12.201.01 STATUTORY AUTHORITY.

This ordinance is adopted pursuant to the authorization in Wis. Stats. § 236.45 and amendments thereto.

### SEC. 12.201.02 TITLE.

This ordinance shall be known as, referred to, or cited as the Columbia County Land Division and Subdivision Ordinance.

### SEC. 12.201.03 PURPOSE AND INTENT.

These regulations are adopted for the following purposes:

To protect and provide for the public health, safety, and general welfare of Columbia County and its municipalities.

(1) To guide the future growth and development of Columbia County in accordance with the adopted comprehensive plan and other county or local plans.

(2) To secure safety from fire, flood, and other dangers and to prevent overcrowding of the land and undue congestion of population.

(3) To facilitate the orderly and beneficial development of the county through well-planned land divisions consistent with workable design standards.

(4) To ensure adequate provision of efficient transportation, water, sewerage, stormwater drainage, schools, recreation, and other facilities.

(5) To ensure that the design of the transportation system will not have a negative long-term effect on neighborhood quality, traffic and pedestrian movement, and safety.

(6) To further the orderly layout of land through the establishment of reasonable standards of design and procedures for land divisions and subdivisions so they fit within the County Coordinate System.

(7) To ensure accurate legal descriptions for conveying land and proper monumenting of subdivided land.

(8) To prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to ensure the adequacy of drainage facilities; to safeguard potable water supplies; and to encourage the wise use and management of natural resources through the county.

(9) To preserve the natural beauty and topography of the county, and to encourage appropriate development with regard to these natural features.

(10) To prevent destruction or impairment of environmentally sensitive areas.

# Sec. 12.201.04 Abrogation and Greater Restrictions.

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

## Sec. 12.201.05 Severability and Liability.

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

## Sec. 12.201.06 Interpretations.

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

## Sec. 12.201.07 Compliance.

Any subdivider creating land divisions or land combinations within the jurisdictional limits of this chapter shall not be entitled to recording unless such division or combination is in compliance with the provisions of this chapter and the following, where applicable:

(1) Provisions of Chapter 236 Wis. Stats., Platting Lands, and Recording and Vacating Plats.
(2) Provisions of Chapter 12, Subchapter 100, Columbia County Zoning Code, where applicable.
(3) Provisions of Section 12.140.09 Erosion and Stormwater Management Standards.
(4) Provisions of Chapter 12, Subchapter 300, Private Sewage Systems Code of Columbia County.
(5) Provisions of Chapter 12, Subchapter 400, Columbia County Floodplain Ordinance
(6) Provisions of Chapter 12, Subchapter 500, Shoreland Zoning Ordinance of Columbia County.
(7) Duly approved Columbia County Comprehensive Plan.
(8) Other Local and County Ordinances as may be applicable.

## Sec. 12.201.08 Repeal and Effective Date.

This ordinance shall become effective upon adoption by the Columbia County Board of Supervisors and publication as required by law. The existing Title 16, Chapter 200 shall be repealed in its entirety as of said effective date

# SUBSECTION 205: GENERAL PROVISIONS

## Sec. 12.205.01 Jurisdiction.

Jurisdiction of these regulations shall apply in all unincorporated areas within Columbia County. Where the governing body of a town within Columbia County has enacted an ordinance regulating subdivisions, compliance must be made with the most restrictive requirements, pursuant to Wis. Stats. § 236.13(4).

## Sec. 12.205.02 Applicability.

Within the jurisdiction stated above, these regulations shall apply to the following:

(1) Any land division that creates at least one parcel located within the unincorporated areas of Columbia County that is 80 acres or less in size.

(a) For the purpose of this chapter, a lot or parcel is considered to have been created as a remnant where an entire lot or parcel has not been surveyed. As such the remnant from a lot or parcel conveyance shall meet the provisions of this chapter or may be combined with a contiguous lot or parcel in such a manner to create one lot or parcel. A remnant of 40 acres or more will not require a certified survey map.

(b) The sale and exchange of property between adjoining property owners which results in a lot line adjustment is a land division and is subject to the requirements of this Chapter, see Section 12.210.06.

(2) **Subdivision.** Any land division which results in a subdivision as defined herein shall require a plat thereof be prepared and submitted for review, approval, and recording as required by this ordinance and Chapter 236 of the Wisconsin Statutes.

(3) **Replatting.** When a replat of a recorded subdivision or part thereof is proposed, the subdivision plat shall be vacated or altered according to the provisions of this ordinance and Chapter 236, Wisconsin Statutes.

(4) **Certified Survey Map.** Any land division, applicable to Section 12.205.02(1). of this ordinance, that does not necessitate the preparing of a subdivision plat shall have a certified survey map prepared, approved, and recorded as required by this ordinance and Chapter 236 of the Wisconsin Statutes.

(5) **Retracement Survey.** Certified Survey Map used to identify and locate existing parcels of record.

(6) **Combining Parcels.** The combining of two or more parcels of land into fewer parcels shall comply with the requirements of Section 12.210.06 of this ordinance.

(7) **Exceptions.** The provisions of this section shall not apply to:

(a) Transfers of interest in land by will or pursuant to court order of less than 5 parcels.

(b) Leases for a term not to exceed 10 years, mortgages, or easements.

(c) Cemetery plats made under Wis. Stats. § 157.07.

(d) Assessors' plats made under Wis. Stats. § 70.27.

## Sec. 12.205.03 Nonconforming Provisions.

(1) No division of land shall be allowed which would create a nonconforming parcel, structure or use under the provisions of Chapter 12, Subchapters 100 and 500; or increase the nonconformity of a parcel, structure or use under the provisions of Chapter 12, Subchapters 100 and 500.

## Sec. 12.205.04 Land and Suitability.

(1) No land shall be divided or subdivided for a use that is held unsuitable by the Planning and Zoning Department for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, inadequate drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. A portion of a proposed lot may contain such conditions, provided the overall lot is not deemed unsuitable.

(2) Except as provided in sub. (4), the Planning and Zoning Department shall determine such unsuitability at the time the preliminary plat or CSM is considered for approval.

(3) Land considered unsuitable for a use may include the following (not an all-inclusive list):

(a) Steep slopes of 20% or greater

(b) Drainage ways

(c) Floodways

(d) Wetlands

(e) Archaeological sites, Wisconsin historic landmarks and burial grounds

(4) The Planning and Zoning Department, in applying the provisions of this section, shall consider the various provisions of this ordinance and other county, state, or local regulations. The Planning and Zoning Department shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence to the contrary and/or the means of overcoming such unsuitability, if subdivider so desires, at a meeting of the Planning and Zoning Committee. Thereafter, the Planning and Zoning Committee may affirm, modify, or withdraw the determination of unsuitability.

(5) The subdivider may, prior to submitting a subdivision plat or certified survey map for review, request a determination of land suitability. The subdivider shall provide all necessary maps, data, and information to the Planning and Zoning Department in order for such a determination to be made.

(6) Unless specifically exempt from this requirement elsewhere in this chapter, all subdivision plat proposals where private water and/or sewage disposal systems are to be used shall be accompanied by certifications and reports:

(a) Describing the probable depth and yield of private wells. This report shall be based on competent scientific investigation and shall include the sources of all data used in the preparation of the report.

(b) Describing soil conditions existing on the site as applicable to on-site waste disposal. A Soil and Site Evaluation Report conducted by a Certified Soil Tester with profile descriptions and interpretations performed and reported as specified in SPS 385 at a minimum of 1 soil profile excavation per each 3 acre of plat area, excavated to a depth of at least 3 feet below an expected POWTS infiltrative surface elevation.

1. The use of existing documentation (USDA Columbia County Soil Survey) that may verify the soil conditions of all or part of the proposed plat may be allowed with pre-approval of the Director of Planning and Zoning.

## Sec. 12.205.05 Dedication and Reservation of Land.

(1) Subdivision plats that include all or part of a street, drainage way, or other public way, which has been designated in a Comprehensive Plan, or its component, or on an official map, said street or public way may be required to be made part of the subdivision plat and dedicated in the locations and dimensions indicated, unless otherwise provided in Sections 12.215.01 and 12.215.02 of this ordinance, as applicable.

(2) Subdivision plats may require at the Committee's discretion a dedication of land for parks, playgrounds, public access facilities, school sites, drainage ways, and other public green spaces. Where the Committee requires a dedication for parks or playgrounds, the proposed public lands for dedication shall be made part of the subdivision plat and may be dedicated to the Town Government by the subdivider at a rate of five (5%) percent of the total land area in the subdivision plat. A town may require a greater percentage.

(3) If areas for potential public access or acquisition by the County are included within a plat or certified survey map, the Planning and Zoning Department shall refer the plat or certified survey map to the County Committee concerned with the acquisition for its consideration and report. The Planning and Zoning Department may propose alternate areas for such acquisition and shall allow the Committee concerned 30 days for reply. The reply of the Committee if affirmative shall include a map showing the boundaries and areas of the parcel to be acquired and an estimate of the time required to complete the acquisition.

(4) When land that is part of a plat includes lands being used by the public as a county highway, that land used for highway purpose shall be dedicated to the County. Lands being used by the public as a county highway within a land division by certified survey map shall be dedicated or shown as an easement granted by the owner via another recorded document in a format approved by the County.

(5) When a final plat or certified survey map is used for the purpose of designating on the plat or map lands to be dedicated to the County, including street right-of-ways, the County Board must accept the dedication prior to the plat or map being recorded. An approval certificate accepting the dedication may be signed by a representative of the Planning and Zoning Department.

## Sec. 12.205.06 Ties to the County Coordinate System.

(1) Any Plat or Certified Survey Map recorded in the Register of Deeds office shall be tied by lengths and bearings to the boundary line of the quarter section, Private Claim or Federal Reservation in which the subdivision lies, and description of monuments at ends of the line; and bearing and distance between those monuments. Boundary bearing references shall be the bearing and distance established by the County in its county coordinate system, unless waived by the County Surveyor. If no bearing has been established on any of the boundaries of the section being worked in, a reference to a magnetic, true or other identifiable direction may be used for reference to the boundary. When re-dividing an existing Certified Survey Map or subdivision Plat which is already connected to the county bearings the re-division shall be referenced to those bearings. The line that the bearing reference is based upon shall be shown on the face of the map.

(a) A Retracement or Combination Certified Survey Map is not required to be tied to the County Coordinate System.

## Sec. 12.205.07 Improvements.

(1) Those improvements required within a subdivision plat shall be identified by the local governmental jurisdiction and the Planning and Zoning Committee. The subdivider shall install all improvements required for approval of a subdivision plat prior to recording said plat. Approval of the final subdivision plat shall be given only after the work has been completed, or the subdivider provides security to ensure the improvements will be made within a reasonable period of time in compliance with Wis. Stats. §§ 236.13(2)(a)1 and 236.13(2)(a)2.

## Sec. 12.205.08 Construction.

(1) No construction or installation of improvements shall commence in a proposed subdivision plat until the preliminary plat has written approval by the Planning and Zoning Committee.

(2) **Permits.** In all subdivision plats, no permits shall be issued on any lot within the subdivision plat until the subdivision plat is recorded in the County Register of Deeds office.

(3) **Plans.** The installation of improvements for streets, drainage ways, or other public ways, to be dedicated may require plans and accompanying construction specifications, at the request of the governmental jurisdiction.

(4) **Inspection.** The subdivider, at the completion of any work, shall contact the appropriate governmental jurisdiction to request an inspection of the work performed within their jurisdiction. Written findings of any inspection shall be forwarded to the Planning and Zoning Department.

## Sec. 12.205.09 Access Easements.

(1) When an easement is required to provide ingress and egress to landlocked or paragraph B below is to be utilized to create a shared driveway by easement, a recordable document detailing the terms, conditions and description of the easement shall accompany the final survey documents and shall be recorded at the same time as the surveyed document, unless an easement has been previously recorded.

(2) Every lot created under the terms of this chapter shall have ownership of an access strip connecting onto a public street or road. When the Committee has approved a variance to this requirement, and the town has a valid ordinance, or when the town and the developer have entered into a binding agreement(s), contract(s), or other legal guarantee, which addresses and regulates private roads/shared driveways with regard to the following, they may be approved. Also see Section 12.210.04(5).

(a) A recorded permanent easement exempting the town from maintenance. A maintenance agreement in a form that addresses year-around maintenance binding on all parcels and recorded in the Register of Deeds office.

(b) A document designating the shared driveway as covenants running with the land it serves and stating that no rights to the shared driveway may be granted or transferred for the benefit of any other parcel of land shall be recorded with the office of the Register of Deeds.

(c) A shared driveway must be shown on a certified survey map.

(d) The minimum width of shared driveway not less than 33 feet, where all lots served by the shared driveway share in the ownership.

(e) The minimum year-around traveled surface width.

(f) The width and height to which vegetation and other obstructions must be removed.

(g) Minimum structure setbacks from the shared driveway.

(h) Other limitations deeded appropriate by the town.

(3) For existing land locked parcels ownership of the shared driveway or private road must comply with this Section or be in compliance with Wis. Stats. § 82.27(6) requiring a 66-foot cleared easement where the driveway or private road is to cross land of others.

### Sec. 12.205.10 Vision Clearance Triangles.

In each quadrant of every public road right-of-way intersection or public road easement intersection (including street-railroad intersections), there shall be a visual clearance triangle formed by the two intersecting right-of-way or easement centerlines and a chord connecting said centerlines that is 300 feet back from an intersection of any two federal, state or county highways; 200 feet back from an intersection of any such highway and any local road; and 100 feet back from an intersection of two local roads. A railroad line shall be considered the equivalent of a federal, state, or county highway for purposes of this subsection.

## SUBSECTION 210: APPLICATION PROCEDURES AND APPROVAL PROCESSES

### Sec. 12.210.01 Preliminary Subdivision Plat.

(1) **General.** A preliminary subdivision plat shall be prepared by a professional land surveyor for all subdivision plats. The preliminary subdivision plat shall comply with the provisions of Chapter 236 of the Wisconsin Statutes, and the provisions of this chapter.

(2) **Preliminary consultation.**

(a) Prior to submitting an application for review of a preliminary subdivision plat, the subdivider shall consult with the Planning and Zoning Department for advice and assistance to become informed of, the purpose and objectives of this chapter, and to review the procedures and requirements of this chapter, and any plans or data that may affect the proposed development.

(b) In order to facilitate the consultation, the subdivider shall provide a plan drawn to a reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements and unique natural features.

(3) **Preliminary plat submittal.**

(a) Prior to submitting a final subdivision plat, the subdivider shall prepare a preliminary subdivision plat and file a written application for its review to the Planning and Zoning Department. Authority to assist with the review and approve a preliminary subdivision plat may be delegated by the County to an authorized representative serving the County.

(b) The method of submittal and distribution of preliminary subdivision plats shall follow the procedure outlined in Section 236.11, Wis. Stats. The subdivider shall provide 6 scalable paper copies and 4 11"x 17" paper copies and a pdf of both the scalable and 11" x 17" maps of the preliminary subdivision plat to the Planning and Zoning Department for review and distribution. In addition, the Planning and Zoning Department will forward copies to other County departments which may have an interest in elements of the preliminary subdivision plat.

(c) At the time of submittal of the preliminary subdivision plat, a fee shall be paid as provided in Subchapter 12.220-050 of this chapter.

(4) **Preliminary subdivision plat requirements.**

(a) A preliminary subdivision plat shall be prepared on reproducible material and shall show correctly on its face the following information:

1. Title under which the preliminary subdivision plat is to be known and a general legal description by quarter-quarter section or government lot, section, town, range, county and state where the preliminary subdivision plat is located. The title or name shall not be a duplicate name of any Plat recorded in Columbia County.

2. Vicinity map with the general legal description, showing the location of the preliminary subdivision plat in relation to the road system in the immediate area along with any lake and stream accesses in relation to the preliminary subdivision plat.

3. Date, graphic and written scale of not more than 100 feet to the inch, unless otherwise approved by the Planning and Zoning Committee, and a north arrow with a basis for bearings.

4. Names and addresses of the subdivider and land surveyor preparing the preliminary subdivision plat.

5. Entire area contiguous to the preliminary subdivision plat, owned or controlled by the subdivider shall be included on the preliminary subdivision plat even though only a portion of such area is proposed for immediate development.

6. Ties to all government corners required to be used for the survey, according to State and Federal surveying requirements, also see Section 12.205.06 County Coordinates.

7. Total number of lots and outlots with total acreage and current tax parcel numbers of all tax parcels that are included in the plat.

8. Contours at vertical intervals of not more than 2 feet intervals where the slope of the ground surface is less than 10% percent, and of not more than 4 feet where the ground surface is 10% or more.

9. Water elevations of adjoining lakes and streams on the date of survey, for the ordinary high-water elevation, designated regional flood elevation, or floodway.

10. Location, right-of-way width and names of all existing and proposed streets, alleys or public ways, easements, railroads and utility rights-of-way and all section and quarter section lines within the proposed subdivision plat or immediately adjacent thereto.

11. Location, size, and invert elevations of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereof. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.

12. Location and names of any adjacent subdivisions, parks, schools, cemeteries and owners of record of abutting unplatted lands.

13. Type, width, and elevation of any existing street pavements within the exterior boundaries of the preliminary subdivision plat or immediately adjacent thereto.

14. Locations of all existing property boundary lines, structures, drives, streams and watercourses, wetlands, rock outcrops, wooded area, and other similar significant features within the preliminary subdivision plat or immediately adjacent thereto.

15. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

16. Any proposed lake or stream improvement, relocation or creation.

17. Lands lying between the meander line and the water's edge and any other unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any Plat abutting a lake or stream.

18. Dimensions of all lots, together with proposed lot and block numbers.

19. Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use.

20. Approximate centerline radius of all curves.

21. Delineation of floodplain and zoning boundaries within or immediately adjacent to the preliminary subdivision plat.

22. Corporate limit lines.

23. Clarify source and availability of potable water supplies.

24. Lots served by private on-site wastewater treatment systems (POWTS) shall have information submitted demonstrating sufficient on-site sewage disposal area and suitability, including soil suitability, depth to ground water and bedrock, and slope.

(5) **Affidavit.** The land surveyor preparing the preliminary subdivision plat shall certify on the face of the preliminary subdivision plat that it is a correct representation of all existing land divisions and features and that full compliance with the provisions of this chapter have been met.

(6) **Preliminary plat review and approval.** The Planning and Zoning Committee shall conduct a meeting to review the preliminary subdivision plat for conformance with the provisions of this chapter. At this meeting the Planning and Zoning Committee shall permit the public to comment on the preliminary subdivision plat. The Committee shall either approve or approve conditionally or reject the preliminary subdivision plat within 90 days of submittal, as provided in Chapter 236 of the Wisconsin Statutes.

## Sec. 12.210.02 Final Subdivision Plat.

(1) **General requirements.** A final subdivision plat shall be prepared by a professional land surveyor and shall comply with the provisions of Chapter 236 of the Wisconsin Statutes, and the provisions of this chapter.

(2) **Fees.** At the time of submittal of the final subdivision plat, a fee shall be paid as provided in Section 12.220.05, of this chapter.

(3) **Final subdivision plat submittal.** The subdivider shall file an application for review and provide 6 scalable paper copies and 4 11"x 17" paper copies and a pdf of both the scalable and 11" x 17" maps of the final subdivision plat to the Planning and Zoning Department for review and distribution.

(4) **Certificates.** All final subdivision plats shall provide the certificates as required by Chapter 236 of the Wisconsin Statutes, and the land surveyor shall certify that compliance with the provisions of this chapter have been met and shall provide a certificate for the Planning and Zoning Committee approval to be signed by the Director of Planning and Zoning.

**(5) Final subdivision plat review and approval.**

(a) The Committee shall examine the final subdivision plat as to its conformance with the approved preliminary subdivision plat, any conditions of approval of the preliminary subdivision plat, and provisions of this chapter that may affect the final subdivision plat.

(b) The Committee, in accordance with Chapter 236 of the Wisconsin Statutes, shall, within 60 days of submittal of the final subdivision plat with the Planning and Zoning Department, approve or reject the final subdivision plat, unless the time is extended by written agreement with the subdivider.

(c) The Director of Planning and Zoning shall not inscribe approval on the face of the original final subdivision plat until the Plat Review Section of the Wisconsin Department of Administration has certified no objections to the final subdivision plat or the statutory time or the negotiated time extension has expired.

## Sec. 12.210.03 Replat.

(1) When it is proposed to replat a recorded subdivision or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Wis. Stats. §§ 236.36 through 236.445. The subdivider, or persons wishing to replat, shall then proceed as specified in Section 12.210.01 and Section 12.210.02 of this Chapter.

## Sec. 12.210.04 Certified Survey Map Submittal and Review Process.

(1) **General.** For the purpose of this Subchapter, a certified survey map is one which is used for land divisions creating not more than 4 lots being 80 acres or less in area. Also, for the purpose of this Subchapter a parcel is considered to have been created as a remnant where an entire parcel has not been surveyed. All remnant parcels of less than 40 acres shall require a certified survey map.

(2) **Fees.** A fee shall be paid when the certified survey map is submitted for the Departments approval signature as provided in Subchapter 12.220.05, of this chapter.

(3) **Lot size.** Minimum lot size shall be in accordance with Chapter 12, Subchapters 100 and 500 of the Columbia County Code of Ordinances or conform to a local municipal ordinance if more restrictive.

(4) Flag lots shall have a minimum flagpole of 33 feet of width and 33 feet fronting on a public road for access purposes. The flagpole is considered the lot access to the principal lot area and shall not be built upon or used for any purpose other than lot access.

(5) **Access.** Every lot or parcel shall front or abut a public road. Conventional lots shall maintain a minimum frontage of sixty-six (66) feet to facilitate the possible development of a public right of way that could service additional lots. Cul de sac lots shall provide a minimum of thirty (30) feet of frontage on a public road. The County Planning and Zoning Committee, with a recommendation from the applicable town, may approve a variance to this frontage requirement without scheduling a public hearing. Also see Section 12.205.09.

(a) Before any vacant parcel of land is subdivided for non-agricultural use, written proof that access can be provided to the new non-agricultural lot(s) in accordance with an applicable State, County or town ordinance shall be included with the submittal under G. below. Proof can be, but is not required to be, a driveway permit from the applicable jurisdiction. For vacant agricultural lots, a note shall be added to the survey stating driveway access is not guaranteed.

(b) When a variance to the road frontage requirement is requested, a unique property limitation must be present. The application for a variance must include a description of the unique limitation. These limitations can include, but are not limited to, land suitability issues or limited/no access on the existing parcel of land.

(6) **Tie to Government Corners.** The certified survey map shall be tied to two Federal Land Survey corners, unless the division is within a platted subdivision. Also see Section 12.205.06 County Coordinates.

(7) **Submittal.** One scalable paper copy and PDF copy of certified survey maps, as defined in this chapter, shall be submitted together with an application, proof of access and checklist for review to the Planning and Zoning Department. Beginning January 1, 2017, a digital submission of the application, proof of access, certified survey map and checklist in a format approved by the Department will be required. The certified survey map shall be prepared in accordance with the provisions of Wis. Stats. § 236.34, the provisions of this chapter, and shall show the following information clearly on the face of the certified survey map:

(a) All sheets labeled "COLUMBIA COUNTY CERTIFED SURVEY MAP No.___".

(b) Borders must be on all pages, in compliance with binding margin requirements of Wis. Stats. § 236.34(1m)(c).

(c) All existing buildings, watercourses, access locations, location of existing wells, septic tanks, and drain fields.

(d) Name and address of the landowner/subdivider and the name, address, stamp and signature of the land surveyor preparing the certified survey map.

(e) Date of land survey, graphic and written scale of not more than 500 feet to the inch.

(f) An owner's certificate in nearly the same form and content as shown in Section 236.21, Wis. Stats when land is being dedicated to the public either in the County or a town.

(g) The parcel number of each tax parcel which is affected and the acreage of each existing tax parcel within the boundaries of the new survey.

(h) Gross and net lot sizes in square feet with net lot size excluding any land use by the public as a road per a prescriptive easement.

(i) Identify adjacent lands, platted or unplatted by owner or others.

(j) Floodplain boundary(ies), FEMA map panel number and effective date from which the boundary(ies) were drawn.

(k) Wetlands on the current Wisconsin Wetlands Inventory Maps. When the delineation is from a private delineator a copy of the delineation report must be included.

(l) New residential certified survey maps in Farmland Preservation Areas shall bear the following right to farm notice:

1. Through Wis. Stats. § 823.08, the Wisconsin Legislature has adopted a right to farm law. This Statute limits the remedies of owners of later established residential property to seek changes to pre-existing agricultural practices in the vicinity of the residential property. Active agricultural operations are now taking place and may continue on lands in the vicinity of this certified survey map. These active agricultural operations may produce noises, odors, dust, machinery traffic, or other conditions during the daytime and evening hours.

2. This notice is not needed if it will duplicate a right to farm notice required by a town ordinance.

(m) If the Certified Survey Map is associated with a lot as described in Section 12.140.03(13) of the Columbia County Zoning Code, a note on the Certified Survey Map stating the intended use of the lot with reference to Section 12.140.03(13).

(n) The surveyor's certificate shall include the statement that the professional land surveyor has fully complied with Chapter 12, Subchapter 200 of the Columbia County Code of Ordinances.

(o) An approval certificate signed by the town where applicable.

(p) An approval certificate for the Planning and Zoning Department, to be signed by the Department Director or designee, shall be required for recording.

(8) Authority to assist with the review of certified survey maps may be delegated by the County to an authorized representative serving the County. The County shall within 90 days approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance. In the event of rejection or conditional approval the land divider may appeal the decision to the Planning and Zoning Committee.

(9) No certified survey map shall be approved under this Section if the County Treasurer has not notified the Planning and Zoning Department in writing that there are no delinquent real estate taxes or no installments due on real estate taxes on the date the certified survey map is accepted for review.

## Sec. 12.210.05 Retracement Certified Survey Map Submittal and Review Process.

(1) Retracement certified survey maps may be used to identify and locate existing parcels of record. A retracement certified survey map shall not create additional lots of record. The intent of a retracement certified survey map is to show the boundaries of an existing parcel and establish a convenient legal description of record for title, conveyance, etc. Retracement certified survey maps are not required by this ordinance and may not be required by other Columbia County departments for the conveyance of ownership, establishment of a legal description, etc. Approval of a retracement certified survey map by Columbia County does not warrant that the lot within the map conforms to county or local requirements.

(2) The subdivider or agent shall submit one scalable paper copy and one PDF copy of the retracement certified survey map together with an application/checklist and fee for review to the Columbia County Planning and Zoning Department. Beginning January 1, 2017, a digital submission of the application, certified survey map and checklist in a format approved by the Department will be required. The Department shall review the retracement certified survey map for conformance with this ordinance and all other county ordinances, rules, regulations, and adopted county comprehensive plans or other plans that affect the retracement certified survey map. A fee shall be paid when the certified survey map is submitted for the Departments approval signature as provided in Section 12.220.05 of this chapter.

(3) **Submittal.** The subdivider or agent, shall include the following information on the retracement certified survey map when submitting to the Planning and Zoning Department.

(a) Retracement certified survey map, prepared by a professional land surveyor that complies in all respects with the requirements of Wis. Stats. § 236.34. All sheets of the map shall be headed "COLUMBIA COUNTY CERTIFIED SURVEY MAP No. __" and sub headed "RETRACEMENT OF LANDS DESCRIBED IN (*list recorded documents from Columbia County Records*."

(b) Borders must be on all pages, in compliance with binding margin requirements of Wis. Stats. § 236.34(1m)(c).

(c) All existing buildings, watercourses, access locations, location of existing wells, septic tanks and drain fields.

(d) Name and address of the landowner/subdivider and the name, address, stamp and signature of the land surveyor preparing the certified survey map.

(e) Date of land survey, graphic and written scale of not more than 500 feet to the inch.

(f) The parcel number of each tax parcel which is affected and the acreage of each existing tax parcel within the boundaries of the new survey.

(g) Identify adjacent lands, platted or unplatted by owner or others.

(h) Floodplain boundary(ies), FEMA map panel number and effective date from which the boundary(ies) were drawn.

(i) Wetlands on the current Wisconsin Wetlands Inventory Maps. When the delineation is from a private delineator a copy of the delineation report must be included.

(j) If the Certified Survey Map is associated with a lot as described in Section 12.140.03(13) of the Columbia County Zoning Code, a note on the Certified Survey Map stating the intended use of the lot with reference to Section 12.140.03(13).

(k) The surveyor's certificate shall include the statements that, "this certified survey map is not a division of property but solely a retracement and depiction of the land boundaries recorded in (*list recorded documents from Columbia County Records*), and that "the professional land surveyor has fully complied with Chapter 12, Subchapter 200 of the Columbia County Code of Ordinances."

(l) An approval certificate for the Planning and Zoning Department, to be signed by the Department Director or designee, shall be required for recording.

(4) Authority to assist with the review of retracement certified survey maps may be delegated by the County to an authorized representative serving the County. The County shall within 90 days approve, approve conditionally, or reject the retracement certified survey map based on a determination of conformance with the provisions of this Ordinance. In the event of rejection or conditional approval the land divider may appeal the decision to the Planning and Zoning Committee.

## Sec. 12.210.06 Combining Parcels/Combination Certified Survey Submittal and Review Process.

(1) A combination certified survey map shall be required for the combining of two or more existing parcels into fewer parcels when the total acreage of the combined parcels is less than 40 acres, including the reduction of an existing parcel when the various parts are attached to an adjoining parcel.

(2) The subdivider shall submit one scalable paper copy and one PDF copy of the combination certified survey map together with an application/checklist and fee for review to the Columbia County Planning and Zoning Department. Beginning January 1, 2017, a digital submission of the application, certified survey map and checklist in a format approved by the Department will be required. The Department shall provide copies to the different agencies and reviewers for review and recommendations concerning matters within their jurisdiction. The Department shall review the combination certified survey map for conformance with this ordinance and all other county ordinances, rules, regulations, and adopted county comprehensive plans or other plans that affect the combination certified survey map.

(3) **Submittal.** The subdivider or agent shall include the following information on the combination certified survey map when submitting to the Planning and Zoning Department.

(a) Combination certified survey map, prepared by a professional land surveyor that complies in all respects with the requirements of Wis. Stats. § 236.34. All sheets of the map shall be headed "COLUMBIA COUNTY CERTIFIED SURVEY MAP No. ____" and sub headed "COMBINING OF PARCELS DESCRIBED IN (*list recorded documents from Columbia County Records).*"

(b) Borders must be on all pages, in compliance with binding margin requirements of Wis. Stats. § 236.34(1m)(c).

(c) All existing buildings, watercourses, access locations, location of existing wells, septic tanks and drain fields.

(d) Name and address of the landowner/subdivider and the name, address, stamp and signature of the land surveyor preparing the certified survey map.

(e) Date of land survey, graphic and written scale of not more than 500 feet to the inch.

(f) The parcel number of each tax parcel which is affected and the acreage of each existing tax parcel within the boundaries of the new survey.

(g) Identify adjacent lands, platted or unplatted by owner or others.

(h) Floodplain boundary(ies), FEMA map panel number, and effective date from which the boundary(ies) were drawn.

(i) Wetlands on the current Wisconsin Wetlands Inventory Maps. When the delineation is from a private delineator a copy of the delineation report must be included.

(j) If the Certified Survey Map is associated with a lot as described in Section 12.140.03(13) of the Columbia County Zoning Code, a note on the Certified Survey Map stating the intended use of the lot with reference to Section 12.140.03(13).

(k) The surveyor's certificate shall include the statements that, "this certified survey map is not a division of property but a combining of and depiction of the parcels recorded in (*list recorded documents from Columbia County Records*) into a single parcel and description" and that "the professional land surveyor has fully complied with Chapter 12, Subchapter 200 of the Columbia County Code of Ordinances."

(l) An approval certificate for the Planning and Zoning Department, to be signed by the Department Director or designee, shall be required for recording.

Authority to assist with the review of combination certified survey maps may be delegated by the County to an authorized representative serving the County. The County shall within 90 days approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance. In the event of rejection or conditional approval the land divider may appeal the decision to the Planning and Zoning Committee.

## SUBSECTION 215: DESIGN STANDARDS

### Sec. 12.215.01 Subdivision Street Arrangement.

Streets within a subdivision plat shall be arranged to meet the design standards of applicable ordinances and the subdivider shall dedicate land and improve streets as provided therein. Where there is no applicable town ordinance and that town makes a request in writing, the standards of this Section shall apply. If in the opinion of the Committee these standards provide for more public safety they can supersede the standards of the regulations of the town with jurisdiction.

(1) Streets shall conform to the arrangement, character, extent, width, grade, location and construction standards of the unit of government having jurisdiction over said streets.

(2) The arrangement of streets in a subdivision plat shall provide, where possible, for the continuation on appropriate projection of existing or proposed collector or arterial streets.

(3) Local streets shall be laid out so as to discourage their use by through traffic.

(4) Streets shall intersect each other as nearly as possible at right angles, and not more than two streets shall intersect at one point unless approved by the Planning and Zoning Committee.

(a) The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the minimum distance between such intersections shall not be less than 1,000 feet.

(b) Local streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such local streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.

(c) Street jogs with center-line offsets of less than 150 feet shall not be approved.

(5) Proposed streets shall extend to the boundary lines of the proposed subdivision plat, unless prevented by topography or other physical conditions or unless, in the opinion of the governmental jurisdiction or the Planning and Zoning Committee, such extension is not necessary or desirable for the coordination of the layout of the subdivision plat or for the advantageous development of the adjacent land. Such streets shall terminate with a temporary turnaround right-of-way of 46 feet in radius and a road surface of not less than 46 feet in radius, for use until the street is extended and at that time the use is terminated.

(6) Whenever the proposed subdivision plat contains or is adjacent to an arterial street adequate protection of residential properties is required. Adequate protection may be achieved by limiting access, separating through and local traffic, providing reverse frontage with screen planting contained in a non-access reservation area along the rear property line, or by the use of frontage streets.

(7) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the governmental jurisdiction.

(8) **Limited Access Highway and Railroad Right-of-Way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(a) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway, including the I system highway, or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the Plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited".

(b) Commercial and Industrial Districts shall have provided, on each side of the limited access highway interchange or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.

(c) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street or highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practical, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(d) Local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of local streets immediately adjacent to arterial streets and highways and railroad rights-of-way shall be avoided in residential areas.

(9) Alleys may be required in commercial or industrial districts to provide for off-street loading and service access and shall be a width as accepted by the governmental jurisdiction.

(10) **Street names.**

(a) Any street that is the reasonable continuation of an existing street shall bear the same name. If the topography or other feature of a permanent nature is such as to render the continuation of the actual roadway impossible and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.

(b) Street names shall be less than thirteen characters (including spaces, but not including prefixes or suffixes such as N, S, E, W, or ST, AV, LN, WY) in length, shall be non-offensive in nature, and shall not be copy-righted by another entity.

(c) The Planning and Zoning Department may reject the name of any street that has already been used elsewhere in the county or which because of similarity may cause confusion. The use of the suffix "street," "avenue,", "boulevard," "drive," "place," or "court," or similar description shall not be distinction sufficient to constitute compliance with the subsection.

(d) The following table shall be used for new road names:

| **Street Type** | **Dead End** | **Curving Street** | **Straight Street** |
|---|---|---|---|
| **Short Streets** | Place<br>Court | Circle<br>Crescent<br>Lane<br>Terrace<br>Way | Lane<br>Row |
| **Long Streets** | -- | Drive<br>Road | Avenue<br>Street |

(e) The term boulevard shall be reserved for streets that are designed with medians separating lanes of traffic.

## Sec. 12.215.02 Subdivision Street Design.

Design standards as follows shall be met in those cases where the local governmental jurisdiction has no design provisions:

(1) The minimum right-of-way, roadway and road surface widths of all proposed streets shall meet requirements of the local governmental jurisdiction or as specified on any officially adopted street plan. If the local governmental jurisdiction specifies no right-of-way width, the minimum width shall be 66 feet.

(2) Cul-de-sac streets designed to have one end permanently closed shall be no longer than 1,320 feet and terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum road surface radius of 46 feet.

(3) Radii of curvature. When a continuous street center line deflects at any one point and requires a circular curve, the minimum circular curve radius shall be not less than 100 feet or that radius deemed appropriate by the local governmental jurisdiction.

(4) Half streets shall be prohibited, except where necessary for continuity of the street system.

(5) A tangent at least 100 feet long shall be introduced between reverse curves on all streets unless a variance is granted by the government of jurisdiction.

## Sec. 12.215.03 Subdivision Utility Easement.

(1) Utility easements across lots or along lot lines shall be provided for utilities above and below grade, of a width and at a location deemed necessary by the appropriate utility company. Utility easements shall be identified on the subdivision plat as to type and width. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines wherever carried on overhead poles.

(2) Drainage easements. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, an adequate drainage way or easement shall be provided as may be required by the Committee. The location, width, alignment and improvements of such drainage way or easement shall be subject to the approval of the Committee; and parallel streets or parkways may be required in connections therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Committee.

## Sec. 12.215.04 Blocks.

The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of the topography.

(1) Blocks in residential areas shall not as a general rule be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(2) Blocks shall have sufficient width to provide for two tiers or lots or appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.

(3) Pedestrian ways or crosswalks may be required, where deemed essential to provide adequate pedestrian circulation.

## Sec. 12.215.05 Lots.

The size, shape and orientation of lots shall be appropriate for the location of the subdivision plat and for the type of development and use contemplated.

(1) Side lot lines should be as close to perpendicular as possible to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(2) Double frontage and reverse frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(3) Access and frontage. All lots shall have a minimum frontage for access of 66 feet on a public street, or 30 feet on a cul de sac.

(4) Minimum lot size shall be in accordance with Title 16 Chapters 100 and 5 of the Columbia County Code of Ordinances or conform to a local municipal ordinance if more restrictive.

(5) Flag lots shall have a minimum flagpole of 33 feet of width and 33 feet fronting on a public road for access purposes. The flagpole is considered the lot access to the principal lot area and shall not be built upon or used for any purpose other than lot access.

(6) Corner lots shall be designed with extra width to permit adequate building setback from both streets.

(7) A vision clearance triangle shall be provided for each corner lot.

## Sec. 12.215.06 Stormwater Drainage and Erosion Control.

(1) The subdivider shall provide storm water management facilities and erosion control that are in compliance with Section 12.140.09 of the Columbia County Code of Ordinances.

# SUBSECTION 220: ADMINISTRATION AND ENFORCEMENT.

## Sec. 12.220.01 Planning and Zoning Department.

(1) The officials of the Planning and Zoning Department are authorized to administer this chapter and shall have the following duties and powers. The Department shall:

(a) Provide information for inquiries related to matters of this chapter.

(b) Require subdivision plats, certified survey maps, and other documents as required or necessary to fulfill the purpose and intent of this chapter.

(c) Perform review of subdivision plats, certified survey maps and other documents to ensure conformity with the provisions of this chapter.

(d) Establish a variance procedure which authorizes the Planning and Zoning Committee to grant such variance from the provisions of this chapter shall not be contrary to the public interest and shall keep records of variance request decisions.

(e) Provide written notice to the Wis. DNR at least 10 days prior to any public meeting and within 10 days thereafter of a decision on matters related to this chapter within the jurisdiction of Chapter 12, Subchapter 500, Shoreland Zoning Ordinance.

(f) Establish penalties for violations of various provisions of this chapter, including forfeitures.

(g) Investigate and enforce violations of this chapter.

(h) Act as the Committee Representative in matters of certified survey map review for compliance with the provisions of this chapter and acknowledge the compliance by signature on the certified survey map document.

## Sec. 12.220.02 Planning and Zoning Committee.

(1) The Planning and Zoning Committee shall:

(a) Oversee the functions of the Planning and Zoning Department.

(b) Review and advise the County Board on all proposed amendments to this chapter.

(c) Address variance requests to the provisions of this chapter. The Committee's decision shall find that strict compliance of this chapter would be unreasonably burdensome. The Committee shall decide a variance request in a manner that the public interest is secured and that such variance will not have the effect of nullifying the intent and purpose of the provisions of this chapter. The Planning and Zoning Committee is not allowed to grant variances to a state-mandated standard.

(d) Review and approve Preliminary and Final Plats.

(2) The Planning and Zoning Committee shall not:

(a) Amend the text of this Chapter in place of official action by the County Board.

## Sec. 12.220.03 Changes and Amendments.

The County Board to promote the public health, safety, and general welfare of Columbia County may, from time to time, alter, supplement or change the regulations contained in this chapter.

(1) Request for amendment(s) to this chapter may be made by the Planning and Zoning Committee.

(2) Every request for an amendment to this chapter shall be referred to the Planning and Zoning Committee for public hearing. In those areas of Shoreland Zoning Ordinance jurisdiction the appropriate district office of the Wisconsin Department of Natural Resources shall be provided a copy of the amendment request and the notice of public hearing.

(3) After a public hearing, the Planning and Zoning Committee shall forward a recommendation of approval or denial to the County Board for final action. In those areas of Shoreland Zoning Ordinance jurisdiction the appropriate district office of the Wisconsin Department of Natural Resources shall be provided, within 10 days, a copy of the final County Board decision.

## Sec. 12.220.04 Enforcement and Penalties.

(1) **Enforcement policy.** The Planning and Zoning Committee shall approve and may from time-to-time amend policies for enforcement of this chapter, consistent with the provisions of this Subchapter.

(2) **Authority.** In the enforcement of this Ordinance, the Director of Planning and Zoning or designees shall have the power and authority for the following:

(a) At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.

(b) To refer to the Corporation Counsel for commencement of any legal proceedings necessary to enforce this ordinance. The issuance of citations provided for under this Ordinance shall not require referral but may be issued by the Director of Planning and Zoning or designees directly.

(3) **Enforcement of violations.**

(a) **Penalties.** Any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this Ordinance shall be subject to a forfeiture as listed in Section 1.12 of the County Code of Ordinances. Each day of violation shall constitute a separate offense.

(b) **Enforcement by Citation.** Except as modified by this Ordinance, the County elects to use the citation method of enforcement under Section 1.12 of the County Code of Ordinances. This Section does not preclude the County or any authorized officer from proceeding under other ordinance or law, or by any other enforcement method to enforce any Ordinance regulation or order.

(c) Compliance with the provisions of this Ordinance may also be enforced by injunctional order at the suit of the County. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctional proceedings.

(4) **Violations under this chapter.**

(a) Any subdivider creating land divisions or land combinations within the jurisdictional limits of this chapter shall not be entitled to recording unless such division or combination is in compliance with the provisions of this chapter.

## SEC. 12.220.05 FEES.

(1) Application fees shall be paid to Columbia County through the Planning and Zoning Department at the time the certified survey map is submitted for the Departments approval signature or when a Plat is submitted for review. Application and filing fees are established in Section 7.13 to defray the cost of administration, investigation, advertising, and processing.

The subdivider shall pay to the County the actual cost of a legal or engineering work incurred by the County in connections with the Plat or certified survey map, including inspections required by the County. The subdivider shall pay a fee equal to the actual cost to the County for such inspections as the County deems necessary to assure construction is in compliance with plans, specifications and ordinances of the County. The subdivider shall pay within 30 days of billing by the County.

# SUBSECTION 225: DEFINITIONS.

## Sec. 12.225.01 Definitions.

For the purpose of administering and enforcing this chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future tense, words in the singular number include the plural number, and in the plural number include the singular number. The word "may" is permissive, and the word "shall" is mandatory, not discretionary. All distances unless otherwise specified shall be measured horizontally.

(1) **ACCESS.** A way or means of approach, by easement or ownership of land, to provide vehicular or pedestrian physical ingress and egress to a property.

(2) **ALLEY.** An unnamed public or private right-of-way that provides access to abutting properties.
(3) **BLOCK.** A parcel, lot, or group of lots existing within well-defined and fixed boundaries bounded on at least one side by a street, bounded on the other sides by streets, natural or man-made barriers, or unplatted land and having an assigned number, letter, or other name through which it may be identified.
(4) **CERTIFIED SURVEY MAP**. A map of not more than four parcels prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this chapter. A certified survey map has the same legal force and effect as a subdivision plat.
(5) **COMBINATION CERTIFIED SURVEY MAP.** The act of creating a single-lot description and tax parcel out of two or more separately described existing parcels.
(6) **COMMITTEE.** The County Planning and Zoning Committee. In some laws and regulations referred to as agency.
(7) **COMMON PROPERTY.** Any land held in common for public use by a municipality, or through a homeowners association, or other similar organization.
(8) **COMPREHENSIVE PLAN.** For the county, a development plan that is prepared or amended under Section 66.1001 of the Wisconsin Statutes; or for a city, village, or town, a master plan that is adopted or amended under Section 62.23(2) or (3) and Section 66.1001 of the Wisconsin Statutes.
(9) **CORNER LOT.** A lot located at the intersection of two or more streets.
(10) **COUNTY.** Columbia County
(11) **CUL-DE-SAC.** A short local street having one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround.
(12) **DAYS.** Shall refer to calendar days, unless specifically indicated otherwise.
(13) **DEAD-END STREET.** A street having only one outlet for vehicular traffic and no permanent vehicular turnaround.
(14) **DOUBLE FRONTAGE LOTS.** A lot, other than a corner lot, which has frontage on two or more streets.
(15) **DRAINAGE EASEMENT.** A strip of land reserved to accommodate the free flow of stormwater or to provide for storm sewers.
(16) **EASEMENT.** A non-possessory interest in land owned by another to use the land for a specific purpose or purposes, without profit.
(17) **EXISTING PARCEL.** A parcel, lot, or tract of land which the enclosing boundaries are separately described and are of record in the Office of the Register of Deeds. An existing parcel completely severed by a dedicated public right-of-way shall be construed to comprise two parcels.
(18) **FINAL PLAT.** The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236 of the Wisconsin Statutes, and the terms of this ordinance.

(19) **FLOODFRINGE.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with standing water rather than flowing water.
(20) **FLOODPLAIN.** Land that has been or may be hereafter covered by floodwater, including, but not limited to, the regional flood.
(21) **FLOODWAY.** The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.
(22) **FRONTAGE.** That part of a lot abutting on a street or other public right-of-way. Also, the length of the lot line that runs along a public right-of-way.
(23) **LAND DIVISION.** The act of creating one or more new and separately described parcels from an existing parcel(s) of land by the owner thereof or his agent.
(24) **LANDLOCKED PARCEL.** A parcel of land which has no direct access to a public street and cannot be reached except by crossing another's property.
(25) **LIMITED ACCESS HIGHWAY.** A divided arterial street or highway for through traffic with full or partial control of access, either with or without grade-separated intersections.
(26) **LOT.** A designated part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance. For the purposes of this ordinance, a lot may also include the terms outlot, parcel, tract site or building site in determining the applicability of this ordinance to land divisions.
(27) **LOT, FLAG.** An individual parcel consisting of lot area with a configuration having two components. a flagpole of land a minimum width of 33 feet and a maximum width of 66 feet which can only be used for access to the flag of land that is the principal area used for development.
(28) **LOT AREA, GROSS.** The total area contained within the property lines of the individual parcels of land as shown on a plat or certified survey map.
(29) **LOT AREA, NET.** The area contained within the property lines of the individual parcels of land as shown on a plat or certified survey map, excluding any area within a street right-of-way but including the area of any easement.
(30) **OUTLOT.** A parcel of land so designated and consecutively numbered on a plat or certified survey map and which is any of the following:
    (a) A parcel of land left over at the time of platting and which is intended to be divided further in the future.
    (b) A platted parcel which does not meet the requirements of a lot at the time of platting and is unbuildable for this or other reasons stated in writing.
    (c) A platted parcel which is intended for open space or other use and held in common ownership or which is transferred to a public agency or utility.
(31) **PARCEL.** A continuous area of land described in a single description in a deed or lot or outlots on a plat or certified survey map, separately owned or capable of being separately conveyed. Not necessarily the same as a "tax parcel."
(32) **PLAT.** A map of a subdivision.
(33) **PRELIMINARY PLAT.** A map showing the salient features of a proposed subdivision submitted to the Planning and Zoning Committee for purposes of preliminary consideration.
(34) **REPLAT.** The process of changing or the map or plat which changes the boundaries of a recorded subdivision plat or part thereof.
(35) **RETRACEMENT CERTIFIED SURVEY MAP.** A certified survey map that retraces, identifies and locates the boundaries of an existing parcel or parcels of land and which does not create additional parcels or alter existing boundaries.
(36) **RIGHT-OF-WAY.** A strip of land allowing or intending to allow the passage of people or goods and is dedicated to the public or under the control of the public.
(37) **ROADWAY.** That portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

(38) **STREET (ROAD), PRIVATE.** A street or driveway owned and maintained by a non-public entity placed on private property, or placed within a public right-of-way or public road easement only where there is a binding, recorded agreement with the government with jurisdiction for ongoing private maintenance.

(39) **STREET, PUBLIC.** A street located within a public right-of-way or a public road easement, which is owned and maintained, upon public dedication, or deeding by the government with jurisdiction. Also referred to as a "public road."

(40) **STREET, ARTERIAL.** A major high capacity street used and designed to carry large volumes of traffic and provide efficient vehicular movement between major activity areas of the community.

(41) **STREET, COLLECTOR.** A street designed to carry moderate amounts of traffic and which collects and distributes traffic between arterial streets and local streets, including the principal entrance and traffic movement streets within a residential development.

(42) **STREET, LOCAL.** A street designed primarily to provide vehicular access to abutting properties and which generally does not carry through traffic. Such streets are also called minor streets.

(43) **SUBDIVIDER.** Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust, condominium declarant or any other legal entity commencing proceedings under the regulations of this chapter to effect a subdivision of land or a condominium plat hereunder for the owner of record or for another with consent of the owner of record.

(44) **SUBDIVISION.** The division of a lot, outlot, parcel or tract of land by the owner thereof, or agent, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of fifteen (15) acres each or less in area by successive division within a period of five (5) years.

(45) **TAX PARCEL.** An existing tract of land as defined by the governing jurisdictional body for the purpose of assessment and taxation. May or may not coincide with the boundaries of a "parcel" as otherwise defined in this chapter.

(46) **TAX PARCEL NUMBER.** An identification number assigned to real estate in Columbia County for taxation purposes.

(47) **TRACT.** A lot or parcel or contiguous group of lots or parcels in single ownership or under single control, usually considered a unit for purposes of subdivision or development.

(48) **UTILITY EASEMENT.** An easement to place, replace, maintain, or move utility facilities, such as telephone or electric lines, water or sewer mains, gas pipelines, and cable television.

# Chapter 12 - Planning & Zoning
# Subchapter 300 Private Sewage Systems Ordinance

## SUBSECTION 301: INTRODUCTION

### Sec. 12.301.01 Statutory Authority.

This ordinance is adopted pursuant to the authorization in Wis. Stats. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 145.245.

### Sec. 12.301.02 Purpose.

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

### Sec. 12.301.03 Jurisdiction.

Jurisdiction of this ordinance shall include all lands within Columbia County, including the lands within the corporate limits of the cities and villages of Columbia County.

### Sec. 12.301.04 Repeal and Effective Date.

This ordinance shall become effective upon adoption by the Columbia County Board of Supervisors and publication as required by law. The existing Title 16, Chapter 300 shall be repealed in its entirety as of said effective date.

### Sec. 12.301.05 Severability and Liability.

Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system or non-plumbing sanitation system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

## Sec. 12.301.06 Interpretations.

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

## Sec. 12.301.07 Definitions.

The following terms shall have the meanings indicated in this section.

(1) **BUILDINGS.** See Structure.

(2) **DEPARTMENT.** The Columbia County Planning & Zoning Department.

(3) **FAILING NON-PLUMBING SANITATION SYSTEM.** A non-plumbing sanitation system is one which causes or results in the discharge of human wastes or excrement into surface water or groundwater, into zones of bedrock or on to the surface of the ground.

(4) **FAILING PRIVATE SEWAGE SYSTEM.** "Failing private sewage system" has the meaning specified under Wis. Stats. § 145.245(4). A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing system.

(5) **HUMAN HABITATION.** The act of occupying a structure as a dwelling or for the conduct of a business, whether intermittently or full time.

(6) **INSPECTOR.** Employees of the Department having responsibility for the administration and enforcement of this ordinance and holding the necessary credentials as required by the State.

(7) **MAINTENANCE AGREEMENT.** A signed agreement entered into between the department and the applicant for a sanitary permit which states that the private sewage system shall be inspected and serviced in accordance with the terms set forth in that agreement.

(8) **MODIFICATION IN WASTEWATER FLOW OR CONTAMINANT LOAD.** A modification in wastewater flow or contaminant load shall be considered to occur when the habitable area of the structure increases by 25% or more, the addition of a bedroom, or as otherwise established by SPS 383, WAC.

(9) **NON-PLUMBING SANITATION SYSTEM.** Sanitation systems and devices within the scope of SPS 391, Wisconsin Administrative Code.

(10) **OCCUPANCY.** Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

(11) **PLUMBER.** A person licensed by the State of Wisconsin to perform plumbing services.

(12) **PORTABLE RESTROOM.** A temporary self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

(13) **PRIVATE SEWAGE SYSTEM.** Also referred to as a "Private On-Site Wastewater Treatment System" or "POWTS", has the meaning given under Wis. Stats. § 145.01(12).

(14) **PRIVY.** An enclosed non-portable toilet into which non-water-carried human wastes are deposited.

(15) **PIT PRIVY.** A privy with a subsurface storage chamber which is not watertight.

(16) **VAULT PRIVY.** A privy with a subsurface storage chamber that is watertight.

(17) **SANITARY PERMIT.** As used in this ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.

(18) **SANITARY PERMIT – COUNTY.** A permit issued by the Department for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to Wis. Stats. §§ 59.70 and 145.04.

(19) **SANITARY PERMIT – STATE.** A permit issued by the Department for the installation or modification of a private sewage system pursuant to Wis. Stats. §§ 145.135 and 145.19.

(20) **SEPTIC TANK.** An anaerobic treatment tank.

(21) **STATE.** The Department of Safety and Professional Services

(22) **STRUCTURE.** Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, travel trailers, park or model units, buses, and motor homes.

(23) **WAC.** Wisconsin Administrative Code.

# SUBSECTION 305: GENERAL REQUIREMENTS.

## Sec. 12.305.01 Compliance.

All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not served by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.

The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.

## Sec. 12.305.02 Incorporation of Provisions by Reference.

The following rules, regulations and laws governing the location, construction, and use of private sewage systems are incorporated by reference:

(1) Wis. Stats.: Chapter 145 and §§ 59.70 (5), 254.59, 281.48 and 968.10.

(2) Wisconsin Administrative Code: Chapters SPS 381 through 385, SPS 391, SPS 352.62, Chapters NR 113 and NR 116.

These provisions shall apply until amended or renumbered and then shall apply as amended or renumbered.

## Sec. 12.305.03 Limitations.

(1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State of this ordinance.

(2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.

(3) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116 and SPS 383, WAC, and the applicable Columbia County ordinances.

(4) The installation of holding tanks shall be limited as follows:

1. Holding tanks shall not be permitted for new development except on lots or parcels of record as of January 1, 2001.

    1. Contiguous lots or parcels under common ownership shall be considered as one for the purpose of this section.

2. Holding tanks shall not be permitted in any case unless the site is found unsuitable for other systems by SPS 383, WAC, including non-pressurized in-ground, in-ground pressure, at-grade or mound systems.

3. A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of sanitary permit issuance.

    1. In addition to items required in Section 12.310.03, an application for a sanitary permit to install a temporary holding tank shall include written agreements from:

        a. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property.

        b. The Department of Natural Resources, verifying approval of the public sewer.

        c. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

    2. If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by SPS 383, WAC.

Emergency Holding Tank may be installed, provided that a fully code compliant system is installed within 6 months of installation of Holding Tank.

4. A holding tank may be installed to serve a use with a Design Wastewater Flow of less than 150 gallons per day. In addition to items required in Section 12.310.03, an application for a sanitary permit to install a holding tank to serve a use with less than 150 gallons per day shall include a written agreement from the property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a Design Wastewater Flow which equals or exceeds 150 gallons per day.

(5) When a failing private sewage system or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Department order.

(6) Unlawfully modified private sewage system, a private sewage system that has sewage bypassed or a holding tank which is discharging untreated or partially treated sewage to the ground surface, groundwater or surface waters may be ordered by the Department to be corrected or replaced with a code compliant system.

(7) Building sewers for new construction shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within 8 inches of unapproved building materials. (Note: if untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.)

(8) The use of camping unit transfer containers as a POWTS holding component shall be restricted to campgrounds permitted by the Department of Health Services under ch. DHS 178 WAC.

(9) All POWTS installed in a floodplain shall be installed per Title 12.400 Columbia County Floodplain Ordinance, SPS 383.45 (6) WAC, and ss. NR116.

## Sec. 12.305.04 Abandonment of Private Sewage System.

(1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected and a connection made to the public sewer in accordance with the local sewer service entity.

(2) Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of SPS 383, WAC.

(a) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. Abandonment shall comply with SPS 383, WAC.

# SUBSECTION 310: PERMITS AND APPLICATIONS

## Sec. 12.310.01 Soil and Site Evaluation.

(1) Soil and site evaluations shall be done prior to the issuance of permits as specified in SPS 383, SPS 385 and SPS 391, WAC.

(2) Soil test borings shall be constructed in accordance with SPS 385, WAC. This is best accomplished by the construction of backhoe pits.

(3) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the inspector and will be made prior to the issuance of the sanitary permit. This verification shall result in one of the following:

(a) Issuance of the permit provided all information on the application is correct and complete.

(b) Establishment of a file indicating site suitability.

(c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.

(d) Determination of site unsuitability. In such cases, written notice of the determination shall be provided to the certified soil tester and property owner.

(4) A certified soil tester may request Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. An original copy of the Soil and Site Evaluation Report shall be filed with the Department prior to such verification.

## Sec. 12.310.02 Sanitary Permits.

(1) Every private sewage system shall require a separate application and sanitary permit.

(2) A sanitary permit shall be obtained by the property owner, their agent or contractor in the name of the property owner before any private sewage system, or part thereof may be installed, replaced, reconnected or modified. Any property owner, his agent or contractor who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.

(3) A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, filters, baffles or pumps.

(4) A County Sanitary Permit shall be obtained prior to constructing, installing, replacing or modifying a non-plumbing sanitation system.

(5) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the Department.

(6) If any portion of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that portion of the system.

## Sec. 12.310.03 Application Requirements.

(1) A sanitary permit application shall include the following information, which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees.

(a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).

(b) Legal description of the subject site and the parcel identification or parcel number.

(c) All lot dimensions.

(d) Building use (single family, duplex, etc.).

(e) Soil and Site Evaluation report.

(f) System plans (see Section 12.310.04).

(g) Appropriate agreements and contracts for system management and maintenance.

(h) Verification that all existing private sewage systems serving the same structure are not failing private sewage systems.

(i) Copies of any documents required in Section 12.310.03(4).

(j) Any other information required by the Department, including verification of compliance with Section 12.325.02(1) of this ordinance.

(k) Affidavit of Responsibility for all systems that contain electrical components.

(2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.

(3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with SPS 391, WAC.

(4) The following documents must be recorded with the Columbia County Register of Deeds prior to sanitary permit issuance:

(a) Maintenance agreements or contracts, if recording is required by SPS 383 WAC, or Section 12.320.03(1) of this ordinance.

(b) If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement must be recorded.

(c) If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.

(d) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system and the party responsible for operation and maintenance must be recorded.

(e) If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, an affidavit limiting occupancy to that used in the design must be recorded and is limited to a one-bedroom increase.

(5) The Department reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.

(6) The Department reserves the right to refuse incomplete or incorrect permit applications or delay permit issuance until corrected or completed applications are received.

## Sec. 12.310.04 Plans.

(5) System plans shall be submitted for approval to the Department or to the State in accordance with SPS 383, WAC. Plans shall comply with the requirements of SPS 383, WAC and this ordinance.

(a) Plans submitted to the Department shall include the original and as many copies as are required by the Department.

(b) For plans reviewed and approved by the State, at least one set of the plans submitted to the Department shall bear an original State approval stamp or seal.

(c) Plans submitted shall be clear, legible and permanent copies.

(d) Plans submitted shall comply with SPS 383, WAC and include the following:

a. The name of the property owner and the legal description of the site, and Parcel Number.

b. Estimated daily wastewater flow and design wastewater flow.

c. A clear and legible detailed plot plan (site plan) dimensioned or drawn to scale, on paper no smaller than 8 ½ inches by 11 inches in size, but not to exceed 11 ½ inches by 17 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed private sewage system components, building sewers, private interceptor main sewers, wells, water mains or water services, existing buildings and proposed buildings that will be hooked to a sewer system or impact a sewer system, lot lines, swimming pools, navigable waters, and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to ensure that the horizontal setback parameters in SPS 383.43, WAC are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.

d. Details and configuration layouts depicting how the system is to be constructed including appropriate component cross sections.

e. A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired.

f. Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance.

(e) Plans shall be signed or sealed as specified in SPS 383, WAC.

(f) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed inspected and accepted. The plans shall be made available to the Department or the State upon request.

(g) A modification to the design of a private sewage system which has been previously approved shall be submitted to the Department or the State as specified in SPS 383, WAC Plan revisions must be approved prior to system installation.

## Sec. 12.310.05 Permit Cards.

(1) The permit card issued by the inspector to the property owner or his agent shall serve as the sanitary permit.

(2) The permit card shall contain all the information required by Wis. Stats. § 145.135.

(3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.

(4) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the inspector.

## Sec. 12.310.06 Permit Expiration.

(1) A sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, modified or reconnected and approved shall expire two years after the date of issuance. Permits may be renewed following written application to the Department by the property owner, his agent or contractor, prior to the expiration date of the original permit.

(2) There shall be a fee for the renewal of a sanitary permit.

(3) The renewal shall be based on ordinance requirements in force at the time of renewal.

(4) Changed ordinance requirements may impede the renewal.

(5) All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.

(6) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

## Sec. 12.310.07 Transfer of Ownership.

(1) Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

(a) The applicable State transfer form shall be submitted to the Department.

(b) Transfer of ownership shall not affect the expiration date or renewal requirements.

## Sec. 12.310.08 Change of Plumbers.

(1) When an owner wishes to change plumbers, it will be necessary for him to furnish the Department with applicable form signed by the new plumber, assigned as a revision.

(2) The revision of sanitary permits shall take place prior to the installation of the private sewage system.

(3) Sanitary permits for systems requiring State plan approval shall not be revised or transferred to a different plumber unless the plan bears the stamp of an architect, engineer or plumbing designer, or a State level approval is obtained by the new plumber.

## Sec. 12.310.09 Permit Denial.

(1) When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Written reasons for the denial shall be forwarded to the plumber, landowner and, when appropriate, State agency representative(s) and Corporation Counsel.

## Sec. 12.310.10 Reconnection.

(1) County reconnection permit shall be obtained prior to any of the following:

(a) Construction of a structure to be connected to an existing private sewage system.

(b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in Section 12.310.10(6).

(c) Rebuilding a structure that is connected to a private sewage system.

(2) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:

(a) Determine if it is a failing system.

(b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.

(c) Determine that all minimum setback requirements of SPS 383, WAC will be maintained.

(3) Application for a County reconnection permit shall include the following:

(a) All items in Section 12.310.03(1)(a)-(d) and Section 12.310.03(1)(h)-(j).

(b) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and/or bedrock complies with SPS 383, WAC unless a valid report meeting these criteria is on file with the department.

(c) A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks.

(d) A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system.

(e) A plot plan prepared by a plumber including information specified in Section 12.310.04(1)(d)3.

(f) Complete plans, as specified in Section 12.315 for any system components which will be modified or replace.

(4) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance.

(5) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.

(6) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components, and a reconnection fee.

(7) When reconnection to an undersized system is permitted, an affidavit limiting occupancy for the system must be recorded in the Register of Deeds office. Continued use of an undersized system is limited to no more than one-bedroom increase.

(8) All systems shall be inspected at the time of reconnection prior to backfilling, to ensure that proper materials and methods are being used.

## Sec. 12.310.11 Construction Affecting Wastewater Flow or Contaminant Load.

(1) Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

(a) Follow the requirements of SPS 383, WAC including the submission of documentation that existing system is code compliant.

(b) An increase of 25% or more of living area shall require a fall evaluation of the septic system.

(2) For a system which is undersized but otherwise code compliant, an affidavit for an undersized system (no more than one-bedroom increase) shall be recorded at the Register of Deeds.

## Sec. 12.310.12 Permit Fees.

Fees required under this chapter shall be established and amended from time to time by the Columbia Board of Supervisors as specified in the fee schedule in Chapter 7 of the Columbia County Code of Ordinances.

# SUBSECTION 315: INSPECTIONS

## Sec. 12.315.01 Inspections - General

(1) The county shall inspect all private sewage systems as required by WAC after construction but before backfilling no later than the end of the next workday, excluding Saturdays, Sundays and holidays after receiving notice from the plumber in charge if notice from the plumber in charge is made to the Department by 9:00 a.m. on the previous day. Inspections shall be reported on forms furnished by the Department. The plumber in charge or an authorized journeyman plumber must be present during the inspection and must provide all necessary equipment and assistance to the inspector as requested.

(2) Other Inspections. Additional inspections of a private sewage system may be necessary based on private sewage system type, complexity or due to unforeseen circumstances. Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Department.

## Sec. 12.315.02 Inspections – Site Constructed Tanks.

(1) All site constructed treatment tanks may be inspected after the floor is poured and the key way and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.

(2) Concrete walls may be poured only after it has been determined that the tank, as formed complies with the approved plans.

## Sec. 12.315.03 Inspections – Non-Plumbing Sanitary Systems.

(3) All non-plumbing sanitary systems installed shall be inspected for compliance with SPS 391, WAC or as amended, by this ordinance. Non-plumbing sanitary systems serving uses other than one- and two-family dwellings shall also be inspected for compliance with SPS 352.63, WAC.

(4) The property owner shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

## Sec. 12.315.04 Inspections – Mounds and At-Grade Systems.

(1) Mound and At-Grade systems may be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed.

## Sec. 12.315.05 Inspections – Sand Filters.

(1) Sand filters may be inspected at the time the liner or tank and under drain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

## Sec. 12.315.06 Inspections – Experimental Systems.

(1) The plumber installing the system shall co-ordinate any required pre-construction meeting(s).

(2) The plumber installing the system shall notify the Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.

(3) Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approve.

(4) This section shall apply all systems not recognized by SPS 383.61, WAC.

## Sec. 12.315.07 Re-inspection.

(1) An inspection fee shall be assessed when a re-inspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional re-inspection required at the site will require a fee.

(2) The inspection fee shall be due within ten workings days of written notification by the Department. Failure to pay this fee within that period shall constitute a violation of this ordinance.

## Sec. 12.315.08 Testing.

(1) If testing of new systems or new system components is required by SPS 382, 383 or 384, WAC, or as a condition of plan approval notice shall be given to the Department as specified in s.12.315-010(A), so that the Department may make an inspection during the test.

(2) The Department shall verify that required testing has been completed by one of the following:

(a) Performing an inspection during the test.

(b) Requiring written verification from the responsible person.

# SUBSECTION 320: SYSTEM MANAGEMENT AND MAINTENANCE.

## Sec. 12.320.01 Management and Maintenance.

(1) All private onsite wastewater treatment systems ("POWTS") shall be managed and maintained in accordance with State Statutes, Administrative Code and this Ordinance.

(2) The property owner shall ensure that their authorized agent reports to the Department each inspection, evaluation, pumping, maintenance or servicing event, in accordance with State Statutes, Administrative Code and this Ordinance.

(a) On the form and in the manner prescribed by the Department.

(b) Within 30 days of service.

(3) The property owner shall submit a copy of an appropriate management plan, maintenance or servicing contract to the Department prior to sanitary permit issuance.

(4) The property owner shall submit a new or revised management plan, maintenance or servicing contract to the Department whenever there is a change to such document(s). Upon sale of the property, the seller shall provide written notice to the buyer of the management plan or maintenance contract for the property.

## Sec. 12.320.02 POWTS Maintenance Program

(1) As required by State of Wisconsin Statutes and Administrative Codes; Columbia County hereby established a POWTS maintenance program for the purpose of inventorying and monitoring the location and maintenance events of all POWTS located in Columbia County.

(2) The owner of the property served by the POWTS and those licensed to service a POWTS are hereby required to comply with the following maintenance program.

(a) All septic tanks shall be visually inspected and/or pumped within three years of the date of installation or inclusion into the POWTS maintenance program and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge or scum.

(b) Pumping of septic tank shall be done by a certified septage servicing operator in accordance with State Statutes, Administrative Code and this Ordinance.

(c) Visual inspection of a private sewage system to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface shall be performed by one of the following service providers (authorized agent):

1. A licensed master plumber.

2. A licensed master plumber-restricted service.

3. A certified POWTS inspector.

4. A certified septage servicing operator under State Statutes or Administrative Code.

5. A registered POWTS maintainer.

(d) If a POWTS has not been inspected or pumped within 3 years of the last reported inspection or pumping the Department shall mail a POWTS Maintenance Program Form to the property owner. The form shall contain the maintenance program information required by State Statutes, Administrative Code and this Ordinance. The POWTS owner shall ensure the form is completed and returned to the Department by their authorized agent.

## Sec. 12.320.03 Holding Tank Maintenance.

(1) The owner of a holding tank shall enter into a maintenance agreement with the County. The County has the right to have the holding tank serviced in order to prevent or abate a nuisance as described in Wis. Stats. § 254.59, should the owner fail to have the holding tank properly serviced. The County may recoup the cost of having the holding tank serviced from the property owner by placing the charges on the tax bill as a special assessment for current services rendered. The charges will be assessed as prescribed by Wis. Stats. § 66.60.

(2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the Department for review.

(3) The maintenance agreement under paragraph (1) shall be binding upon the owner, the heirs and assignees of the owner. The owner shall file the pumping agreement with the register of deeds. Upon receipt of a holding tank agreement, the register of deeds shall record the agreement in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

(4) The owner of a holding tank will have on file with the County a contract for servicing the holding tank with a person who is licensed under ch. NR 113 to have the holding tank serviced. The owner shall file a copy of any changes to the service contract or a copy of a new service contract with the County within ten (10) business days from the date of change to the service contract.

(a) The person responsible for servicing a holding tank under paragraph (4) shall submit to the County a report for the servicing on a semiannual basis. The service report shall include:

1. The name and address of the person responsible for servicing the holding tank;

2. The name of the owner of the holding tank;

3. The location of the property on which the holding tank is installed;

4. The sanitary permit number issued for the holding tank;

5. The dates on which the holding tank was serviced;

6. The volumes in gallons of the contents pumped from the holding tank for each servicing;

7. The disposal sites to which the contents from the holding tank were delivered;

8. Be on a form provided by the County.

# SUBSECTION 325: ADMINISTRATION AND ENFORCEMENT

## Sec. 12.325.01 Administration.

(1) The inspector shall be responsible for the administration of this ordinance. The inspector may delegate his responsibilities to personnel employed by the Planning & Zoning Department.

## Sec. 12.325.02 Powers and Duties.

(1) In the administration of this ordinance, the inspector shall have the following powers and duties:

(a) Delegate duties to and supervisor clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.

(b) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.

(c) Review and approve plans for private sewage systems for one- and two-family residences or as approved through agent status by the State.

(d) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative code.

(e) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.

(f) Report violations of this ordinance to Corporation Counsel.

(g) Have access to the premises for the purpose of performing official duties between 8 A.M. and 8 P.M. or at other times set by mutual agreement between the property owner or his agent and the Land Use Administrator or upon issuance of a special inspection warrant in accordance with Wis. Stats. § 66.122. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.

(h) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.

(i) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or any other responsible party, to assure proper compliance with all provisions of this ordinance

(j) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.

(k) Withhold permit(s) or approval(s) pursuant to this ordinance administered by the Department and said violations(s) have been corrected. A written request for waiver of these provisions may be made to the inspector to grant or deny a permit or approval solely on the merits of the application. Determinations under this section may be appealed to the Board of Adjustment as provided for by Section 12.325.02 of this ordinance.

(l) Consider and approve or deny requests for a waiver to Section 12.305.03(4) of this ordinance (holding tanks). Approval of such requests shall be based upon conditions or circumstances unique to the part of land or structure served. In granting such a waiver, the inspector may require recording of affidavits, the identification and preservation of a replacement system area or other conditions as deemed necessary.

(m) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

## Sec. 12.325.03 Board of Adjustment.

(1) Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Board of Adjustment as provided in Chapter 12.100 (Zoning Ordinance) of the Columbia County Code. Any appeal shall be made on forms furnished by the Planning & Zoning Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

## Sec. 12.325.04 Violations and Penalties.

(1) Any person, firm, company or corporation who fails to comply with the provisions of this ordinance or any order of the Department issued in accordance with this ordinance or resists enforcement, may be subject to a penalty as provided in Section 1.12 of the General Code of Ordinances for Columbia County.

(2) Any construction which is in violation of this ordinance shall cease upon written orders from the inspector or the placement of a notification of violation at the site.

(3) All construction shall remain stopped until the order is released by the inspector.

(4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

(5) Each violation, and each day a violation continues or occurs, shall constitute a separate offence. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(6) Execution against defendant(s) property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody issue an execution against the property of the defendant for such forfeiture and costs.

# Chapter 12 - Planning & Zoning
# Subchapter 400 Floodplain Ordinance

## SUBSECTION 401: STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

### Sec. 12.401.01 Statutory Authorization.

This ordinance is adopted pursuant to the authorization in Wis. Stats. §§ 59.69, 59.692, and 59.694 for counties; and the requirements in Wis. Stats. § 87.30.

### Sec. 12.401.02 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.

### Sec. 12.401.03 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.

## Sec. 12.401.04 Title.

This ordinance shall be known as the Floodplain Zoning Ordinance for Columbia County, Wisconsin.

## Sec. 12.401.05 General Provisions.

(1) **Areas to be Regulated.** This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as A Zones on the FIRM. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) **Official Maps & Revisions.** The boundaries of all floodplain districts are designated as A-Zones on the maps listed below and the revisions in Columbia County Floodplain Appendix A. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Section 12.435 *Amendments*) before it is effective. No changes to 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 Planning and Zoning Office of Columbia County, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) **Official Maps.** Based on the Columbia County Flood Insurance Study (FIS). Flood Insurance Rate Map (FIRM) panel numbers:

55021C0019F, 55021C0064F, 55021C0068F, 55021C0069F, 55021C0088F, 55021C0089F, 55021C0093F, 55021C0094F, 55021C0113F, 55021C0114F, 55021C0145F, 55021C0165F, 55021C0170F, 55021C0182F, 55021C0201F, 55021C0202F, 55021C0203F, 55021C0204F, 55021C0206F, 55021C0208F, 55021C0209F, 55021C0227F, 55021C0228F, 55021C0229F, 55021C0231F, 55021C0232F, 55021C0233F, 55021C0234F, 55021C0236G, 55021C0237G, 55021C0238G, 55021C0239G, 55021C0241G, 55021C0242G, 55021C0243G, 55021C0244G, 55021C0251F, 55021C0252F, 55021C0253F, 55021C0254F, 55021C0256F, 55021C0257F, 55021C0258F, 55021C0259F, 55021C0261G, 55021C0263G, 55021C0264G, 55021C0266F, 55021C0267F, 55021C0268F, 55021C0269F, 55021C0280F, 55021C0284F, 55021C0286F, 55021C0287F, 55021C0288F, 55021C0289F, 55021C0291F, 55021C0292F, 55021C0293F, 55021C0294F, 55021C0303F, 55021C0305F, 55021C0310F, 55021C0315F, 55021C0320F, 55021C0330F, 55021C0335F, 55021C0340F, 55021C0345F, 55021C0355F, 55021C0357F, 55021C0358F, 55021C0359F, 55021C0361F, 55021C0362F, 55021C0363F, 55021C0364F, 55021C0366F, 55021C0367F, 55021C0368F, 55021C0369F, 55021C0376G, 55021C0377G, 55021C0378F, 55021C0379F, 55021C0381F, 55021C0382F, 55021C0383F, 55021C0384F, 55021C0386F, 55021C0387F, 55021C0388F, 55021C0389F, 55021C0395F, 55021C0401F, 55021C0402F, 55021C0403F, 55021C0404F, 55021C0406F,

55021C0407F, 55021C0408F, 55021C0409F, 55021C0415F, 55021C0420F, 55021C0430F, 55021C0435F, 55021C0440F, 55021C0445F, 55021C0455F, 55021C0460F, 55021C0465F, 55021C0466F, 55021C0467F, 55021C0468F, 55021C0469F, 55021C0477F, 55021C0478F, 55021C0479F, 55021C0481F, 55021C0482F, 55021C0486F, 55021C0487F, 55021C0491F, 55021C0492F, 55021C0501F, 55021C0502F, 55021C0504F, 55021C0506F, 55021C0508F, 55021C0509F, 55021C0511F, 55021C0516F, 55021C0517F, 55021C0555F, 55021C0570F, 55021C0580F, 55021C0585F, 55021C0590F, 55021C0595F, 55021C0602F, 55021C0605F, 55021C0606F, 55021C0607F, 55021C0608F, 55021C0609F, 55021C0615F, 55021C0620F

with corresponding profiles that are based on the Columbia County Flood Insurance Study (FIS) Volume Numbers 55021CV001C and 55021CV002C, dated 05/16/2016.

(b) **Official Maps.** Based on other studies.

1. Columbia County Flood Storage Map, panel numbers 1-4, dated 05/16/2016, approved by the Department of Natural Resources.

(c) **Establishment of Floodplain Zoning Districts.**

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

1. 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 and are contained within AE Zones as shown on the FIRM.

2. The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

3. The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(d) **Locating Floodplain Boundaries.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in sub. 1. or 2. below. If a significant difference exists, the map shall be amended according to Section 12.435 Amendments. 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 Section 12.430.04(3) and the criteria in a. and b. below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Section 12.435 Amendments.

1. 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.

2. Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(e) **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 Section 12.435 Amendments.

(f) **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.

(g) **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 Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stats § 30.2022 applies.

(h) **Abrogation and Greater Restrictions.**

1. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. §§ 59.69, 59.692 or 59.694 for counties; or Wis. Stats. § 87.30, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. 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.

(i) **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.

(j) **Warning and Disclaimer of Liability.** The flood protection standards in this ordinance are based on engineering experience and 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. This ordinance does not 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.

(k) **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.

(l) **Annexed Areas for Cities and Villages.** The Columbia 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 44 CFR 59-72, 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 floodway location.

## SUBSECTION 405: GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

### Sec. 12.405.01

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 and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment 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 and all other requirements in Section 12.430.02(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

## Sec. 12.405.02 Hydraulic and Hydrologic Analyses.

(1) No floodplain development shall:

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

(b) Cause any increase in the regional food height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Section 12.435 Amendments are met.

## Sec. 12.405.03 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 standards of Section 12.405.02 must be met and 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 and pursuant to Section 12.435 Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

## Sec. 12.405.04 Chapter 30 and 31 of Wisconsin Statutes, Development.

Development which requires a permit from the Department, under Wisconsin Statutes Chapters 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Section 12.435 Amendments.

## Sec. 12.405.05

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 campground elevation are 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 official 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 that are fully licensed, if required, and ready for highway use are allowed;

(7) The camping units shall 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 Section 12.410, 12.415 or 12.420 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; and

(12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

# SUBSECTION 410: FLOODWAY DISTRICT (FW)

## Sec. 12.410.01 Applicability.

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 12.420.04.

## Sec. 12.410.02 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 Section 12.410.03 and 12.410.04; and
- All permits or certificates have been issued according to Section 12.430.02.

(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 Section 12.410.03(4).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with Sections 12.410.03 and 12.410.04.

(5) Extraction of sand, grand or other materials that comply with Section 12.410.03(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 Wisconsin Statutes Chapters 30 and 31.

(7) Public utilities, streets and bridges that comply with Section 12.410.03(3).

## Sec. 12.410.03 Standards For Developments in the Floodway

(1) **General.**

(a) Any development in the floodway shall comply with Section 12.405.01 and have a low flood damage potential.

(b) Applicants shall provide the following data to determine the effects of the proposal according to Section 12.405.02:

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 cause any increase in the flood elevations upstream or downstream, based on the data submitted for sub. (1)(b)2. 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) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

(b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) Must be anchored to resist flotation, collapse, and lateral movement;

(d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

(e) 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 Section 12.405.02.

(4) **Fills or Deposition of Materials.**

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

(a) The requirements of Section 12.405.02 are met;

(b) No material is deposited in navigable waters 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 all other requirements have been 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.

## Sec. 12.410.04 Prohibited Uses.

All uses not listed as permitted uses in Section 12.410.02 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. SPS 383, Wis. Adm. Code; (See Section 12.425.02(2))

(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; and

(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.

# SUBSECTION 415: FLOODFRINGE DISTRICT (FF)

## Sec. 12.415.01 Applicability.

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 12.420.04.

## Sec. 12.415.02 Permitted Uses.

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Section 12.415.03 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 12.430.02 have been issued.

## Sec. 12.415.03 Standards for Development in the Floodfringe.

Section 12.405.02 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Section 12.425 Nonconforming Uses;

(1) **Residential Uses.** Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Section 12.425 Nonconforming Uses;

(a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of Section 12.415.03(1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

(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 sub. (d).

(d) In developments where existing street or sewer line elevations make compliance with sub. (c) impractical, the municipality may permit new development and substantial improvements where roads are 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 DNR-approved emergency evacuation plan.

(2) **Accessory Structures or Uses.** Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) **Commercial Uses.** Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of Section 12.415.03(1). Subject to the requirements of Section 12.415.03(4), 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 Industrials Uses.** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Section 12.430.06. Subject to the requirements of Section 12.415.03(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 Section 12.430.06. 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 or repair of such facilities shall only be permitted if they are designed to comply with Section 12.430.06.

(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 sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Section 12.430.06(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) **Wells.** All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Section 12.430.06(3), 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) **Manufactures 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 Section 12.415.03(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 Section 12.415.03(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.

# SUBSECTION 420: GENERAL FLOODPLAIN DISTRICT (GFP)

## Sec. 12.420.01 Applicability.

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

## Sec. 12.420.02 Permitted Uses.

Pursuant to Section 12.420.04, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (Section 12.410.02) and Floodfringe (Section 12.415.02) Districts are allowed within the General Floodplain District, according to the standards of Section 12.420.03, provided that all permits or certificates required under Section 12.430.02 have been issued.

## Sec. 12.420.03 Standards for Development in the General Floodplain District.

Section 12.410 applies to floodway areas, Section 12.415 applies to floodfringe areas. The rest of this ordinance applies to either district.

(1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

   (a) At or above the flood protection elevation; or

   (b) Two (2) feet above the highest adjacent grade around the structure; or

   (c) The depth as shown on the FIRM.

(2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

## Sec. 12.420.04 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; and the flood zone as shown on the FIRM.

(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 Hydrologic and Hydraulic Study as specified in Section 12.430.02(2)(c).

(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) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(d)

# SUBSECTION 421: FLOOD STORAGE DISTRICT

## Sec. 12.421.01 General.

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

## Sec. 12.421.02 Applicability.

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

## Sec. 12.421.03 Permitted Uses.

Any use or development which occurs in a flood storage district must meet the applicable requirements in Section 12.421.03.

## Sec. 12.421.04 Standards for Development in Flood Storage Districts.

(1) Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.

(2) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

(3) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district on the waterway is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per Section 12.435 of this ordinance.

(4) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

# SUBSECTION 425: NONCONFORMING USES

## Sec. 12.425.01 General.

(1) **Applicability.** If these standards conform with Wis. Stats. § 59.69(10) for counties 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. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

(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 Section 12.415.03(1). The costs of elevating the lowest floor of 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) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which 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 Section 12.415.03(1).

(f) If on a per event basis the total value of the work being done under 4. and 5. equals or exceeds 50% of the present equalized assessed value the work shall not be permitted 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 Section 12.415.03(1).

(g) Except as provided in subd. 8, 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.

(h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Section 12.430.06(2).

b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 12.420.03(1).

f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

a. Shall meet the requirements of Section 12.425.01(2)(h)1.a.-b. and e.-f.

b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Section 12.430.06(1) or (2).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 12.420.03(1).

(3) 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 Section 12.410.03(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 12.430.06 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Section 12.425.01(2)(h)1. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

## Sec. 12.425.02 Floodway District.

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

(a) Has been granted a permit or variance which meets all ordinance requirements;

(b) Meets the requirements of Section 12.425.01;

(c) Shall not increase the obstruction to flood flows or regional flood height;

(d) Any addition to the existing structure shall be floodproofed, pursuant to Section 12.430.06, by means other than the use of fill, to the flood protection elevation; and

(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, building access 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 the Floodway District. 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, Section 12.430.06(3) and ch. SPS 383, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, Section 12.430.06(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

## Sec. 12.425.03 Floodfringe District.

(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 meets the requirements of Section 12.415.03 except where Section 12.425.03(2) is applicable.

(2) Where compliance with the provisions of sub. (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, using the procedures established in Section 12.430.04, may grant a variance from those provisions of sub. (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, shall not be installed;

(d) Flood depths shall not exceed two feet;

(e) Flood velocities shall not exceed two feet per second; and

(f) The structure shall not be used for storage of materials as described in Section 12.415.03(5).

(3) 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, Section 12.430.06(3) and ch. SPS 383, Wis. Adm. Code.

(4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, Section 12.430.06(3). and ch. NR 811 and NR 812, Wis. Adm. Code.

# SUBSECTION 430: ADMINISTRATION

## Sec. 12.430.01 Administration.

Where a zoning administrator, planning agency or a board of adjustments has already been appointed to administer a zoning ordinance adopted under Wis. Stats. §§ 59.69, 59.692, these officials shall also administer this ordinance.

## Sec. 12.430.02 Zoning Administrator.

(1) **Duties and Powers.** 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.

(c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

(d) 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;

3. Floodproofing certificates.

4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

5. All substantial damage assessment reports for floodplain structures.

6. List of nonconforming structures and uses.

(e) 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 case by case analyses and other required information including an annual summary of floodplain zoning actions taken.

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) 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.

(g) Submit copies of amendments and biennial reports to the FEMA Regional office.

(2) **Land Use Permit.** A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; 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 Sections 12.410 or 12.415 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 Section 12.405.02. This may include any of the information noted in Section 12.410.03(1).

(c) **HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT.** All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:

   a. **Hydrology.** The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

b. **Hydraulic modeling.** The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

1) Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

2) Channel sections must be surveyed.

3) Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

4) A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

5) The most current version of HEC_RAS shall be used.

6) A survey of bridge and culvert openings and the top of road is required at each structure.

7) Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

8) Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

9) The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping.

1) A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

2) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

3) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. **Hydrology.** If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

b. **Hydraulic model.** The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

1) **Duplicate Effective Model.** The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

2) **Corrected Effective Model.** The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

3) **Existing (Pre-Project Conditions) Model.** The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

4) **Revised (Post-Project Conditions) Model.** The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

5) All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

6) Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

3. **Mapping.** Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

a. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

b. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

c. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

d. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

e. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

f. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

g. Both the current and proposed floodways shall be shown on the map.

h. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) **EXPIRATION.** All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(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 the requirements of s. 12.430-060 are met.

(4) **OTHER PERMITS.** Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to 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.

## Sec. 12.430.03 Zoning Agency – Planning and Zoning Committee.

(1) The Planning and Zoning Committee 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) The Planning and Zoning Committee 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.

## Sec. 12.430.04 Board of Adjustment.

The Board of Adjustment created under Wis. Stats. § 59.694 for counties 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 shall not be the secretary of the Board.

(1) **POWERS AND DUTIES.** The Board of Adjustment 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; and

(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; and

   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 Section 12.430.04(3);

   b. Decide variance applications according to Section 12.430.04(4); and

   c. Decide appeals of permit denials according to Section 12.430.05.

3. Decision. The final decision regarding the appeal or variance application shall:

   a. Be made within a reasonable time;

   b. Be sent to the Department Regional office within 10 days of the decision;

   c. Be a written determination signed by the chairman or secretary of the Board;

   d. State the specific facts which are the basis for the Board's decision;

   e. 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; and

   f. 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) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

(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 Section 12.435 Amendments.

(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 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 Section 12.401.03.

(b) In addition to the criteria in sub. (a), to qualify for a variance under FEMA regulations the following criteria must be met:

1. The variance shall 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; and

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 Section 12.435 Amendments; and

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 risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

## Sec. 12.430.05 To Review Appeals of Permit Denials.

(1) The Zoning Agency (Section 12.430.03) or Board shall review all data related to the appeal. This may include:

(a) Permit application data listed in Section 12.430.02(2);

(b) Floodway/floodfringe determination data in Section 12.420.04;

(c) Data listed in Section 12.410.03(1)(b) where the applicant has not submitted this information to the zoning administrator; and

(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 Section 12.430.04;

(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 may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Section 12.435 Amendments; and

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

## Sec. 12.430.06 Floodproofing.

(1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation 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 and submits a FEMA Floodproofing Certificate.

(2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

(a) Certified by a registered professional engineer or architect; or

(b) Meets or exceeds the following standards:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade; and

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) Floodproofing measures shall be designed, as appropriate, 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) Minimize or eliminate infiltration of flood waters.

(e) Minimize or eliminate discharges into flood waters.

## SEC. 12.430.07 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) Real estate transfers should show what floodplain district any real property is in.

# SUBSECTION 435: AMENDMENTS

## Sec. 12.435.01 Amendments.

Obstructions or increases 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 Section 12.435.02.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 12.435.02. Any such alterations must be reviewed and approved by FEMA and the DNR.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Section 12.435.02.

## Sec. 12.435.02 General.

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in Section 12.435.03 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

(1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

(2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

(3) Any changes to any other officially adopted floodplain maps listed in 12.401.05(2)(a);

(4) Any floodplain fill 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;

(5) Correction of discrepancies between the water surface profiles and floodplain maps;

(6) 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; and

(7) 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.

### Sec. 12.435.03 Procedures.

Ordinance amendments may be made upon petition of any party according to the provisions of Wis. Stats. § 59.69 for counties. The petitions shall include all data required by Sections 12.420.04 and 12.430.02(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

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 Wis. Stats. § 59.69 for counties.

No amendments shall become effective until reviewed and approved by the Department.

All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, 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.

## SUBSECTION 440: ENFORCEMENT AND PENALTIES

### Sec. 12.440.01 Enforcement and Penalties.

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the Corporation Counsel who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $10.00 and not more than $50.00, 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 Wis. Stats. § 87.30.

## SUBSECTION 445: ENFORCEMENT AND PENALTIES

### Sec. 12.445.01 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) **AH ZONE.** See "AREA OF SHALLOW FLOODING".

(3) **AO ZONE.** See "AREA OF SHALLOW FLOODING".

(4) **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.

(5) **ALTERATION.** An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

(6) **AREA OF SHALLOW FLOODING.** A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

(7) **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.

(8) **BASEMENT.** Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

(9) **BUILDING.** Any structure having a roof supported by columns, poles or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

(10) **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 Wis. Stats. § 30.11, 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.

(11) **CAMPGROUND.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 2 or more camping units, or which is advertised or represented as a camping area.

(12) **CAMPING UNIT.** Any structure, equipment or vehicle intended for temporary sleeping accommodations for recreation or travel, not more than 400 square feet in area, including recreational vehicles (RV's), pick-up trucks with sleeper attachments, motor homes, camping trailers, tents, park models, yurts, camping cabins, and similar equipment that is fully licensed, if required, and ready for highway use.

(13) **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.

(14) **CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

(15) **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.

(16) **DECK.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

(17) **DEPARTMENT.** The Wisconsin Department of Natural Resources.

(18) **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.

(19) **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.

(20) **ENCROACHMENT.** Any fill, structure, equipment, use or development in the floodway.

(21) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that administers the National Flood Insurance Program.

(22) **FLOOD INSURANCE RATE MAP (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

(23) **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.

(24) **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.

(25) **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.

(26) **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.

(27) **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.

(28) **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.

(29) **FLOODPLAIN ISLAND.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

(30) **FLOODPLAIN MANAGEMENT.** Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

(31) **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.

(32) **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.

(33) **FLOOD PROTECTION ELEVATION.** An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

(34) **FLOOD STORAGE.** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

(35) **FLOODWAY.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

(36) **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.

(37) **HABITABLE STRUCTURE.** Any structure or portion thereof used or designed for human habitation.

(38) **HEARING NOTICE.** Publication or posting meeting the requirements of Wisconsin Statutes Ch. 985. 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.

(39) **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.

(40) **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(41) **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.

(42) **INCREASE IN REGIONAL FLOOD HEIGHT.** A calculated upward rise in the regional flood elevation greater than 0.00 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.

(43) **LAND USE.** Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

(44) **LOWEST ADJACENT GRADE.** Elevation of the lowest ground surface that touches any of the exterior walls of a building.

(45) **LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

(46) **MAINTENANCE.** The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

(47) **MANUFACTURED HOME.** A residential dwelling for one family as defined in Wisconsin Statutes Section 101.91(2), fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. § 5401 to 5426, and built after June 14, 1976.

(48) **MOBILE HOME.** A transportable factory-built structure as is defined in Wis. Stats. § 101.91(10), designated for long term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

(49) **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

(50) **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING.** 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.

(51) **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING.** 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 if concrete pads.

(52) **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."

(53) **MODEL, CORRECTED EFFECTIVE.** A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

(54) **MODEL, DUPLICATE EFFECTIVE.** A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

(55) **MODEL, EFFECTIVE.** The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

(56) **MODEL, EXISTING (PRE-PROJECT).** A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

(57) **MODEL, REVISED (POST-PROJECT).** A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

(58) **MUNICIPALITY or MUNICIPAL.** The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

(59) **"NAVD" or NORTH AMERICAN VERTICAL DATUM.** Elevations referenced to mean sea level datum, 1988 adjustment.

(60) **"NGVD" or NATIONAL GEODETIC VERTICAL DATUM.** Elevations referenced to mean sea level datum, 1929 adjustment.

(61) **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.

(62) **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.)

(63) **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.)

(64) **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.

(65) **OFFICIAL FLOODPLAIN ZONING MAP.** That map, adopted and made part of this ordinance, as described in s. 12.401.05(2), which has been approved by the Department and FEMA.

(66) **OPEN SPACE USE.** Those uses having a relatively low flood damage potential and not involving structures.

(67) **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.

(68) **PERSON.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

(69) **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 Safety and Professional Services, 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.

(70) **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.

(71) **REASONABLY SAFE FROM FLOODING.** Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(72) **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.

(73) **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.

(74) **STRUCTURE.** Anything man-made that is constructed, erected or placed either permanently or temporarily on the ground including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, camping unit, sign, deck, patio, or other improvements. The term structure does not include small objects that are easily move by hand by one person.

(75) **SUBDIVISION.** Has the meaning given in Wis. Stats. § 236.02(12).

(76) **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.

(77) **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(78) **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.

(79) **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.

(80) **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.

(81) **WATERSHED.** The entire region contributing runoff or surface water to a watercourse or body of water.

(82) **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.

(83) **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.

# Chapter 12 - Planning & Zoning
# Subchapter 500 Shoreland Wetland Protection Ordinance

## SUBSECTION 501: STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

### Sec. 12.501.01 Statutory Authorization.
This ordinance is adopted pursuant to the authorization in Wis. Stats. § 59.692, to implement Wis. Stats. §§ 59.692 and 281.31.

### Sec. 12.501.02 Finding of Fact.
Uncontrolled use of the shorelands and pollution of the navigable waters of Columbia County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Wisconsin Legislature has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Columbia County, Wisconsin.

### Sec. 12.501.03 Purpose and Intent.
For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

(1) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

(a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.

(b) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.

(c) Controlling filling and grading to prevent soil erosion problems.

(d) Limiting impervious surfaces to control runoff which carries pollutants.

(e) Preserving wetlands to minimize runoff and soil erosion.

(2) Protect spawning grounds, fish and aquatic life through:

(a) Preserving wetlands and other fish and aquatic habitat.

(b) Regulating pollution sources.

(c) Controlling shoreline alterations, dredging, and lagooning.

(3) Control building sites, placement of structures and land uses through:

(a) Prohibiting certain uses detrimental to the shoreland-wetlands.

(b) Setting minimum lot sizes and widths.

(c) Setting minimum building setbacks from waterways.

(d) Setting the maximum height of near shore structures.

(4) Preserve and restore shoreland vegetation and natural scenic beauty through:

(a) Restricting the removal of natural shoreland cover.

(b) Preventing shoreline encroachment by structures.

(c) Controlling shoreland excavation and other earth moving activities.

(d) Regulating the use and placement of boathouses and other structures.

(e) Preventing the destruction and degradation of wetlands.

(5) Protect and preserve wetlands through:

(a) Restricting the placement of fill material in wetlands.

(b) Encouraging avoidance and minimization of wetland impacts.

(c) Preserving native wetland plant/tree communities.

(6) Prevent flood damages through:

(a) Restricting filling, grading, and the placement of buildings and structures in floodplains and wetlands.

(b) Preserving the ecological integrity of floodplains and wetlands

(c) Restoring floodplains and wetlands to increase floodwater storage.

## Sec. 12.501.04 Title.

Shoreland Wetland Protection Ordinance for Columbia County, Wisconsin.

# SUBSECTION 505: GENERAL PROVISIONS

## Sec. 12.505.01 Areas to be Regulated.

Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Columbia County which are:

(1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds, or flowages in Columbia County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book or are shown on United States Geological Survey quadrangle maps (1:24,000).

(2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Columbia County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, County soil survey maps or other existing County floodplain zoning maps shall be used to delineate floodplain areas.

(3) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when Wis. Stats. § 13.48(13) applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if Wis. Stats. § 30.2022(1) applies. Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stats. §§ 61.353 and 62.233.

(4) Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The County may work with surveyors with regard to Wis. Stats. § 59.692(1h).

(5) Under Wis. Stats. § 281.31(2m) notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

(a) Lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river; and

2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.

(b) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

## Sec. 12.505.02 Shoreland-Wetland Maps.

The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance.

## Sec. 12.505.03 Compliance.

The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, and dredging of any lands, the cutting of shoreland vegetation, and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state, or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders, and contractors are responsible for compliance with the terms of this ordinance.

## Sec. 12.505.04 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 when Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. § 30.2022(1) applies.

## Sec. 12.505.05 Abrogation and Greater Restrictions.

(1) This ordinance shall not require approval or be subject to disapproval by any town or town board.

(2) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

(3) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(4) The provisions of the Columbia County Zoning Ordinance are hereby incorporated by reference. These provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

(5) This ordinance may establish standards to regulate matters that are not regulated in ch. NR 115, Wis. Adm. Code, but that further the purposes of shoreland zoning as described in Section 12.501.03 of this ordinance,

(6) This ordinance does not require any of the following:

(a) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(b) An inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(7) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

(a) The Department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

## Sec. 12.505.06 Interpretation.

In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115, Wis. Adm. Code, 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.

## Sec. 12.505.07 Severability.

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

# SUBSECTION 510: SHORELAND-WETLAND DISTRICT

## Sec. 12.510.01 Purpose.

This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

## Sec. 12.510.02 Designation.

(1) This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

(a) **Locating Shoreland-Wetland Boundaries.** Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the County shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the County shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

## Sec. 12.510.03 Permitted Uses.

(1) The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Wis. Stats. chs. 30, 31, and § 281.36, and the provisions of other applicable local, state and federal laws.

(a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating:

1. Hiking, fishing, trapping, hunting, swimming, and boating;

2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

3. The pasturing of livestock;

4. The cultivation of agricultural crops;

5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and

6. The construction or maintenance of duck blinds.

(b) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:

1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;

2. The cultivation of cranberries, including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries;

3. The maintenance and repair of existing agricultural drainage systems, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;

4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and

6. The maintenance, repair, replacement or reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(c) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:

    a. The road cannot as a practical matter be located outside the wetland;

    b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 12.510.05(2);

    c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and

    d. Road construction activities are carried out in the immediate area of the roadbed only.

2. The construction or maintenance of nonresidential buildings, provided that:

    a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;

    b. The building cannot, as a practical matter, be located outside the wetland;

    c. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and

    d. Only limited filling or excavating necessary to provide structural support for the building is authorized.

3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

    a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stats. ch. 29, where applicable;

    b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 12.510.03(1)(c)1., and;

c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines, provided that:

a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 12.510.05(2).

## Sec. 12.510.04 Prohibited Uses.

Any use not listed in Section 12.510.03 is prohibited in a wetland, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 12.510.05 of this ordinance and Wis. Stats. § 59.69(5)(e).

## Sec. 12.510.05 Rezoning of Lands in the Shoreland-Wetland District.

(1) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:

(a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;

(b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;

(c) A copy of the County zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board; and

(d) Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

(2) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

(a) Storm and flood water storage capacity;

(b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

(c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(d) Shoreline protection against soil erosion;

(e) Fish spawning, breeding, nursery or feeding grounds;

(f) Wildlife habitat; or

(g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, Wis. Adm. Code.

(3) If the Department notifies the County zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in Section 12.510.05(2) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Wis. Stats § 59.692(6). If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Wis. Stats. § 59.692(6) adoption procedure is completed or otherwise terminated."

# SUBSECTION 515: LAND DIVISION REVIEW AND SANITARY REGULATIONS

## Sec. 12.515.01 Land Division Review.

(1) The County shall review, pursuant to Wis. Stats. § 236.45, all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

(a) Hazards to the health, safety or welfare of future residents.

(b) Proper relationship to adjoining areas.

(c) Public access to navigable waters, as required by law.

(d) Adequate stormwater drainage facilities.

(e) Conformity to state law and administrative code provisions.

## Sec. 12.515.02 Planned Unit Development (PUD)

(1) **Purpose.** The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

(2) **Requirements for Planned Unit Development.** The County Board may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:

(a) **Area.** The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.

(b) **Lots.** Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of Sections 12.520.02 and 12.520.03 shall be a non-riparian lot.

(c) **Lot sizes, widths, setbacks, and vegetation removal.** When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 12.530.02 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

## Sec. 12.515.03 Sanitary Regulations.

(1) In order to protect health and preserve and enhance water quality, the following sanitary regulations shall apply:

(a) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.

(b) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment systems shall, prior to July 1, 1980, be required to comply with ch. SPS 383, Wis. Adm. Code, and after June 30, 1980 be governed by Chapter 12, subchapter 300, Columbia County Private Sewage Systems.

# SUBSECTION 520: MINIMUM LOT SIZE

## Sec. 12.520.01 Purpose.

Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

## Sec. 12.520.02 Sewered Lots.

(1) **Minimum Area and Width for Each Lot.** The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

(2) The width shall be calculated by averaging the measurements at the following locations:

(a) The ordinary high-water mark.

(b) The minimum building setback lines.

1. Setbacks shall be determined using the ordinary high-water mark setback per Section 12.525.02 and the applicable front setback line per Chapter 12, Subchapter 100, Columbia County Zoning Code.

## Sec. 12.520.03 Unsewered Lots.

(1) **Minimum Area and Width for Each Lot.** The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

(2) The width shall be calculated by averaging the measurements at the following locations:

(a) The ordinary high-water mark.

(b) The minimum building setback lines.

1. Setbacks shall be determined using the ordinary high-water mark setback per Section 12.525.02 and the applicable front setback line per Chapter 12, Subchapter 100, Columbia County Zoning Code.

## Sec. 12.520.04 Substandard Lots.

(1) A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

(a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

(b) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

(c) The substandard lot or parcel is developed to comply with all other ordinance requirements.

(2) **Other Substandard Lots.** Except for lots which meet the requirements of Section 12.520.04(1) a building permit for the improvement of a lot having lesser dimensions than those stated in Sections 12.520.02 and 12.520.03 shall be issued only if a variance is granted by the Board of Adjustment.

# SUBSECTION 525: BUILDING SETBACKS

## Sec. 12.525.01 Purpose.

Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

## Sec. 12.525.02 Shoreland Setbacks.

(1) A setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures unless reduced under Section 12.525.03 or exempt under Section 12.525.02(2).

(2) **Exempt Structures.** The following structures are exempt from the 75-foot shoreland setback standard:

(a) Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

1. Boathouses shall be designed and constructed solely for the storage of watercrafts and related equipment.

2. One boathouse is permitted on a lot as an accessory structure.

3. Boathouses shall be on the landward side of the ordinary high-water mark and shall be constructed in conformity with local floodplain zoning standards.

4. The sidewalls of a boathouse shall not exceed 10 feet in height as measured from the top of wall to the floor.

5. The maximum width of a boathouse shall be 24 feet or 30 percent of the width of a lot as measured at the ordinary high-water mark, whichever is more restrictive.

6. The maximum footprint of a boathouse shall be 600 square feet.

7. Boathouses shall be structures that are open from floor to bottom of finished structure above. Lofts are prohibited.

8. The maximum pitch of the roof of a boathouse shall be 4/12.

9. The roof of a boathouse may be used as a deck subject to the following:

   a. The boathouse has a flat roof.

   b. The roof has no side walls or screens.

   c. The roof shall have a railing that meets the Department of Safety and Professional Services standards. Transparent or translucent panels are prohibited.

10. Earth-tone colors shall be required for all exterior surfaces of a boathouse.

(b) Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in Wis. Stats. § 59.692(1v).

1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.

2. The floor area of all the structures in the shoreland setback area shall not exceed 200 square feet.

3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

4. Earth-tone colors shall be required for all surfaces.

5. The base of the structure shall not be higher than 12 to 24 inches above pre-construction grade.

6. The County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone per Section 12.530.03 that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

7. An enforceable affidavit must be filed with the Register of Deeds prior to construction acknowledging the limitations on vegetation.

(c) Fishing rafts that are authorized on the Wolf River and Mississippi River under s. 30.126, Wis. Stats.

(d) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

(e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS Comm. 383, Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

(f) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

1. **Stairways, Walkways, and Lifts.** The Zoning Administrator may permit a stairway, walkway, or lift in the setback area contained within the access and viewing corridor if slopes greater than 12% are present, or when deemed necessary by the Zoning Administrator to provide safe pedestrian access to the shoreline. The permitted stairway, walkway, or lift may not exceed 60 inches in width.

(g) Devices or systems used to treat runoff from impervious surfaces.

(3) **Existing Exempt Structures.** Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt, and remodeled, provided that the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure.

## Sec. 12.525.03 Reduced Principal Structure Setback.

(1) A setback less than the 75' required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows:

(a) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark provided all of the following are met:

1. Both of the existing principal structures are located on a lot adjacent to the proposed principal structure.

2. Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.

3. Both of the existing principal structures are located less than 75' from the ordinary high-water mark.

4. The average setback shall not be reduced to less than 35' from the ordinary high-water mark of any navigable water.

(b) Unenclosed appurtenances such as open decks or patios shall not be considered in determining an average setback for a structure having walls and/or a roof.

(c) Boathouses which are attached to the main building in any way shall not be considered in determining an average setback under this section.

(d) When a new principal structure qualifies for a reduced building setback, unenclosed appurtenances, such as open decks or patios, if built in conjunction with the principal structure, shall be considered to be part of the principal structure.

(e) Any other setback reduction may be permitted by the Board of Adjustment pursuant to Section 12.560.04 of this Ordinance or by the Planning and Zoning Committee pursuant to Section 12.560.03 of this Ordinance and Section 12.150.03 of the Columbia County Zoning Ordinance.

## Sec. 12.525.04 Floodplain Structures.

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

# SUBSECTION 530: VEGETATION

## Sec. 12.530.01 Purpose.

To protect natural scenic beauty, fish and wildlife habitat, and water quality, ordinance standards have been established that consider sound forestry and soil conservation practices, as well as the effect of vegetation removal on water quality, including soil erosion and the flow of effluents, sediments, and nutrients.

## Sec. 12.530.02 Activities Allowed Within the Vegetative Buffer Zone.

(1) Land that extends from the ordinary high-water mark to 35 feet inland shall be designated as the vegetative buffer zone and removal of vegetation in the vegetative buffer zone is prohibited, except as follows:

(a) The routine maintenance of vegetation is permitted.

(b) The following activities shall be allowed with approval from the Planning & Zoning Department:

1. Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per Wis. Stats. § 59.692(1f)(b), the viewing corridor may be 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.

2. Removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1.25(2)(b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

3. Removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.

4. Additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the County and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

## Sec. 12.530.03 Vegetative Buffer Establishment

(1) When a vegetative buffer is required to be established under Section 12.525.02(2)(b) or is chosen for mitigation under Section 12.555.04, the vegetative buffer shall be established as follows:

(a) The following methods shall be used:

1. **Avoidance.** If an existing buffer, that was not part of a previous mitigation requirement, is undisturbed or totally intact and meets the density requirements of Wisconsin Biology Technical Note 1, an affidavit shall be filed with the Register of Deeds identifying the viewing and access corridor on the property and stating the buffer will remain undisturbed and fully compliant.

2. **Accelerated Recovery – Enhancement.** If an existing buffer, that was not part of a previous mitigation requirement, is undisturbed but does not meet the density requirements of Wisconsin Biology Technical Note 1, vegetation shall be added to meet the density requirements. An affidavit shall be filed with the Register of Deeds identifying the viewing and access corridor and stating the enhanced buffer will remain fully intact and compliant.

3. **Accelerated Recovery – Creation.** When no buffer exists on a property, vegetation must be planted meeting the density requirements of Wisconsin Biology Technical Note 1. An affidavit shall be filed with the Register of Deeds identifying the viewing and access corridor on the property and stating the newly created buffer will remain fully intact and compliant.

(b) Plant quantities shall be calculated based on the area in square feet to be reestablished and the appropriate density according to Wisconsin Biology Technical Note 1. Trees shall be more than two years old and a minimum of 18 inches tall at the time of planting. Shrubs shall be 1-liter container size or larger, and plant plugs shall be 3 inches tall or 1 inch in diameter at the time of planting.

(c) Plant species shall be selected from the Columbia County Native Plant List. Substitutions shall be allowed on a case-by-case basis and shall be approved by the Zoning Administrator. Plants may be transplanted from areas outside of the vegetative buffer zone.

## Sec. 12.530.04 Vegetative Buffer Plan Requirements.

(1) A Vegetative Buffer Plan shall be completed for all required shoreland mitigation or preservations. Plans shall include:

(a) Name and address of property owner.

(b) Property address and legal description.

(c) Extent of the shoreland buffer.

(d) Scale (e.g. 1 inch = 10 feet).

(e) North arrow.

(f) Ordinary high-water mark (OHWM) location.

(g) Location of all structures in the shoreland buffer zone.

(h) Viewing and access corridor.

(i) Boundary of the shoreland buffer zone.

(j) Existing trees, shrubs, and native ground cover.

(k) Areas to be planted with trees, shrubs, and groundcovers.

(l) Implementation schedule.

(m) A plant species list; indicate if you are requesting substitutions from the Columbia County Native Plant List.

(n) Erosion control practices (to be installed prior to and during buffer establishment).

(o) Water diversions and channelized flow areas.

(p) Maintenance plan (weeding, replanting).

(2) **Implementation Schedule.** The approved Vegetative Buffer Plan must be started within one year from the issue date of the applicable zoning permit. All plantings and any other required activities in the Vegetative Buffer Plan must be completed by the expiration date of the applicable zoning permit.

## Sec. 12.530.05 Cutting More than 35 Feet Inland.

From the inland edge of the 35-foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

## Sec. 12.530.06 Filling, Grading, Lagooning, Dredging, Ditching, and Excavating.

(1) **General Standards.** Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under Section 12.530.06(2) may be permitted in the shoreland area provided that:

(a) It is not done within the vegetative buffer zone, unless necessary for establishing or expanding the vegetative buffer.

(b) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

(c) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of Sections 12.510.03(1)(b) and 12.510.03(1)(c) of this ordinance.

(d) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

(e) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

(2) **Permit Required.** Except as provided in Section 12.530.06(3), a permit is required:

(a) For any filling or grading of any area which is within 300 feet landward of the ordinary high-water mark of a navigable body of water and which has surface drainage toward the water and on which there is either:

1. Any filling or grading on slopes of more than 20 percent.

2. Filling or grading of more than l,000 square feet on slopes between 12 and 20 percent.

3. Filling or grading of more than 2,000 square feet on slopes less than 12 percent.

(b) A conditional use permit is required for any area described under (a) above on which there is filling or grading of more than ten thousand (10,000) square feet.

(c) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high-water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

(3) **Permit Conditions.** In granting a permit under Section 12.530.06(2), the County shall attach the following conditions, where appropriate, in addition to those provisions specified in Sections 12.560.04(2)(c) or 12.560.06.

(a) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

(c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

(d) Lagoons shall be constructed to avoid fish trap conditions.

(e) Fill shall be stabilized according to accepted engineering standards.

(f) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

(g) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

## SUBSECTION 535: IMPERVIOUS SURFACES

### Sec. 12.535.01 Purpose.

Impervious surface standards shall be established to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

### Sec. 12.535.02 Calculation of Percentage of Impervious Surface.

(1) The percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in Section 12.535.05 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high-water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

(2) In any condominium development, impervious surface calculations shall apply to the entire property. Mitigation requirements shall also apply to the entire property, and not the individual unit.

### Sec. 12.535.03 General Impervious Surface Standard.

The maximum impervious surface percentage for a riparian lot or parcel or a non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway shall be 15 percent, except as allowed in Sections 12.535.04 and 12.535.05.

## Sec. 12.535.04 Maximum Impervious Surface Standard.

A property may exceed the impervious surface standard under Section 12.535.03 up to 30 percent impervious surface provided a permit is issued for development with a mitigation plan that meets the standards of Section 12.555.

## Sec. 12.535.05 Treated Impervious Surface.

(1) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under Section 12.535.02:

(a) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

(b) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

(2) To qualify for the statutory exemption under Section 12.535.05(1), property owners shall submit a complete permit application that is reviewed and approved by the Planning and Zoning Department. The application shall include the following:

(a) Calculations showing how much runoff is coming from the impervious surface area.

(b) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.

(c) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.

1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

## Sec. 12.535.06 Existing Impervious Surfaces.

(1) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Section 12.535.03 or the maximum impervious surface standard in Section 12.535.04, the property owner may do any of the following:

(a) Maintain and repair the existing impervious surfaces;

(b) Replace existing impervious surfaces with similar surfaces within the existing footprint;

(c) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the County shoreland ordinance, and the impervious surface meets the applicable setback requirements in Section 12.525.

## SUBSECTION 540: HEIGHT

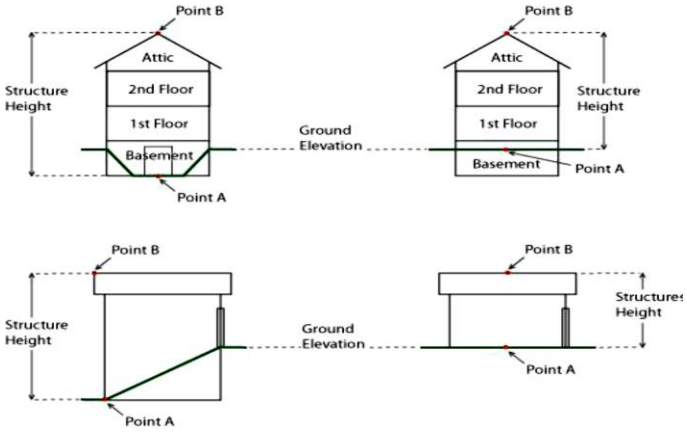
### Sec. 12.540.01 Purpose.

To protect and preserve wildlife habitat and natural scenic beauty, a maximum height standard shall be established.

### Sec. 12.540.02 Standards.

(1) A structure within 75 feet of the ordinary high-water mark of any navigable waterway shall not exceed 35 feet in height.

(a) Structure height shall be measured by the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other provisions of this ordinance.



# SUBSECTION 545: NONCONFORMING USES AND STRUCTURES

## Sec. 12.545.01 Discontinued Nonconforming Use.

If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

## Sec. 12.545.02 Maintenance, Repair, Replacement, or Vertical Expansion of Nonconforming Structures.

An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level.

## Sec. 12.545.03 Lateral Expansion of Nonconforming Principal Structures Within the Setback.

(1) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 12.525.02 may be expanded laterally within the setback, provided that all of the following requirements are met:

(a) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

(b) The existing principal structure is at least 35 feet from the ordinary high-water mark.

(c) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(d) A permit shall be issued which requires a mitigation plan that shall be approved by the Planning and Zoning Department and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 12.555.

(e) All other provisions of this ordinance shall be met.

## Sec. 12.545.04 Expansion of Nonconforming Principal Structures Beyond the Setback.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 12.525.02 may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per Section 12.525.02 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph.

## Sec. 12.545.05 Relocation of Nonconforming Principal Structures.

(1) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 12.525.02 may be relocated on the property, provided all of the following requirements are met:

(a) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

(b) The existing principal structure is at least 35 feet from the ordinary high-water mark.

(c) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(d) The Planning and Zoning Department determines that no other location is available on the property to build a principal structure that is within 5 percent of the existing footprint of the principal structure proposed for relocation that will result in compliance with the shoreland setback requirement per Section 12.525.02.

(e) The Planning and Zoning Department shall issue a permit that requires a mitigation plan that shall be approved by the Planning and Zoning Department and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 12.555 and include enforceable obligations of the property owner to establish or maintain measures that the County determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the Register of Deeds.

(f) All other provisions of the shoreland ordinance shall be met.

## SUBSECTION 550: STRUCTURES AUTHORIZED BY VARIANCE

### Sec. 12.550.01 Maintenance, Repair, Replacement, or Vertical Expansion of Structures Authorized by Variance.

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level.

## SUBSECTION 555: MITIGATION

### Sec. 12.555.01 Purpose.

Mitigation standards shall be established to protect and restore water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty that is otherwise lot through development and human activities.

### Sec. 12.555.02 Permit Requirements.

(1) When the County issues a permit requiring mitigation under Sections 12.525.02(2)(b), 12.535.04, 12.545.03, or 12.545.05, the property owner must submit a complete permit application that is reviewed and approved by the Planning and Zoning Department which includes the following:

(a) A site plan that describes the proposed mitigation measures.

1. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.

2. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

(b) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

## Sec. 12.555.03 Mitigation Requirements.

(1) Mitigation shall be required for the following activities:

(a) **Lateral Expansion of Nonconforming Principal Structure within the Setback.** Lateral expansion of a nonconforming principal structure as allowed under Section 12.545.03 shall require a minimum of 5 mitigation points. See Section 12.555.04 for approved mitigation options.

(b) **Relocation of Nonconforming Principal Structure.** Relocation of a nonconforming principal structure as allowed under Section 12.545.050 shall require a minimum of 3 mitigation points. See Section 12.555.04 for approved mitigation options.

(c) **Exceeding Impervious Surface Standards.** To exceed the impervious surface standards listed under Section 12.535.03, 2 points of mitigation shall be required for every 5 percent increase above the standard. The total increase shall not exceed the maximum impervious surface standards under Section 12.535.04. Properties that exceed the maximum impervious surface standards under Section 12.535.04 may be redeveloped, provided that the project does not make the property exceed the existing impervious surface coverage. See Section 12.555.04(7)-(15) for approved mitigation options.

## Sec. 12.555.04 Mitigation Options.

(1) Removal of nonconforming accessory structures. **1 point per 100 square feet of accessory structure, not to exceed 3 points.**

(2) Removal of shoreland structures, such as, but not limited to: artificial beaches, seawalls, or and bulkheads. **1 point per 25 lineal feet or 1 point per 100 square feet of structure, whichever is greater, not to exceed 3 points.**

(3) Replacement of private on-site wastewater treatment system (POWTS) or connection to a public sanitary sewer service (PSSS) or private group wastewater treatment system (PGWTS) serving five or more lots. **2 points.**

(4) Reduction of impervious surface coverage to less than 15 percent of lot. **2 points per 5% reduction.**

(5) Proposed structure will utilize earth tone exterior colors or replacement of an existing structure's unnatural exterior hue with earth tone colors. **1 point.**

(6) Removal of existing shore lighting or replacement with downcast lighting within 75' of the ordinary high-water mark. **1 point.**

(7) Establishment of primary vegetative buffer zone. Must follow minimum standards outlined in Section 12.530.03. **1 point per 7' (depth) of buffer establishment, not to exceed 5 points.**

(8) Reduction of existing viewing and access corridor. **1 point per 25% reduction, not to exceed 3 points.**

(9) Establishment of secondary vegetative buffer zone. Must be located between 35 and 75 feet of the ordinary high-water mark and must be established after primary vegetative buffer zone. **1 point per 300 square feet.**

(10) Installation of stormwater management system such as, but not limited to: rain gardens, rainwater gutter collection systems, and water diversions of overland flow. **2 points.**

(11) Installation of a subsurface dispersal system, practice, or structure, designed by an engineer to contain the rainfall minimum sizing standard per Section 12.555.06(1) for impervious surfaces on the lot. **3 points for the first 15 percent impervious surface runoff captured and/or 2 points for every 5 percent captured above 15 percent, not to exceed 9 points.**

(12) Installation of a bio-retention system, rain garden, or other stormwater system, designed by an engineer to contain the rainfall minimum sizing standard per Section 12.555.06(1) for impervious surfaces on the lot. **3 points for the first 15 percent impervious surface runoff captured and/or 2 points for every 5 percent captured above 15 percent, not to exceed 9 points.**

(13) Installation of rip rap, as permitted by the Department. **1 point per 50 lineal feet, not to exceed 2 points.**

(14) Other shoreland stabilization, as determined necessary by the Zoning Administrator. Stabilization must be within 75 feet of the ordinary high-water mark. **1 to 3 points.**

(15) Other practices as approved by the Zoning Administrator.

## Sec. 12.555.05 Mitigation Sizing Requirements.

(1) **Mitigation Surface Dispersal System Limits.** Structures and/or components designed for storm water infiltration which disperse collected stormwater on or near the ground surface shall be accomplished per Columbia County Surface Dispersal System Supplemental Work Sheet.

(2) **Mitigation Subsurface Dispersal System Limits.** Systems (e.g., Drain fields, tree box filters, infiltration trenches, dry wells, and bio-retentions) designed for stormwater infiltration into the subsoil shall require the following:

(a) **Site Evaluation Requirements.** Subsurface Dispersal Systems will require site evaluation per Wisconsin Department of Natural Resources Conservation Practices Standards "Site Evaluation for Stormwater Infiltration (1002)".

(b) **Plan Certification.** A mitigation plan that includes a subsurface dispersal system shall include certification from a professional engineer registered in the State of Wisconsin, that all computations and designs for the proposed subsurface dispersal system have been reviewed and approved by the engineer as being in accordance with the technical and design standards of this Section and Section 12.140.09 of the Columbia County Zoning Ordinance.

(c) Notice of the provisions of the approved plan shall be recorded with the title to the property by affidavit with the County Register of Deeds.

## Sec. 12.555.06 Technical Standards for Dispersal Systems.

(1) **Rainfall Minimum Sizing.** Dispersal systems shall be designed to handle a 2-year 24-hour minimum rainfall event or 2.8 inches (NRCS EFH Notice 210-WI-76) or greater.

(2) **Runoff Coefficient.** For the purpose of this ordinance the runoff coefficient is 1 for all impervious surfaces.

# SUBSECTION 560: ADMINISTRATIVE PROVISIONS.

## Sec. 12.560.01 Purpose.

The overall purpose of this Subchapter is to establish responsibilities for administration of this chapter, procedural requirements for various development approvals under this chapter, and enforcement procedures and penalties for non-compliance.

## Sec. 12.560.02 Planning and Zoning Director and Zoning Administrator – Description and Roles.

(1) **Establishment.** The Planning and Zoning Director is hereby designated as the administrative and enforcement officer for the provisions of this chapter, per the general authorization under Wisconsin Statutes. The Planning and Zoning Director shall serve as the Zoning Administrator, unless the Director designates a different position or staff person as Zoning Administrator. Other professional and administrative staff within the Department may assist the Director or the otherwise-designated Zoning Administrator in the completion of his or her duties and responsibilities, and the Zoning Administrator and other Department professional and administrative staff shall serve at the direction of the Planning and Zoning Director.

(2) **Duties and Responsibilities.** The general duty of the Zoning Administrator is to interpret and administer this Chapter, as well as certain other chapters within Chapter 12 of the Columbia County Code of Ordinances as indicated within those chapters. With respect to Subchapter 500, the Zoning Administrator shall have the following specific duties and responsibilities:

(a) Conduct on-site inspections of buildings, structures, waters, and land to determine compliance with all provisions of this chapter.

(b) Be permitted access to premises and structures between 8 a.m. and 6 p.m., or such other time agreed to by all parties involved, to make inspections to ensure compliance with this chapter. If refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Wisconsin Statutes.

(c) Maintain permanent and current records of and associated with this chapter, including but not limited to all maps, amendments, conditional use permits, zoning permits, site plans, mitigation plans, variances, appeals, inspections, interpretations, applications, and other official actions.

(d) In combination with other professional and administrative staff of the Department, advise applicants for development approvals regarding the provisions of this chapter and assist applicants, to the extent practical, in preparing required permit applications.

(e) Receive, file and forward all applications for all procedures governed by this chapter to the designated official review and approval bodies, along with all appropriate technical information or reports to assist such bodies in making their decisions, except as otherwise designated in this Subchapter.

(f) In combination with other professional and administrative staff of the Department, provide staff support to the Planning and Zoning Committee and the Zoning Board of Adjustment, including the scheduling of public hearings and other meetings and site visits and the recording of the actions, recommendations, and minutes of such bodies.

(g) Issue permits.

(h) Review and approve site plans for land uses under this chapter prior to the issuance of permits for such uses, ensuring compliance with this and other applicable chapters and any additional requirements of designated official review and approval bodies for associated rezoning, conditional use permit, or variance requests.

(i) Investigate all complaints made relating to the location and use of structures, lands, and waters and fulfill enforcement functions proscribed under Section 12.560.07.

## Sec. 12.560.03 Planning and Zoning Committee – Description and Roles.

(1) **Establishment.** The Planning and Zoning Committee, as established under Wisconsin Statutes Section 59.69 and the Columbia County Code of Ordinances, is the County committee with primary policy responsibility over this chapter.

(2) **Duties and Responsibilities.** In addition to the duties and responsibilities specified under the Columbia County Code of Ordinances, the Planning and Zoning Committee shall have the following specific duties and responsibilities pertaining to this chapter:

1. Conduct public hearings associated with petitions to amend the text of this chapter or to the Official Zoning Map.

2. Conduct public hearings and advise the County Board on appropriate amendments to the text of this chapter or to the Official Zoning Map, and initiate such amendments as it may deem desirable, all in a manner that is consistent with the Comprehensive Plan and that follow procedures established under Wis. Stats. § 59.69 and Sections 12.150.05 and 12.150.06 of the Columbia County Zoning Ordinance.

3. Conduct public hearings, review, and decide on requests for conditional use permits that follows the procedures in Section 12.560.05.

4. Act on other development-related requests as may be specified under this Subchapter or other Subchapters within Chapter 12.

5. Advise the Zoning Administrator and Planning and Zoning Director on enforcement of the provisions of this chapter and on other matters as requested by the Zoning Administrator or Planning and Zoning Director.

6. Appoint a chairperson who shall serve a two-year term.

7. Recommend fees for various permits and approvals required and allowed under this chapter.

8. Adopt rules and procedures as may be advisable in carrying out its duties.

9. Exercise such other duties and responsibilities as may be directed by the County Board of Supervisors.

(3) **Recording of Actions.** All actions and recommendations of the Planning and Zoning Committee shall be in writing. A recording thereof in the Committee's minutes may constitute the required written action or recommendation.

## Sec. 12.560.04 Zoning Board of Adjustment – Description and Roles.

(1) **Establishment.** A Zoning Board of Adjustment consisting of five (5) members appointed by the Chairperson of the County Board with approval of the County Board. The terms of the members appointed shall be three (3) years beginning July 1. The Chairperson of the County Board with approval of the County Board shall appoint, for staggered 3-year terms, 2 alternate members of the Board of Adjustment. Annually, the Chairperson shall appoint one of the alternate members as the first alternate and the other as the second alternate. The members of the Board of Adjustment shall all reside within the County and outside the limits of incorporated cities and villages; provided, however, that not two (2) members shall reside in the same town. The Board of Adjustment shall choose its own Chairman and other officers. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant in the same manner as the original appointment.

(2) **Duties and Responsibilities.** The Zoning Board of Adjustment shall have the following specific duties and responsibilities pertaining to this chapter in addition to certain other duties and responsibilities under other chapters in Chapter 12 of the Columbia County Code of Ordinances as indicated within those chapters:

(a) Hear and decide appeals where it is alleged that there is an error in any interpretation, order, requirement, decision, or determination made by the Zoning Administrator or other staff member of the Planning and Zoning Department in the enforcement, administration, or interpretation of this chapter.

(b) Hear and decide appeals where it is alleged that there is an error in any decision of the Planning and Zoning Committee or town board related to a conditional use permit request.

(c) Authorize such variances from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that no such variance shall have the effect of allowing, in any district, uses prohibited in that district. If the variance is not initiated by securing at least one zoning permit – within one year of the date of the approval, the variance shall be considered void.

(3) **Recording of actions.**

1. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator, and shall be a public record.

2. The final disposition of an appeal or variance application to the Zoning Board of Adjustment shall be in a form of a written decision signed by the Planning and Zoning Director or Zoning Administrator. Such decision shall state the specific facts that are the basis for the Zoning Board of Adjustment's decision; shall either affirm, reverse, or modify any order, requirement, interpretation, or any determination of the Zoning Administrator or, in case of an appealed decision on a conditional use permit, the Planning and Zoning Committee; shall specify any required conditions of approval; and shall specify the extent of any appeal or variance granted.

(4) **Rules.**

(a) The Board of Adjustment will meet as needed at a fixed time and place as may be determined by the Chair and at such other times as the Zoning Board of Adjustment may determine.

(b) All meetings of the Board of Adjustment shall be open to the public, but such Board may go into closed session pursuant to Wisconsin Statutes.

(c) Any public hearing held by the Zoning Board of Adjustment shall be held in a convenient public location and a full description of the location of such place of hearing by name, address or other commonly known means of identification shall be included in the notice given of such hearing. No undue hardship shall be created for any applicant by reason of the location of such hearing.

(d) Each notice of public hearing held by the Zoning Board of Adjustment shall specify the date, time and place of hearing and the matters to come before the Zoning Board of Adjustment at such hearing, and such notice shall be given by publication in the official newspaper of the County at least once, not less than ten days prior to the date of such hearing and by certified mail to the parties having a legal interest in any of the matters to come before the Zoning Board of Adjustment at such hearing.

(e) The Zoning Board of Adjustment shall have power to call on any County departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.

(f) The Board of Adjustment may adopt such additional rules as are necessary to carry into effect the regulations of the County Board.

(5) **Appeals.**

(a) Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of Columbia County affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days after receiving notice of the decision appealed form, by filing with the Zoning Administrator and the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed form was taken. An appeal shall stay all proceedings in furtherance of the action appealed form, unless the Zoning Administrator shall certify to the Zoning Board of Adjustment after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by restraining order by a court of record on application and notice to the Zoning Administrator and on due cause shown.

(b) The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

(6) **Review by Court of Record.** Any persons aggrieved by any decision of the Board of Adjustment may appeal the decision by filing an action in certiorari in the Columbia County Circuit Court within 30 days of the decision, setting forth that such decision is illegal and specifying the grounds of the illegality. Columbia County assumes no liability for and makes no warranty as to the reliance on this decision if construction is commenced prior to expiration of this 30-day period.

## Sec. 12.560.05 Conditional Use Permits – Review Procedure and Standards.

(1) **Purpose.** The purpose of this subsection is to provide the procedure and standards for the review of conditional use permit requests, and amendments to conditional use permits previously granted.

(2) **Authority.** Subject to sub. (3) below, the Planning and Zoning Committee, after a public hearing, shall within 60 days, grant or deny any application for a conditional use permit. Prior to granting or denying a conditional use permit, the Committee shall make findings of fact based on the evidence presented and issue a determination whether the criteria prescribed in the ordinance are met.

(3) **Planning and Zoning Committee Review and Approval.** The following procedures shall apply to conditional use permits.

(a) **Application.** Make an appointment for an application meeting with staff from County Planning and Zoning Department to discuss the proposed conditional use and submit the application. The application for approval of a conditional use permit shall be made to the Planning and Zoning Department on forms furnished by the Department and shall include the following:

a. Names and addresses of the applicant, owner(s) of the property, architect, professional engineer if applicable.

b. A narrative of the proposed conditional use which includes a description of the subject property by lot, block and recorded subdivision or metes and bounds; address of the site, types of structures and proposed use(s).

c. A site plan which shall include a scalable drawing showing the location of all drives, entrances, sidewalks, trails and signs; the location, size, number and screening of all parking spaces. If required by this Chapter or the Department a landscaping plan; a grading and drainage plan; and a detailed proposal including covenants, agreements, or other documents showing the ownership and method of assuring perpetual maintenance of land to be owned or used for common purposes.

d. This application will be accompanied by a fee which will be used by the County to process the application.

(b) The Planning and Zoning Department shall fix a reasonable time and place for the public hearing on the conditional use permit and give public notice thereof pursuant to the applicable requirements of the Wisconsin Statutes. A copy of the notice of public hearing for the conditional use permit shall be mailed to the applicable town clerk and chair at least ten (10) days prior to the public hearing. The notice to the clerk will be sent by certified mail and chair by regular mail. Any staff report prepared by the Department for the public hearing will be mailed to the clerk and chair as soon as practicable. A copy of an application for a conditional use permit within a Shoreland-Wetland District and notice of a public hearing for the conditional use permit shall be mailed to the District Regional Office of the Department of Natural Resources at least (10) days prior to the public hearing.

(c) The Planning and Zoning Committee shall transmit a copy of its decision, signed by the Director of Planning and Zoning to the applicant and Town within fifteen (15) days of the public hearing at which the decision is made.

(d) Approval of a conditional use permit does not eliminate the requirement to obtain the appropriate building and zoning permits. If the conditional use permit is not initiated by:

a. Securing a zoning permit, or

b. If more than one permit is necessary, securing at least one (1) zoning permit within one (1) year of the date of the public hearing the approval of the conditional use permit shall be considered void, and the applicant will have to reapply.

(e) A copy of the Planning and Zoning Committee's decision on any conditional use permit within a Shoreland District area, as defined in Section 12.505.01 shall be forwarded to the District Regional Office of the Department of Natural Resources within ten (10) days after the decision is issued.

(f) No substantial changes can be made to an approved conditional use permit unless an amendment to the development plan is approved by the Planning and Zoning Committee and applicable town board per this Subchapter.

(4) **Review Criteria.** In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making finding of fact for a decision.

1. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.

2. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.

3. The erosion, potential of site based on topography, drainage, slope, soil type, and vegetative cover.

4. The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands.

5. The site has adequate utilities including, if necessary, acceptable disposal systems.

6. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.

7. The conditional use shall conform with the standards of the applicable district(s) in which it is located, and associated with the particular conditional use if specified in Subchapter 12.125.

(5) **Application, Recording, and Adherence to Conditions.** The Planning and Zoning Committee shall have the authority to attach such conditions and restrictions upon the establishment, location, maintenance and operation of the conditional use as it deems necessary to ensure the conditional use adheres to the purpose and review criteria of this Subchapter and to this Chapter as a whole. If applicable and prior to commencing the authorized activity on the site and/or obtaining a zoning permit, the Zoning Administrator may require the property owner to record notice against the property of the approved use, applicable plans, and conditions of approval with the County Register of Deeds.

(6) **Time Limits Associated with Conditional Uses.** If the conditional use permit is not initiated by securing at least one zoning permit—within one year of the date of the approval, the conditional use permit approval shall be considered void. The applicant may without fee apply for, and the Planning and Zoning Committee may grant, a one-time, twelve-month extension, provided that a written request for extension is submitted before the original expiration date. If a use or activity associated with a previously approved conditional use permit ceases for twelve months or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorized agent must reapply and obtain approval of another conditional use permit before recommencing the use or activity.

(7) **Effect of Denial.** No application which has not been enacted under this Subchapter shall be resubmitted for a period of twelve months from the date of final Planning and Zoning Committee action, except on grounds of new evidence or proof of change of factors found valid by the Planning and Zoning Committee.

(8) **Monitoring and Termination of a Conditional Use Permit.**

(a) The Planning and Zoning Committee or Zoning Administrator may require evidence and guarantees as either may deem necessary as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for conditional uses at all times. If the Planning and Zoning Committee finds that the review criteria of this section or the conditions attached to the permit are not being complied with, the Planning and Zoning Committee, after a public hearing as provided for in this Subchapter, may terminate or alter the conditional use permit.

(b) The Conditional Use Permit may be terminated on request when the applicant or holder of the Conditional Use Permit and the property owner make a request in writing to the Planning and Zoning Committee that the Conditional Use be terminated and the Planning and Zoning Committee agrees to terminate said Conditional Use Permit. Notice of said termination is recorded in the Columbia County Register of Deeds Office if the decision for the Conditional Use Permit was recorded. The Planning and Zoning Department shall inform the applicable town of the termination no later than 15 days after the date of the Planning and Zoning Committee's decision to terminate the Conditional Use Permit.

## Sec. 12.560.06 Permits – Review Procedure and Standards.

(1) **Purpose.** The purpose of this subsection is to specify the requirements and procedures for the issuance of permits. Permits are issued by the County Zoning Administrator for certain projects specified in this Subchapter in order to verify compliance with the provisions of this code. A zoning permit is not a substitute for a building permit, which is instead issued by the affected town. In certain cases, other land use approvals and permits, including but not limited to rezoning, conditional use permit approval, or variance approval is required before a zoning permit may be issued.

(2) **When Required.** Except where another section of this ordinance or statutes specifically exempts certain types of development from this requirement, a permit shall be obtained from the Zoning Administrator or board of adjustment/committee before any new development.

(3) **Application for a Permit.** An application for a permit shall be made to the Zoning Administrator. The number of required copies of the application materials shall be as determined by the Zoning Administrator. Such application shall be made by the owner of the property on which the permit is requested. To be determined complete by the Zoning Administrator, the application shall include:

(a) A completed form, provided by the Zoning Administrator and signed by the owner, including basic information on the owner and project to ensure compliance with this chapter.

(b) A legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds, or a copy of the deed.

(c) A plot plan (overhead view), drawn to scale, and showing and labeling the date of preparation; land owner's name; north arrow; lot dimensions; lot coverage; adjacent public streets and rights-of-way; any required visual clearance triangles required in accordance with Section 12.140.03(1); existing and proposed structures and their dimensions; parking and driveway areas; distances between structures and lot lines, between structures and other structures, between structures and the centerlines of abutting streets and highways, and between structures and the ordinary high water mark of any abutting watercourse. The applicant should note potential foundation survey requirements in Section 12.140.03(7) .

(d) A plan, which may be included on the plot plan, indicating the location of the existing and proposed sewage disposal system and well location meeting the requirements of Chapter 300 where municipal sewer and/or water service will not be provided.

(e) Plans for mitigation when required.

(f) Other application materials as specified in Subchapter 100.

(g) For Planned Development and conditional use projects, complete copies of all application documents approved as part of the rezoning or conditional use permit, with revisions as necessary to meet County conditions of approval of such projects.

(h) Other pertinent information as requested by the Zoning Administrator to determine if the proposed use meets the requirements of this chapter.

(i) The required review fee.

(4) **Permit Review Criteria.** No permit shall be granted or shall become effective until all applicable requirements of this chapter, conditions of any preceding County approval related to the project, the remaining chapters in Title 16, and all applicable Wisconsin Statutes and rules are met.

(5) **Time Limits Associated with Permits.** A permit shall either be granted or denied in writing by the Zoning Administrator within thirty days of the filing of a complete application, unless other parallel processes (e.g., conditional use permit) require a longer review period. Once issued, each permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, or movement. If the work authorized by the permit is not completed within 24 months of the date of the approval, the permit approval shall be considered void. The applicant may with a fee apply for, and the Zoning Administrator may grant, a one time, 24-month extension, provided that a written extension request is submitted before the original expiration date.

## Sec. 12.560.07 Enforcement and Penalties.

(1) **Enforcement Policy.** The Planning and Zoning Committee shall approve and may from time-to-time amend policies for enforcement of this chapter, consistent with the provisions of this Subchapter.

(2) **Authority.** In the enforcement of this Ordinance, the Zoning Administrator shall have the power and authority for the following:

(a) At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.

(b) Upon reasonable cause or question as to proper compliance, to revoke any zoning or occupancy and use permit and issue stop work orders requiring the cessation of any building, moving, alteration or use which is violation of the provisions of this Ordinance. Notice of a stop work order is given both by posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the property owner of the property on which the activity is in violation of this Ordinance. The order shall specify the activity that must cease immediately or be brought into compliance with a time period as determined by the Zoning Administrator. Any stop work order shall be in effect until removed by the Zoning Administrator or Board of Adjustment.

(c) To refer to the Corporation Counsel for commencement of any legal proceedings necessary to enforce this ordinance. The issuance of citations provided for under this Ordinance shall not require referral but may be issued by the Director of Planning and Zoning, Zoning Administrator and Zoning and Sanitary Specialists directly.

(3) **Enforcement of Violations.**

(a) **Penalties.** Any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this Ordinance shall be subject to a forfeiture as listed in the Section 1.12 of the County Code of Ordinances. Each day of violation shall constitute a separate offense.

(b) **Enforcement by Citation.** Except as modified by this Ordinance, the County elects to use the citation method of enforcement under Section 1.12 of the County Code of Ordinances. This Section does not preclude the County or any authorized officer from proceeding under other ordinance or law, or by any other enforcement method to enforce any Ordinance regulation or order.

(c) Compliance with the provisions of this Ordinance may also be enforced by injunctional order at the suit of the County. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctional proceedings.

(4) **Violations of Permits Issued Under This Chapter:**

(a) Violation of a permit or other approval issued under this chapter, or any condition or approved plan associated with such permit or other approval, shall be deemed a violation of this chapter, and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. A permit or other approval may be revoked only by action of the body that initially granted the permit or other approval, following procedures required for its initial issuance to the extent practical. The decision of the appropriate body shall be furnished to the permit holder in writing, stating the reasons therefore. Beginning construction without a permit will result in a double fee being charged.

(b) A permit or other approval issued in violation of this chapter, other chapters of the Columbia County Code of Ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.

## Sec. 12.560.08 Changes and Amendments.

(1) **Amendments.** Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stats. § 59.69(5).

(2) **Shoreland-Wetland Map Amendments.**

(a) Every petition for a shoreland-wetland map amendment filed with the County Clerk shall be referred to the County zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing.

(b) A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

## SUBSECTION 565: DEFINITIONS.

(1) **Access and viewing corridor.** A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

(2) **Accessory Structure.** A subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, boathouses, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts.

(3) **Accessory Use.** An accessory use is a land use that both serves and is customarily incidental and subordinate to a principal use, as defined in Section 12.160.02. Accessory uses may be established only after the principal use of the property is established, and must be on the same parcel as the principal use.

(4) **Adjacent.** Lands that are immediately next to or abutting.

(5) **Boathouse.** Means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

(6) **Building.** Any structure having a roof supported by columns, poles or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

(7) **Building envelope.** The three-dimensional space within which a structure is built.

(8) **Conditional Use.** A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Zoning Committee or County Board.

(9) **County zoning agency.** Planning & Zoning Committee designated by the County Board under Wis. Stats. § 59.69(2)(a) to act in all matters pertaining to County Planning and Zoning.

(10) **Department.** Means the Department of Natural Resources.

(11) **Development.** Any man-made change to improved or unimproved real estate including but not limited to the construction or placement of buildings, structures, the construction of additions or improvements to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations and the deposition or extraction of materials for which permission may be required pursuant to this chapter.

(12) **Drainage System.** One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(13) **Earth tone.** Any of various muted colors, ranging from neutral to deep brown. The Lower Wisconsin State Riverway Board Standardized Color Chart depicts examples of earth tone hues.

(14) **Existing development pattern.** That principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

(15) **Facility.** Any property or equipment of a public utility, as defined in Wis. Stats. § 196.01(5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of of natural gas, heat, light, or power.

(16) **Floodplain.** Land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Chapter NR 116, Wisconsin Administrative Code.

(17) **Footprint.** The land area covered by a structure, defined as the surface area projected on the ground that falls directly beneath all areas that are included in the definition of a structure. The surface area projected on the ground of any part of a building, including roof overhangs, that projects outward beyond its supporting exterior columns, poles or walls by more than three feet shall be included in the surface area. For the purposes of replacing or reconstructing a nonconforming structure with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade.

(18) **Generally accepted forestry management practices.** Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

(19) **Hydrologically connected.** Lands that contribute water to, receive water from, or exchange water with a wetland through surface, subsurface, overland, or channelized flow. Hydrologically connected lands can be upstream or downstream from a wetland and may not necessarily be directly contiguous.

(20) **Impervious surface.** An area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Public roadways as defined in Wis. Stats. § 340.01(54) or public sidewalks as defined in Wis. Stats. § 340.01(58) are not considered impervious surfaces.

(21) **Lot.** A designated part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this chapter for a building site. A lot abuts a public street or other officially approved access. For purposes of this chapter, a lot may also include the term parcel in determining the applicability of a provision of this chapter.

(22) **Lot area.** The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high-water mark of navigable waters.

(23) **Lot size, net.** The total area within a lot or parcel excluding any public road or railroad right of way or prescriptive easement.

(24) **Lot of record.** Any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

(25) **Maintenance and repair.** The ordinary maintenance and repair of a structure or premises that contains a nonconforming use is permitted, including repairs reasonably necessary to prevent the deterioration of a structure, remodeling of the structure, and necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the structure. Ordinary maintenance and repairs include painting; decorating; the installation or replacement of heating, electricity, or plumbing systems; the installation or replacement of drywall, plaster paneling, acoustical ceilings, insulation, doors, windows, roof surface materials, and siding.

(26) **Mitigation.** Balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.

(27) **Navigable waters.** Means Lake Superior, Lake Michigan, all-natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stats. §281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. § 59.692, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

(a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and

(b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

(28) **Ordinary high-water 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 characteristics.

(29) **Previously developed.** A lot or parcel that has had a structure as defined by this chapter legally placed upon it.

(30) **Regional flood.** A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

(31) **Replacement construction.** The principal building or portion thereof is torn down and replaced by a new structure or building or portion thereof.

(32) **Routine maintenance of vegetation.** Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance. Examples of routine maintenance include pruning, watering, and mulching. Routine maintenance of vegetation does not include the removal and/or replacement of vegetation.

(33) **Shoreland.** Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(34) **Shoreland setback** also known as the **Shoreland setback area.** Means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under Wis. Stats. § 59.692.

(35) **Shoreland-wetland district.** A zoning district, created as a part of a County zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

(36) **Structural alterations.** Any changes in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders, footing and piles or any substantial change in the roof structure, or in the exterior walls.

(37) **Structural alterations.** Any change in the supporting members of a building or any substantial change in the roof structure or in exterior walls.

(38) **Structure.** Anything man-made that is constructed, erected, or placed either permanently or temporarily on the ground; including, but not limited to, any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, camping unit, sign, deck, patio, or other improvements. Means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

(39) **Substandard lot.** A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements.

(40) **Subsurface dispersal system.** An underground system that retains and disperses stormwater runoff.

(41) **Unnecessary hardship.** Means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

(42) **Variance.** Permission to depart from the literal requirements of this chapter, which may be granted by the Board of Adjustment in accordance with the procedures and standards of Section 12.150.04.

(43) **Wetlands.** Means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

# Chapter 12 - Planning and Zoning
# Subchapter 600 Nonmetallic Mining Reclamation Ordinance

## SUBSECTION 601: INTRODUCTION

### Sec. 12.601.01 Purpose.

(1) The purpose of this chapter is to establish a local program to promote the public health, safety and general welfare by ensuring the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Columbia County after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.

### Sec. 12.601.02 Statutory Authority.

(1) This chapter is adopted under authority of Wis. Stats. § 295.13(1), Section NR 135.32, Wisconsin Administrative Code, and Wis. Stats. § 59.51.

### Sec. 12.601.03 Restrictions Adopted Under Other Authority.

(1) The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining reclamation required by Wis. Stats. § 295.12(1)(a), contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

### Sec. 12.601.04 Interpretation.

(1) In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

## Sec. 12.601.05 Severability.

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

## Sec. 12.601.06 Applicability.

(1) **Overall Applicability.** The requirements of this chapter apply to all operators of nonmetallic mining sites within Columbia County except as exempted in sub. (2), and for nonmetallic mining sites located in a city, village or town within Columbia County that has adopted an ordinance pursuant to Wis. Stats. § 295.14, and Section NR 135.32(2), Wisconsin Administrative Code. This chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceased before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of the State of Wisconsin, by or on behalf of a county, or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in Section 12.610.03(3).

(2) **Exemptions.** This chapter does not apply to the following activities:

(a) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under Wis. Stats. §§ 30.19, 30.195, or 30.20, and complies with Chapter NR 340, Wisconsin Administrative Code.

(b) Excavations subject to the permit and reclamation requirements of Wis. Stats. §§ 30.30 or 30.31.

(c) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.

(d) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.

(e) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.

(f) Excavations for building construction purposes conducted on the building site.

(g) Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs over the life of the mine other than those sites qualifying for exemption under (3) above.

(h) Any mining operation, the reclamation of which is required in a permit obtained under Wis. Stats. ch. 293.

(i) Any activities required to prepare, operate or close a solid waste disposal facility under Wis. Stats. ch. 289, or a hazardous waste disposal facility under Wis. Stats. ch. 291, that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

(j) Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.

1. This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.

2. If a nonmetallic mining site covered under pars. (j) or (j)1. is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.

(k) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

## Sec. 12.601.07 Administration.

(1) The provisions of this chapter shall be administered by the Columbia County Planning and Zoning Department.

## Sec. 12.601.08 Effective Date.

The provisions of this chapter shall take effect on June 1, 2001.

# SUBSECTION 605: STANDARDS

## Sec. 12.605.01 Standards.

(1) **GENERAL STANDARDS.** All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

(a) **REFUSE AND OTHER SOLID WASTES.** Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to Wis. Stats. chs. 289 and 291.

(b) **AREA DISTURBED AND CONTEMPORANEOUS RECLAMATION.** Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(c) **PUBLIC HEALTH, SAFETY AND WELFARE.** All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(d) **HABITAT RESTORATION.** When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

(e) **COMPLIANCE WITH ENVIRONMENTAL REGULATIONS.** Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

(2) **SURFACE WATER AND WETLANDS PROTECTION.** Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

(3) **GROUNDWATER PROTECTION.**

(a) **GROUNDWATER QUANTITY.** A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

(b) **GROUNDWATER QUALITY.** Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

(4) **TOPSOIL MANAGEMENT.**

(a) **REMOVAL.** Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Removal of on-site topsoil and topsoil substitute material removal, when specified in the reclamation plan, shall be performed prior to any mining activity associated with any specific phase of the mining operation.

(b) **VOLUME.** The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

(c) **STORAGE.** Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

(5) **FINAL GRADING AND SLOPES.**

(a) All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to Section 12.610.02 to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 horizontal to vertical incline slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.

(b) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: alternative requirements approved under Section 12.610.07; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(c) When the approved post-mining land includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 horizontal to vertical incline shall be created at a designated location(s), depending on the size of the water body to allow for a safe exit.

(6) **TOPSOIL REDISTRIBUTION FOR RECLAMATION.** Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

(7) **REVEGETATION AND SITE STABILIZATION.** Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

(8) **ASSESSING COMPLETION OF SUCCESSFUL RECLAMATION.**

(a) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

(b) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

1. On-site inspections by Columbia County or its agent;

2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or

3. A combination of inspections and reports.

(c) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

(d) Revegetation success may be determined by:

1. Comparison to an appropriate reference area;

2. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or

3. Comparison to an approved alternate technical standard.

(e) Revegetation using a variety of plants indigenous to the area is favored.

(9) **INTERMITTENT MINING.** Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to Section 12.610.03 is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.

(10) **MAINTENANCE**. During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

# SUBSECTION 610: PERMIT APPLICATION AND REVIEW PROCEDURES.

## Sec. 12.610.01 Nonmetallic Mining Reclamation Permit Application.

(1) No person may engage in nonmetallic mining or in nonmetallic mining reclamation without obtaining a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance and this chapter unless the activity is specifically exempted in Section 12.601.06(2).

(2) **Required Submittal.** All operators of nonmetallic mining sites shall apply for a reclamation permit from Columbia County. All applications for reclamation permits under this section shall be accompanied by the following information:

(a) A brief description of the general location and nature of the nonmetallic mine.

(b) A legal description of the property on which the nonmetallic mine is located or proposed, including all parcel identification numbers.

(c) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.

(d) The name, address and telephone number of the person or organization who is the operator.

(e) A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by Section 12.601.01.

(3) **Reclamation Permit Application.** The operator of any nonmetallic mine site shall submit an application that meets the requirements specified below to the Planning and Zoning Department prior to beginning operations.

(a) The information required by sub. (1).

(b) The plan review and annual fees required by Sections 12.615.04 and 12.615.05.

(c) A reclamation plan conforming to Section 12.610.02.

(d) A certification that the operator will provide, as a condition of the reclamation permit, ~~provide~~ financial assurance as required by Section 12.610.03 upon granting of the reclamation permit and before mining begins.

(e) To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

## Sec. 12.610.02 Reclamation Plan.

(1) **Reclamation Plan Required.**

(a) All operators who conduct, or plan to conduct nonmetallic mining shall submit to Columbia County a reclamation plan that meets the requirements of this section and complies with the standards of Sec. 12.601.01.

(b) **SITE INFORMATION.** The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

1. Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the location of surface waters and the existing drainage patterns, the approximate elevation of ground water, determined by existing hydrogeologic information. In specific instances where the existing hydrogeologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.

2. Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to approved post-mining land use, can be identified using county soil surveys or other available information including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.

3. Information available to the mine operator on biological resources, plant communities and wildlife use at and adjacent to the proposed or operating mine site.

4. Existing topography as shown on contour maps of the site at a contour interval of not less than 10 feet.

5. Location of manmade features on or near the site.

6. For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.

(c) **POST-MINING LAND USE.** The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with all applicable local, state or federal laws in effect at the time the plan is submitted. Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to Wis. Stats. § 91.46(6), shall be restored to agricultural use.

(d) **RECLAMATION MEASURES**. The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:

1. A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and if necessary a site-specific engineering analysis performed by a registered professional engineer.

2. The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.

3. A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.

4. A plan or map which shows surface structures, roads and related facilities after the cessation of mining.

5. The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.

6. A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.

7. Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.

8. A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.

9. A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to Section 12.615.02(2) and Section 12.615.07(4) and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in Section 12.601.01, and timing of interim and final reclamation.

10. A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.

(e) **CRITERIA FOR SUCCESSFUL RECLAMATION.** The reclamation plan shall contain criteria for assuring successful reclamation in accordance with Section 12.605.01(8).

(f) **CERTIFICATION OF RECLAMATION PLAN.**

1. The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. If the operator does not own the land, the landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation.

2. **Existing Plans and Approvals.** To avoid duplication of effort, the reclamation plan required by this section may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

3. **Approval of Reclamation Plan.** Columbia County shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with Section 12.610.05 for mines that apply for a reclamation permit in conformance with Section 12.610.01(3). Conditional approvals of reclamation plans shall be made according to Section 12.610.05(5) and denials of reclamation plans shall be made pursuant to Section 12.610.06. The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

## Sec. 12.610.03 Financial Assurance.

(1) **Financial Assurance Requirements.** All operators of nonmetallic mining sites in Columbia County shall prepare and submit a proof of financial assurance that meets the following requirements:

(a) **Notification.** The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under sub. (c).

(b) **Filing.** Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with Columbia County. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, an applicable reclamation ordinance and the reclamation plan. Financial assurance shall be payable exclusively to Columbia County. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to Columbia County only if it currently has primary regulatory responsibility.

(c) **Amount and Duration of Financial Assurance.** The amount of financial assurance shall equal as closely as possible the cost to Columbia County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by Columbia County to assure it equals outstanding reclamation costs. Any financial assurance filed with Columbia County shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. Columbia County may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to effect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.

(d) **Form and Management.** Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to Columbia County and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of Columbia County, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.

(e) **Multiple Projects.** Any operator who obtains a permit from Columbia County for 2 or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by Columbia County.

(f) **Multiple Jurisdictions.** In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

(g) **Certification of Completion and Release.**

1. The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. Columbia County shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Columbia County may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete Columbia County shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.

2. Columbia County shall make a determination of whether or not the certification in par. (a) can be made within 60 days that the request is received.

3. Columbia County may make a determination under this subsection that:

   a. Reclamation is not yet complete;

   b. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;

   c. Reclamation is complete in a part of the mine; or

   d. Reclamation is fully complete.

(h) **Forfeiture.** Financial assurance shall be forfeited if any of the following occur:

1. A permit is revoked under Section 12.615.02 and the appeals process has been completed.

2. An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

(i) **Cancellation.** Financial assurance shall provide that it may not be cancelled by the surety or other holder or issuer except after not less than a 90-day notice to Columbia County in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to Columbia County a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

(j) **Changing Methods of Financial Assurance.** The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to sub. (l). The operator shall give Columbia County at least a 60-day notice prior to changing methods of financial assurance and may not actually change methods without the written approval of Columbia County.

(k) **Bankruptcy Notification.** The operator of a nonmetallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceeding under bankruptcy code, 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.

(l) **Adjustment of Financial Assurance.** Financial assurance may be adjusted when required by Columbia County. Columbia County may notify the operator in writing that adjustment is necessary and the reasons for it. Columbia County may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(m) **Net Worth Test.**

1. Only an operator that meets the definition of "company" in Wis. Stats. § 289.41(1)(b), may use the net worth method of providing financial assurance.

2. The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of Wis. Stats. § 289.41 (4). The criteria in Wis. Stats. §§ 289.41(6)(b) and (d)-(i), shall apply.

3. An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with Wis. Stats. § 289.41(6).

4. Determinations under the net worth test shall be done in accordance with Wis. Stats. § 289.41(5).

5. In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

(2) The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with Section 12.610.01(3) shall submit the proof of financial assurance required by Section 12.610.03(1) as specified in the reclamation permit issued to it under this chapter.

(3) **Public Nonmetallic Mining.** The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

## Sec. 12.610.04 Public Notice and Right of Hearing.

(1) **Reclamation Plan Hearing.** The County shall provide public notice and the opportunity for a public informational hearing as set forth below:

(a) **Public Notice.** When the County receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies Section 12.610.01(3).

1. The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 1 notice pursuant to Wis. Stats. § 985.07(1), in the official newspaper of Columbia County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.

2. Copies of the notice shall be forwarded by the County to the county or applicable municipal-zoning board, the county and applicable local planning organization, the county land conservation officer, and owners of land within 300 feet of the boundaries of the tax parcel or parcels of land on which the site is located.

(b) **Hearing.** The County shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:

1. If it conducts a zoning-related hearing on the nonmetallic mine site, the County shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. The County shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this chapter.

2. If there is no opportunity for a zoning-related hearing on the nonmetallic mine site as described in sub. 1., opportunity for public hearing required by this section shall be provided as follows. Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. The County shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. (a). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. Except as otherwise provided for by this section, hearings shall be held as provided for in Section 12.150.03 of the Columbia County Zoning Code. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

(2) **Local Transportation-Related Mines.** No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to Section 12.610.05(3).

## Sec. 12.610.05 Issuance of a Nonmetallic Mining Reclamation Permit.

(1) **Permit Required**. No person may engage in nonmetallic mining or nonmetallic mining reclamation in the County without first obtaining a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this chapter under Section 12.601.06(2).

(2) **Permit Issuance.** Applications for reclamation permits for nonmetallic mining that satisfy Section 12.610.01(3) shall be issued a reclamation permit or otherwise acted on as provided below.

(a) Unless denied pursuant to Section 12.610.06, the County shall approve in writing a request that satisfies the requirements of Section 12.610.01(3) to issue a nonmetallic mining reclamation permit for the proposed nonmetallic mine.

(b) The County may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of Section 12.610.02. The regulatory authority may issue a reclamation permit subject to conditions in Section 12.610.05(7) if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application that meets the requirements in Section 12.610.01 and a reclamation plan that meets the requirements in Section 12.610.02 unless a public hearing is held pursuant to Section 12.610.04. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to Section 12.610.05(5) if appropriate, or shall deny the permit as provided in Section 12.610.06, no later than 60 days after completing the public hearing.

(c) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of Section 12.610.02 and provision by the applicant of financial assurance required under Section 12.610.03 and payable to the County prior to beginning mining.

(3) **Automatic Permit for Local Transportation-Related Mines.**

(a) The County shall automatically issue an expedited permit under this subsection to any borrow site that:

1. Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;

2. Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;

3. Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;

4. Is not a commercial source;

5. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;

6. Is not otherwise exempt from the requirements of this chapter under Section 12.601.06(2).

(b) Automatic permits shall be issued under this subsection in accordance with the following provisions:

1. The applicant shall notify the County of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.

2. The applicant shall provide evidence to the County to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.

3. The County shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under Section 12.610.02. The County shall accept the contractual provisions in lieu of the financial assurance requirements in Section 12.610.03.

4. The public notice and hearing provisions of Section 12.610.04 do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.

5. Mines permitted under this subsection shall pay an annual fee to the County as provided in Section 12.615.05, but shall not be subject to the plan review fee provided in Section 12.615.04. The total annual fee, including the share of the Department of Natural Resources, shall not exceed the amount in Table 2 of Section 12.615.05.

6. Columbia County shall issue the automatic permit within 7 days of the receipt of a complete application.

7. If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.

8. Notwithstanding Section 12.615.03, the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

(4) **Expedited Review.** Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application under sub. (1) or par. (2) as follows:

(a) The operator may submit a request for expedited permit review with payment of the expedited review fee specified in Section 12.615.04(2). This request shall state the need for such expedited review and the date by which such expedited review is requested.

(b) The operator may submit a request for expedited review under this subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.

(c) Following receipt of a request under this subsection, Columbia County shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under par. (1) shall be returned.

(d) Expedited review under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to Section 12.610.04. This subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this subsection by a specific date.

(5) **Permit Conditions.** Any decision under this section may include conditions as provided below:

(a) The County may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter. The approvals may not include conditions that are not related to reclamation.

(b) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to Section 12.610.03 prior to beginning mining.

## Sec. 12.610.06 Permit Denial.

(1) An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

(a) An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in Section 12.610.05, if the County finds any of the following:

1. The applicant has, after being given an opportunity to make corrections, failed to provide to the County an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code or this chapter.

2. The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this chapter, Chapter NR 135, Wisconsin Administrative Code or sub ch. I. of ch. 295, Stats.

3. The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of this chapter or of federal, state or local environmental or zoning laws related to nonmetallic mining reclamation. The following may be considered in making this determination of a pattern of serious violations:

a. Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.

b. Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code.

c. Forfeitures of financial assurance.

4. A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

(b) A decision to deny an application to issue a reclamation permit may be reviewed under Section 12.610.11.

## Sec. 12.610.07 Alternative Requirements.

(1) **Scope of Alternative Requirements Approvable.** An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in Section 12.601.01. The County may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates and the County finds that all of the following criteria are met:

(a) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.

(b) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternative requirement is approved.

(c) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long-term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

(2) **Procedures.**

(a) The operator of a nonmetallic mining site requesting an alternate requirement in par. (1) shall demonstrate all the criteria in the paragraph.

(b) Requests filed under this section shall be reviewed by the Board of Adjustment under the rules and procedures specified in Section 12.150.04 of the Columbia County Zoning Code.

(c) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.

(3) **Transmittal of Decision on Request for Alternative Requirement.** The decision on a request for alternate reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.

(4) **Notice to Wisconsin Department of Natural Resources.** Columbia County shall provide notice to the Wisconsin Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under par. (2) on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.

## Sec. 12.610.07 Permit Duration.

(1) A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to Section 12.620.02(2).

(2) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to Section 12.610.09.

## Sec. 12.610.09 Permit Transfer.

(1) A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

(a) A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to Columbia County of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.

(b) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by the County and the County makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval, provided the financial assurance under this section and the County has issued a written acceptance of the financial assurance.

## Sec. 12.610.10 Previously Permitted Sites.

(1) For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of the County the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by the County pursuant to Section 12.615.01(1).

## Sec. 12.610.11 Review.

Any permitting decision or action made by the County under this chapter may be reviewed as set forth in this section. Notwithstanding Wis. Stats. §§ 68.001, 68.03(8)-(9), 68.06 and 68.10(1)(b), any person who meets the requirements of Wis. Stats. § 227.42 (1), may obtain a contested case hearing under Wis. Stats. § 68.11, on the County 's decision to issue, deny or modify a nonmetallic mining reclamation permit.

# SUBSECTION 615: ADMINISTRATION.

## Sec. 12.615.01 Permit Modification

(1) **By Columbia County.** A nonmetallic mining reclamation permit issued under this chapter may be modified by the County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter. Such modification shall be by an order modifying the permit in accordance with Section 12.620.02. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter.

(2) **At the Operator's Option.** The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the County. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

(3) **Required by the Operator.** The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

(4) **Review.** All actions by the County on permit modifications requested or initiated under this section are subject to review under Section 12.610.01.

## Sec. 12.615.02 Permit Suspension and Revocation.

(1) **Grounds.** The County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:

(a) Failed to submit a satisfactory reclamation plan within the time frames specified in this chapter.

(b) Failed to submit or maintain financial assurance as required by this chapter.

(c) Failed on a repetitive and significant basis to follow the approved reclamation plan.

(2) **Procedures.** If the County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in sub. (1), it may issue a special order suspending or revoking such permit as set forth in Section 12.620.02(2).

(3) **Consequences.**

(a) If the County makes any of the findings in sub. (1), it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to Section 12.620.02.

(b) If the County makes any of the findings in sub. (1), it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to the County. The County may use forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

## Sec. 12.615.03 Annual Operator Reporting.

(1) **Contents and Deadline.** Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites.

(a) **Contents.** The annual report required by this section shall include all of the following:

1. The name and mailing address of the operator.

2. The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.

3. The identification number of the applicable nonmetallic mining permit, if assigned by the County.

4. The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.

5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.

6. A plan, map or diagram accurately showing the acreage described in sub. iv and v.

7. The following certification, signed by the operator:
"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."

(b) **Deadline.** The annual report shall cover activities on reclaimed acreage for the pervious calendar year and be submitted by January 31.

(c) **When Reporting May End.** Annual reports shall be submitted by an operator for all active and intermittent mining sites to the County for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to Section 12.615.07(3) or at the time of release of financial assurance pursuant to Section 12.610.03(1)(g).

(2) **Inspection in Lieu of Report.** The County may, at its discretion, obtain the information required in Section 12.615.03(1) for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If the County obtains and documents the required information, the annual report need not be submitted by the operator. If the County determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, the County shall require the operator to submit the certification required in Section 12.615.03(1)(a)7.

(3) **Retention of Annual Reports.** Annual reports submitted under sub. (1) or inspection records that replace them under sub. (2) shall be retained by the County at the County Administration Building for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

## Sec. 12.615.04 Plan Review Fees.

(1) **Amount and Applicability.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under Section 12.610.01(3) shall submit a non-refundable plan review fee as provided for in the fee schedule in Chapter 7 of the Columbia County Code of Ordinances. No plan review fee may be assessed under this section for local transportation-related mining receiving an automatic permit under Section 12.610.05(3). A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to Section 12.615.01.

(2) **Expedited Plan Review Fee.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under Section 12.610.01(3) may obtain expedited reclamation plan review by paying a fee as provided for in Section 7.13 the Columbia County Fee Schedule. Such fee shall be in addition to that required in Section 12.615.04(1).

(3) **Relation to Annual Fee.** Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under Section 12.615.05.

## Sec. 12.615.05 Annual Fees.

(1) Areas Subject to Fees, Procedures, Deadline and Amount.

(a) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to the County.

(b) Fees paid under this section shall be calculated based on the unreclaimed acres of a nonmetallic mining site, as defined below:

1. "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1st, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under Section 12.610.03(1)(g). However, the term does not include any areas described in sub. 2.

2. "Unreclaimed acre" or "unreclaimed acres" does not include:

a. Those areas where reclamation has been completed and certified as reclaimed under Section 12.610.03(1)(g).

b. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1st, 2001.

c. Those portions of nonmetallic mining sites which are included in an approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining.

d. Areas previously mined but used after August 1st, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining and which is located within the boundaries of the nonmetallic mining site.

e. Those areas within a nonmetallic mining site which have been determined to have been successfully reclaimed on an interim basis in accordance with Section 12.615.07(2) and (3).

f. Those areas defined as not included in a nonmetallic mining site under Section 12.625.01(1)(z).

(c) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under Section 12.615.07. Fees shall be paid no later than January 31 for the previous year.

(d) Fees shall be assessed on active acres only and shall not be assessed on acreage where nonmetallic mining is proposed and approved but where no nonmetallic mining has yet taken place.

(e) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by the County pending certification of completed reclamation pursuant to Section 12.610.03(1)(g). Upon such certification the County shall refund that portion of the annual fee that applies to the reclaimed areas. If the County fails to make a determination under Section 12.610.03(1)(g) within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.

(f) The amount collected shall equal the Wisconsin Department of Natural Resource's share as described in sub. (2), the share of Columbia County described in sub. (3) and, if applicable, the reclamation plan review fee described in Section 12.615.04.

(2) Wisconsin Department of Natural Resources Share of Fee.

(a) Fees paid under this section shall, except where provided in sub. (b), include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Table 1.

**TABLE 1**

**Wisconsin Department of Natural Resources**

**Share of Fees Collected by Columbia County**

| Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre | Annual Fee |
|---|---|
| 1 to 5 acres<br>(does not include mines <1 acre) | $35.00 |
| 6 to 10 acres | $70.00 |
| 11 to 15 acres | $105.00 |
| 16 to 25 acres | $140.00 |
| 26 to 50 acres | $160.00 |
| 51 acres or larger | $175.00 |

(b) For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be $15.

(c) The County shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31st.

(3) **Columbia County's Share of Fee.** Fees paid under this section shall also include an annual fee due to the County which shall be as specified in the fee schedule in Section 7.13, the Columbia County Fee Schedule.

(a) Fees paid under this section shall also include an annual fee due to the County which shall be a dollar amount established on an unreclaimed acre basis, and equal as closely as possible the county or municipal cost of administering the reclamation program—see Wis. Stats. § 295.13(3)(e)1. for details. Section NR 135.39 (4) (b) Wis. Admin. Code further requires that annual fees must equal as closely as possible the county or municipality's expenses to administer the program, including but not limited to the examination and approval of plans, cost to ensure compliance, inspecting nonmetallic mining sites and administering the reclamation program set up under this ordinance. Section NR 135.39 (4) (b) 1. Wis. Admin. Code also provides the county or municipality may use these fees only for reasonable expenses associated with administration of a nonmetallic mining reclamation program.

(b) The annual fee collected by Columbia County under this subsection for local transportation—related mines issued permits under Section 12.610.05(3) may not exceed the amounts set forth in Table 2. The amount listed below shall be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and Columbia County.

**TABLE 2**

**Limit on Total Annual Fees for Automatically Permitted Local Transportation Project-Related Mines**

| Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre | Annual Fee |
|---|---|
| 1 to 5 acres (does not include mines <1 acre) | $175.00 |
| 6 to 10 acres | $350.00 |
| 11 to 15 acres | $525.00 |
| 16 to 25 acres | $700.00 |
| 26 to 50 acres | $810.00 |
| 51 acres or larger | $870.00 |

(4) **Documentation of Columbia County's Share of Fee.** Columbia County shall document in writing its estimated program costs and the need for fees established in Section 12.615.05 on or before June 1st, 2001. This documentation shall be available for public inspection at the Planning and Zoning Department.

**TABLE 3**

**Annual Fees Due Where the Department of Natural Resources is the Regulatory Authority**

| Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre | Annual Fee |
|---|---|
| 1 to 5 acres (does not include mines <1 acre) | $175.00 |
| 6 to 10 acres | $350.00 |
| 11 to 15 acres | $525.00 |
| 16 to 25 acres | $700.00 |
| 26 to 50 acres | $810.00 |
| 51 acres or larger | $870.00 |

## SEC. 12.615.06 REGULATORY REPORTING AND DOCUMENTATION.

(1) **Reporting.** Columbia County shall send an annual report to the Wisconsin Department of Natural Resources by March 31st for the calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:

(a) The total number of nonmetallic mining reclamation permits in effect.

(b) The number of new permits issued within the jurisdiction of the County.

(c) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.

(d) The number of acres being mined or unreclaimed acres.

(e) The number of acres that have been reclaimed and have had financial assurance released pursuant to Section 12.610.03(1)(g).

(f) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to Section 12.615.07(1) and (2).

(g) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.

(2) **Documentation.** The County shall, to the best of its ability, maintain the information set forth below, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Columbia County's reclamation program pursuant to Chapter NR 135, Wisconsin Administrative Code:

(a) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code and this chapter.

(b) The procedures employed by the County regarding reclamation plan review, and the issuance and modification of permits.

(c) The methods for review of annual reports received from operators.

(d) The method and effectiveness of fee collection.

(e) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.

(f) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.

(g) Responses to citizen complaints.

(h) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.

(i) The maintenance and availability of records.

(j) The number and type of approvals for alternative requirements issued pursuant to Section 12.610.06.

(k) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to Section 12.610.03(1)(g).

(l) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Columbia County to implement its nonmetallic mining reclamation program under this chapter.

(m) The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.

(n) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

## Sec. 12.615.07 Completed Reclamation – Reporting, Certification, and Effect.

(1) **Reporting.** The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.

(2) **Reporting of Interim Reclamation.** The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in sub. (1).

(3) **Certification of Completed Reclamation.** The County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with Section 12.610.03(1)(g). If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan that conforms with Section 12.610.02, the County shall issue the mine operator a written certificate of completion.

(4) **Effect of Completed Reclamation.** If reclamation is certified by the County as complete under sub. (3) for part or all of a nonmetallic mining site, then:

(a) No fee shall be assessed under Section 12.615.05 for the area so certified.

(b) The financial assurance required by Section 12.610.03 shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

(5) **Effect of Inaction Following Report of Completed Reclamation.** If no written response as required by sub. (3) for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to the County for it under Section 12.615.05 shall be refunded.

## Sec. 12.615.08 Permit Termination.

(1) When all final reclamation required by a reclamation plan conforming to Section 12.610.02 and required by this chapter is certified as complete pursuant to Section 12.610.03(1)(g) and Section 12.615.07(3), the County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

# SUBSECTION 620: ENFORCEMENT.

## Sec. 12.620.01 Right of Entry and Inspection.

(1) For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of the County may inspect any nonmetallic mining site subject to this chapter as provided below:

(a) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of the County or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this chapter, Chapter NR 135, Wisconsin Administrative Code or subchapter I of ch. 295, Stats.

(b) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.

## Sec. 12.620.02 Orders and Citations.

(1) **Enforcement Orders.** The County may issue orders as set forth in Wis. Stats. § 295.19(1)(a), to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Section 12.610.02 and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by Section 12.610.02 and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

(2) **Special Orders.** The County may issue a special order as set forth in Wis. Stats. §§ 295.19(1)(b) and (c), suspending or revoking a nonmetallic mining reclamation permit pursuant to Section 12.615.02, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.

(3) **Review of Orders.** A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review the order in a contested case hearing under Wis. Stats. § 68.11, notwithstanding the provisions of Wis. Stats. §§ 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1)(b).

(4) **Citations.** The County may issue a citation under Wis. Stats. § 66.119 and Section 1.10 the Columbia County General Provisions for Use of Code of Ordinances, to collect forfeitures to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Section 12.610.02 and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

(5) **Enforcement.** The County may submit any order issued under this section to abate violations of this chapter to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders.

## Sec. 12.620.03 Penalties.

(1) Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Section 12.610.02 and a permit issued under this chapter may result in forfeitures as provided in Wis. Stats. § 295.19(3), as follows:

(a) Any person who violates Chapter NR 135, Wisconsin Administrative Code or an order issued under Section 12.620.02 may be required to forfeit not less than $25 nor more than $1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under Section 12.620.02 is suspended, stayed or enjoined this penalty does not accrue.

(b) Except for the violations referred to in sub. (1) any person who violates subchapter I of ch. 295, Stats., Chapter NR 135, Wisconsin Administrative Code, any reclamation plan approved pursuant to this chapter or an order issued pursuant to Section 12.620.02 shall forfeit not less than $10 nor more than $5,000 for each violation. Each day of violation is a separate offense. While an order issued under Section 12.620.02 is suspended, stayed or enjoined this penalty does not accrue.

(c) Violations of this ordinance for which a citation is issued pursuant to Section 12.620.02(4) shall be subject to a penalty as provided for by Section 1.12 of the Columbia County General Provisions for Use of Code of Ordinances.

# SUBSECTION 625: DEFINITIONS.

## Sec. 12.625.01 Definitions.

(1) **Alternative requirement.** An alternative to the reclamation standards of this chapter provided through a written authorization granted by Columbia County pursuant to Section 12.610.07.

(2) **Applicable reclamation ordinance.** A nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of Chapter NR 135, Wisconsin Administrative Code and subchapter I of ch. 295, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in sub. (20)(c). If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.

(3) **Borrow site.** An area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.

(4) **Contemporaneous reclamation.** The sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

(5) **County.** Columbia County.

(6) **Department.** The Wisconsin Department of Natural Resources.

(7) **Environmental pollution** has the meaning in Wis. Stats. § 295.11(2).

(8) **Financial assurance.** A commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in Section 12.610.03 and is sufficient to pay for reclamation activities required by this chapter.

(9) **Highwall.** A vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds 3:1 horizontal to vertical incline.

(10) **Landowner.** The person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.

(11) **Licensed professional geologist.** A person who is licensed as a professional geologist pursuant to ch. 470 Stats.

(12) **Municipality.** Any city, town or village.

(13) **Nonmetallic mineral.** A product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

(14) **Nonmetallic mining** or **mining.** All of following:

(a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

(b) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

(15) **Nonmetallic mining reclamation** or **reclamation.** The rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

(16) **Nonmetallic mining refuse**. Waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

(17) **Nonmetallic mining site** or **site.** All contiguous areas of present or proposed mining described in sub. (a), subject to the qualifications in sub. (b).

(a) **Nonmetallic mining site** means the following:

1. The location where nonmetallic mining is proposed or conducted.

2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.

3. Areas where nonmetallic mining refuse is deposited.

4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.

5. Areas where grading or regrading is necessary.

6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.

(b) **Nonmetallic mining site** does not include any of the following:

1. Those portions of sites listed in sub. (a) Not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.

2. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.

3. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.

(18) **Operator.** Any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

(19) **Person.** An individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.

(20) **Registered professional engineer.** A person who is registered as a professional engineer pursuant to Wis. Stats. § 443.04.

(21) **Regulatory authority.** One of the following:

(a) The county in which the nonmetallic mining site is located, that has an applicable reclamation ordinance under Wis. Stats. § 295.13, except where a municipality has adopted an applicable reclamation ordinance pursuant to sub. (b).

(b) The municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under Wis. Stats. § 295.14.

(c) The Wisconsin Department of Natural Resources, in cases where a county mining reclamation program is no longer in effect under Wis. Stats. § 295.14, but only if there is no applicable reclamation ordinance enacted by the municipality in which the nonmetallic mining site is located.

(22) **Replacement of topsoil.** The replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining reclamation for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.

(23) **Solid waste.** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Wisconsin Statutes ch. 283, or source material, special nuclear material or by product material, as defined in Wis. Stats. § 254.31 (1).

(24) **Topsoil.** The surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(25) **Topsoil substitute material.** Soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(26) **Unreclaimed acre** or **unreclaimed acres.** Those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under Section 12.615.07. However, the term “unclaimed acre” or “unclaimed acres” does not include any of the following:

(a) Those areas where reclamation has been completed and certified as reclaimed under Section 12.615.07.

(b) Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.

(c) Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this chapter but are not yet affected by nonmetallic mining.

(d) Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

(e) For purposes of fees under Section 12.615.05, those areas within a nonmetallic mining site which Columbia County has determined to have been successfully reclaimed on an interim basis in accordance with Section 12.615.07.

# Chapter 13 – Columbia County Comprehensive Plan

## SEC. 13.01 AUTHORIZATION.

Pursuant to Wis. Stats. Chapter 59, Columbia County is authorized to prepare and adopt a comprehensive plan as defined in Wis. Stats. §§ 66.1001(1)(a) and (2).

## SEC. 13.02 WRITTEN PROCEDURES.

The Columbia County Board of Supervisors adopted written procedures designed to foster public participation in the preparation of a comprehensive plan as required by Wis. Stats. § 66.1001(4)(a).

## SEC. 13.03 RECOMMENDATION FROM COUNTY BOARD.

The Columbia County Planning and Zoning Committee, by a majority vote of the entire Committee recorded in its official minutes, recommended to the County Board the adoption of the document entitled "Columbia County Comprehensive Plan 2030" containing all of the elements specified in Wis. Stats. § 66.1001(2).

## SEC. 13.04 PUBLIC HEARING COMPLIANCE.

The Planning and Zoning Committee held at least one public hearing on this ordinance in compliance with the requirements of Wis. Stats. § 66.1001(4)(d).

## SEC. 13.05 RECOMMENDATION FROM PLANNING AND ZONING COMMITTEE.

As a result of the public hearing, the Planning and Zoning Committee is recommending the attached changes to the document entitled "Columbia County Comprehensive Plan 2030".

## SEC. 13.06 ADOPTION.

The Columbia County Board of Supervisors, by enactment of this ordinance, formally adopts, with changes, the document, entitled "Columbia County Comprehensive Plan 2030" pursuant to section Wis. Stats. § 66.1001(4)(c).

## SEC. 13.07 EFFECTIVE DATE.

This ordinance shall take effect on September 19, 2007, upon passage by a majority vote of the members of the County Board and publication as required by law.

## SEC. 13.08 LINK TO COLUMBIA COUNTY COMPREHENSIVE PLAN.

The Columbia County Comprehensive Plan can be found at:

https://www.co.columbia.wi.us/columbiacounty/planningzoning/PlanningZoningHome/tabid/109/Default.aspx

## SEC. 13.09 FUTURE AMENDMENTS.

All future amendments to the Columbia County Comprehensive Plan shall be recorded in the County Code of Ordinances as P-# (year).

# Chapter 14 – Motor Vehicles, Traffic, and Water Safety

## SUBSECTION 100: TRAFFIC AND PARKING - GENERAL PROVISIONS

### SEC. 14.101 STATE TRAFFIC LAWS ADOPTED.

(1) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Wis. Stats. Chapters 340 through 349, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Subsection as if fully set forth herein. Any act required to be performed or prohibited by a regulation incorporated herein by reference is required or prohibited by this Subsection. Any future amendments, revisions or modifications of the statutory regulations in Subsection 340 through 342 and 344 through 349 incorporated herein, are intended to be made part of this Subsection in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets, and alleys of the State of Wisconsin. Any person who, within Columbia County, Wisconsin, violate any provisions of any Statute incorporated herein by reference, shall be deemed guilty of an offense under this Section. For purpose of citations under County Ordinances, the appropriate statutory prefix will be used.

(2) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Subsection shall be as provided in Chapters 340 to 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Subsection:

Wis. Stats. § 941.01 – Negligent Operation of Vehicle Off Highway
Wis. Stats. § 941.37 – Obstructing Emergency or Rescue Personnel
Wis. Stats. § 943.11 – Entry into Locked Vehicle
Wis. Stats. § 947.04 – Drinking in Common Carriers

(3) **Statutes Specifically Incorporated by Reference.** Whenever this Subsection incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the current edition of the Wisconsin Statutes, including the most recent session, as amended, repealed, or modified from time to time by the Wisconsin Legislature.

(4) **General References.** General references in this Subsection to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

(5) **Administrative Code Adopted.** Except as otherwise specifically provided in this Code of Ordinances, the administrative provisions in Chapter Trans 305 of the Wisconsin Administrative Code, describing standards for vehicle equipment, for which the penalty is a forfeiture only, are hereby adopted and by reference made a part of this Subsection as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Subsection. Any future amendments, revisions or modifications of the administrative regulations in Chapter Trans 305 are intended to be made part of this Subsection in order to secure to the extent legally practicable, uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within Columbia County, Wisconsin, violate any provisions of any regulation incorporated herein by reference shall be deemed guilty of an offense under this Section. For purpose of citations under County ordinances, the appropriate administrative code prefix will be used.

### SEC. 14.102 REGISTRATION RECORD OF VEHICLE AS EVIDENCE.

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Subsection and specifically Section 14.101 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Wis. Stats. § 346.485(5)(b), shall be a defense for an owner charged with such violation.

### SEC. 14.103 ACCIDENT REPORTS.

Pursuant to Wis. Stats. § 346.70, the operator of every vehicle involved in an accident shall, immediately after such accident, file with the Sheriff's Department a copy of the report, if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section.

## SUBSECTION 200: TRAFFIC AND PARKING – PARKING REGULATIONS

### SEC. 14.201 PARKING RESTRICTIONS DURING SPECIAL EVENTS OR STREET MAINTENANCE.

(1) **Road Maintenance.** Whenever it is necessary to clear or repair a roadway or any part thereof, the Sheriff's or Highway Department shall post such highways or parts thereof with no parking signs where required. Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(2) **Temporary Parking Restrictions for Special Events.** Pursuant to the provisions of Wis. Stats. § 349.13(c), the Sheriff, or his designee, is authorized to direct that temporary "No Parking" signs be erected during parades, festivals, and other authorized events that require the regulating of vehicle stopping, standing or parking on roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.

## SEC. 14.202 UNLAWFUL REMOVAL OF PARKING CITATIONS.

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

## SEC. 14.203 REMOVAL OF ILLEGALLY PARKED VEHICLES.

(1) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Subsection is declared to be a hazard to traffic and public safety.

(2) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.

(3) **Removal by Officer.** Any law enforcement officer is authorized to remove such vehicle to a position where parking is permitted.

(4) **Removal by Private Service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

(5) **Towing and Storage Charges.** In addition to other penalties provided in this Subsection, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

## SEC. 14.204 NO PARKING ZONE.

The owner of any vehicle parked, stopped or standing upon a highway or public parking ramp where said location is marked "no parking" or such similarly marked or expressed parking restriction, is in violation of this Subsection and is declared to be a hazard to traffic and public safety.

# SUBSECTION 300: TRAFFIC AND PARKING - MISCELLANEOUS PROVISIONS

## SEC. 14.301 DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.

(1) **Unnecessary Noise and Display of Power Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area. These provisions include, but are not limited to: squealing of tires, revving of engines, causing the engine to backfire, amplify or increase noise emitted by the motor above that emitted by the muffler originally installed on the motor vehicle, use of the motor vehicle's horn for other than its intended purpose for warning other motorists or pedestrians required by law and the like.

(2) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area.

(3) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel, or cause the vehicle to fish tail causing the operator of the motor vehicle to lose control of the motor vehicle or accelerate at a rate of speed that constitutes a danger to other motorists or to pedestrians; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.

(4) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign or signal.

(5) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:

   (a) Public park property;

   (b) Cemetery properties;

   (c) School District property;

(d) Medical facilities;

(e) Funeral homes;

(f) Service stations;

(g) Grocery stores;

(h) Restaurants;

(i) Financial institutions;

(j) Other similar-type businesses with service driveways or drive-up or drive-through facilities; and

(k) Federal Post Offices.

(6) **Disorderly Conduct with a Motor Vehicle.**

(a) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, disruptive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tire, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise (1) one or more wheels off the ground.

(b) **Conduct Prohibited.** No person shall, within Columbia County, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one (1) or more persons, or disturb or endanger the property or the safety of another's person or property.

## SEC. 14.302 MOTOR VEHICLE ON PEDESTRIAN WAYS AND OVERPASSES.

No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass, except municipal or County maintenance vehicles.

# SUBSECTION 400: TRAFFIC AND PARKING - ENFORCEMENT AND PENALTIES

## SEC. 14.401 ENFORCEMENT.

(1) **Enforcement Procedures.**

(a) **How Enforced.** This Subsection shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

(b) **Applicable Court Procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in the Circuit Court in accordance with the provisions of Wis. Stats. § 345.20(2)(b).

(2) **Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Subsection except those provisions which describe or define non-moving traffic violations and violations of Wis. Stats. §§ 346.71 – 346.73. Violations of Wis. Stats. §§ 346.71 – 346.73 shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

(3) **Deposits and Stipulations.**

(a) **Moving Traffic Offenses.**

1. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Subsection shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Subsection in accordance with Wis. Stats. § 66.12(1)(b) whenever the provisions of Wis. Stats. § 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Wis. Stats. § 345.11.

2. **Delivery or Mailing of Deposit and Stipulation.** Any person stipulating guilt or no contest under the preceding Subsection shall make the deposit required under Wis. Stats. § 345.26, or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Circuit Court Judges and approved by the Columbia County Board of Supervisors. Deposits may be brought or mailed to the office of the Clerk of Circuit Court as directed by the arresting officer.

(b) **Non-moving Traffic Offenses.**

1. **Direct Payment of Penalty Permitted.** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Subsection may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Clerk of Circuit Court the minimum forfeiture specified for the violation.

2. **Court Prosecution.** If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within five (5) days of the date of the citation, the citation may be referred for prosecution.

3. **Registration Suspension.** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the County may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provision of Wis. Stats. § 345.28(4) and Section 14.401(3)(c)2.c.

(c) **Registration Suspension Program.**

1. The County shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Wis. Stats. § 345.28 and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.

2. The Sheriff's Department is hereby designated as a delegated authority for purposes of Wis. Stats. §§ 85.13 and 345.28, and Wis. Adm. Code Trans. 128. The Sheriff's Department is authorized to perform, on behalf of the County, all functions required of a local authority under said Statutes and Code including, but not limited to:

   a. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;

   b. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;

   c. Determining the method by which the County will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;

d. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.

3. The Sheriff is hereby authorized to assign a member of the Sheriff's Department to perform such acts as are necessary to effectuate this Subsection.

4. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration. Program shall be assessed as permitted by Wis. Stats. § 345.28(4)(d). The Sheriff's Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.

5. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violations and Registration Program. The County's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

## SEC. 14.402 PENALTIES.

(1) **Forfeiture Penalty.** The penalty for violation of any provision of this Subsection, other than Section 14.204, shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Wis. Stats. §§ 814.63(1) and (2) or 814.65(1), the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Wis. Stats. § 346.655, where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Subsection may, upon order of the court entering judgment therefore and having jurisdiction of the case, be imprisoned as authorized by this Code of Ordinances.

(2) **Other Sanctions.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of the monetary penalty or in lieu of imprisonment.

(3) **No Parking Zone Penalty.** The penalty for violation of Section 14.204(1) shall be a forfeiture of $25.00 for the first offense; $50.00 for the second offense; and $100.00 for the third offense if paid into the Columbia County Clerk of Courts within 10 days. After 10 days, the above fines are to be doubled. No court costs or fees, other than those pursuant to Sec. 165.87, Wis. Stats., are to be assessed for this violation unless court disposition is necessary to collect forfeiture.

# SUBSECTION 500: SNOWMOBILES

## SEC. 14.501 STATE SNOWMOBILE LAWS ADOPTED.

Except as otherwise specifically provided in this Subsection, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of Wis. Stats. Chapter 350, are hereby adopted by reference and made part of this Subsection as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Subsection. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

Wis. Stats. § 350.01 – Definitions
Wis. Stats. § 350.02 – Operation of Snowmobiles on or in the Vicinity of Highways
Wis. Stats. § 350.03 – Right-of-Way
Wis. Stats. § 350.035 – Meeting of Snowmobiles
Wis. Stats. § 350.04 – Snowmobile Races, Derbies and Routes
Wis. Stats. § 350.045 – Public Utility Exemption
Wis. Stats. § 350.047 – Local Ordinance to be Filed
Wis. Stats. § 350.05 – Operation by Youthful Operators Restricted
Wis. Stats. § 350.055 – Safety Certification Program Established
Wis. Stats. § 350.07 – Driving Animals
Wis. Stats. § 350.08 – Owner Permitting Operation
Wis. Stats. § 350.09 – Head Lamps, Tail Lamps and Brakes, Etc.
Wis. Stats. § 350.095 – Noise Level Requirements
Wis. Stats. § 350.10 – Miscellaneous Provisions for Snowmobile Operation
Wis. Stats. § 350.101 – Intoxicated Snowmobiling
Wis. Stats. § 350.102 – Preliminary Breath Screening
Wis. Stats. § 350.1025 – Application of Intoxicated Snowmobiling Law
Wis. Stats. § 350.103 – Implied Consent
Wis. Stats. § 350.104 – Chemical Tests
Wis. Stats. § 350.106 – Report Arrest to Department
Wis. Stats. § 350.107 – Officers Action After Arrest for Operating a Snowmobile while Under Influence of Intoxicant
Wis. Stats. § 350.108 – Public Education Program
Wis. Stats. § 350.11 – Penalties
Wis. Stats. § 350.115 – Snowmobile Registration Restitution Surcharge
Wis. Stats. § 350.12 – Registration of Snowmobiles
Wis. Stats. § 350.122 – Lac Du Flambeau Registration Program
Wis. Stats. § 350.125 – Completion of Application for Registration by Snowmobile Dealers
Wis. Stats. § 350.13 – Uniform Trail Signs and Standards
Wis. Stats. § 350.135 – Interference with Uniform Trail Signs and Standards Prohibited
Wis. Stats. § 350.137 – Uniform Snowmobile Rail Crossing Standards
Wis. Stats. § 350.138 – Snowmobile Rail Crossing Requiring Permits

Wis. Stats. § 350.139 – Established Snowmobile Rail Crossing; Snowmobile Rail Crossing, Closing and Removal, Review of Rail Authorities, Insurance Rules
Wis. Stats. § 350.14 – Duties of Snowmobile Recreational Council
Wis. Stats. § 350.145 – Recommendations of the Snowmobile Recreation Council
Wis. Stats. § 350.15 – Accidents and Accident Reports
Wis. Stats. § 350.155 – Coroners and Medical Examiners to Report, Require Blood Specimen
Wis. Stats. § 350.17 – Enforcement
Wis. Stats. § 350.18 – Local Ordinances
Wis. Stats. § 350.19 – Liability of Landowners
Wis. Stats. § 350.99 – Parties to a Violation

### SEC. 14.502 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.

No person shall operate a snowmobile upon any street, road, highway or alley in violation of the traffic regulation provisions of Wis. Stats. §§ 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (6m), (9), and (11).

### SEC. 14.503 PENALTY.

Any person who violates any provision of this Subsection shall, upon conviction thereof, forfeit an amount as established in Section 1.12.

## SUBSECTION 600: ALL-TERRAIN AND OFF-ROAD VEHICLE OPERATION

### SEC. 14.601 STATE ALL-TERRAIN VEHICLE LAWS ADOPTED.

The provisions describing and defining regulations with respect to all-terrain vehicles in Wis. Stats. § 23.33, and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the Statutes or which are prohibited by such Statutes are required to be performed by this Section or are prohibited by this Section.

### SEC. 14.602 UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

(1) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:

(a) **Unauthorized.** Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

(b) **Off-Road.** Any location which:

1. Is not a paved or maintained public street, road, or alley; or

2. Is not used or maintained by the owner or lessee of land as a drive-way, parking lot or other way for motor vehicles; or

3. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

(c) **Operation.** The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

(d) **Motor Vehicle.** For purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, autocyles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snow-mobiles, dune buggies, golf carts, and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:

1. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;

2. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.

3. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(2) **Unauthorized Off-road Operation Prohibited.**

(a) The unauthorized off-road operation of a motor vehicle is prohibited.

(b) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in area authorized by the Board of Supervisors, it shall be unlawful to operate any minibike, go-kart, golf cart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the public streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

## SEC. 14.603 PENALTY.

Any person who violates any provision of this Subsection shall, upon conviction thereof, forfeit an amount as established in Section 1.12.

# SUBSECTION 700: WATER SAFETY

## SEC. 14.701 NAVIGABLE WATERWAY REGULATIONS.

(1) **Intent.** The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest, the protection of natural resources and the capability of the water resource.

(2) **Applicability and Enforcement.** The provisions of this Ordinance shall apply to the waters of the Wisconsin River and all lakes and other navigable waterways within the jurisdiction of Columbia County. The provisions of this Ordinance shall be enforced by the officers of the Columbia County Sheriff's Office and the Wisconsin Department of Natural Resources.

(3) **Definition.** "Slow-No-Wake" means that speed at which a boat or other motorized watercraft moves as slowly as possible while maintaining steering control.

(4) **Slow-No-Wake Zones.**

(a) **Permanent Slow-No-Wake Zone - Wisconsin River.** A slow-no-wake zone is hereby established on that portion of the Wisconsin River lying between a point located 2000 feet upstream from the eastern edge of the Interstate-94 Bridge, which crosses the Wisconsin River, and a line created across the Wisconsin River two hundred (200) feet upstream (east) from Wisconsin Street in the Town of Dekorra; and from Latitude 43° 25.39 N to Latitude 43° 26.14 N, Longitude 89° 30.18 W to Longitude 89° 29.35 W (Fockes Bluff to Carter's Landing) of the Wisconsin River. This slow-no-wake zone shall be clearly identified with regulatory markers placed on the water.

(b) **Slow-No-Wake Water Elevation – Swan Lake.** No person shall operate a boat faster than slow-no-wake in any waters of Swan Lake when the water level exceeds an elevation of 781.10 feet above sea level as based on the Columbia County Benchmark on the concrete wall at the WDNR Swan Lake Boat Launch located at -89.35609506 43.54497285.

(c) **Emergency Slow-No-Wake Zones.**

1. Upon the recommendation of the Columbia County Sheriff and with notice to the Columbia County Board Chair, the Columbia County Emergency Management Coordinator may establish an emergency slow-no-wake zone on all or on specified portions of the Wisconsin River all lakes and other navigable waters within the jurisdiction of Columbia County.

2. An emergency slow-no-wake zone shall be established by written order of the County Emergency Management Coordinator. Each such written order shall state whether the slow-no-wake zone applies to all navigable waters in Columbia County or only to specific bodies of water, in which case such specific bodies of water shall be identified in the County Emergency Management Coordinator's written order. Copies of the County Emergency Management Coordinator's written order establishing an emergency slow-no-wake zone shall be posted in public places including boat landings throughout Columbia County and shall be provided to Columbia County radio and print media.

3. An emergency slow-no-wake zone shall remain in effect until lifted by written order of the County Emergency Management Coordinator. Each such written order shall state whether the order lifting the slow-no-wake zone applies to all navigable waters in Columbia County or only to specific bodies of water, in which case such specific bodies of water shall be identified in the County Emergency Management Coordinator's written order lifting an emergency no-wake-zone. Copies of the County Emergency Management Coordinator's written order lifting an emergency slow-no-wake zone shall be posted in public places including boat landings throughout Columbia County and shall be provided to Columbia County radio and print media.

(5) **Speed Restrictions.** No person may operate a motor boat or other motorized watercraft at a speed in excess of the posted notice as established by regulatory markers.

(6) **No Sport Tow Zone – Wisconsin River.** A no sport tow zone is hereby established on Saturdays, Sundays and holidays on that portion of the Wisconsin River from 43° 25' 9.93" N: 89° 32' 6.47" W (the confluence of the Wisconsin River and Lake Wisconsin) on the south to 43° 25' 58.39" N: 89° 30' 21.10" W on the north. This subsection shall be in effect on Saturdays, Sundays and holidays from the second weekend in May through the second weekend in September of each year. The no sport tow zone shall ban waterskiing, parasailing, aquaplaning (including tubing and boarding) and all similar sport tow activities.

(7) **Temporary Exclusive Use Area (River Channel Closure(s) for Bridge Construction, Repair, and Demolition):**
**An exclusive use event** location on the Wisconsin River (Lake Wisconsin) is described as follows: channel of the Wisconsin River (Lake Wisconsin) within the Bridge Work Area. The WSOR bridge construction, repair, and demolition contractor, Michels Inc, shall be granted exclusive use of the work limits in the closed river channel described above during the authorized day(s) or date(s) and hours of the permitted channel closure period for Bridge Construction, Repair, and Demolition. This section does not apply in the case of an emergency, to the water patrol or rescue craft, or for the ingress or egress of private riparian owners within the exclusive use area. When one of either, the Phase I or Phase II, river channels are closed at the Bridge Work Area, motorized watercraft must use the opposite Open River Channel for through-traffic. There is reasonable, alternate, on-water accommodation water crossing for non-motorized watercraft that can be portaged; an alternate portage crossing will not be necessary.

(a) **Intent** of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

(b) **Additional Ordinance Definitions.**

1. A "Boat" or "Vessel" is a watercraft used or capable of being used as a means of transportation.

2. "Bridge Work Area" means the WSOR Overpass of Wisconsin River (Lake Wisconsin) Bridge Construction, Repair, and Demolition work limits (project #0491-70-08).

(c) **Placement of Buoys.** Under authority granted in NR 5.07(7)(d), Wis. Adm, Code, the Columbia County Board hereby authorizes the permittee to place buoys as indicated in the approved waterway marker permit application and signage providing direction to the river users in the Wisconsin River (Lake Wisconsin) river channel that runs perpendicular to the WSOR river crossing bridge and at both up-stream and down-stream locations to warn river users of River Channel closures required for bridge construction and demolition, as described in the buoy permit for the length of the permit.

(d) **Posting Requirements.** The bridge construction, repair, and demolition contractor, Michels Inc., shall place and maintain a clear, weather-proof, written copy of this resolution and the Waterway Marker Permit at all public access points within the riverway abutting jurisdiction of Columbia County, from the Prairie du Sac dam upstream, to and including the Interstate 39 Overpass, upstream of the City of Portage, pursuant to the requirements of NR 5.15, Wis. Adm. Code.

(e) **Enforcement.** Enforced in accordance with State Statute and Columbia County Ordinance provisions.

(f) **Penalties.** Wisconsin state boating penalties as found in Wis. Stat. §30.80 and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

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

(h) **Effective Date.** To become effective upon

1. County Board adoption of the Resolution, and
2. public announcement via a Class I notice, and
3. proper posting of the resolution and Waterway Marker Permit as stated, and
4. subject to public announcement from Columbia County Emergency Management Director, and
5. To be rescinded upon project completion and upon public notice from the Columbia County Emergency Management Director.

(8) **Temporary Exclusive Use Area - River Channel Closure(s) for Mussel Relocation, Bridge Construction and Demolition:**

An exclusive use event location on the Wisconsin River is described as follows: channel of the Wisconsin River within the Bridge Work Area. The WisDOT mussel relocation, bridge construction and demolition contractor, shall be granted exclusive use of the work limits in the closed river channel described above during the authorized day(s) or date(s) and hours of the permitted channel closure period for Mussel Relocation and Bridge Construction and Demolition. This section does not apply in the case of an emergency, to the water patrol or rescue craft, or for the ingress or egress of private riparian owners within the exclusive use area. When one of either river channels are closed at the Bridge Work Area, motorized watercraft must use the opposite Open River Channel for through-traffic. There is reasonable, alternate, on-water accommodation water crossing for non-motorized watercraft that can be portaged; therefore, an alternate portage crossing will not be necessary.

(a) **Intent.** The intent of this section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with consideration given to public rights and interests and the capability of the water resources.

(b) **Additional Ordinance Definitions**. Within this section, the term "Bridge Work Area" shall mean the Interstate Highway Overpass of Wisconsin River Mussel Relocation and Bridge Construction and Demolition work limits (project #1010-10-02/82).

(c) **Placement of Buoys.** Under the authority granted by Wis. Admin. Code NR § 5.09(7)(d), the permittee may place buoys as indicated in the approved waterway marker permit application and signage providing direction to the river users in the Wisconsin River channel that runs perpendicular to the Interstate river crossing bridge and at both up-stream and down-stream locations to warn river users of River Channel closures required for mussel relocation and bridge construction and demolition, as described in the buoy permit for the length of the permit.

(d) **Posting Requirements.** Requestor seeking permission from County to install buoys for this project shall be responsible for purchase, installation, and coordination of requirements to place and maintain a clear, weather-proof, written copy of this resolution and the Waterway Marker Permit at all public access points within the riverway abutting jurisdiction of Columbia County, from the Prairie du Sac dam upstream, to and including the Interstate 39 Overpass, upstream of the City of Portage, pursuant to the requirements of Wis. Admin. Code NR § 5.15.

(e) **Enforcement.** This subsection shall be enforced in accordance with State law and Columbia County Ordinance.

(f) **Penalties.** Penalties and forfeitures shall be as found in Wis. Stat. § 30.80.

(g) **Effective Date.** To become effective upon County Board adoption, public notice, proper posting, and subject to the public announcement from Columbia County Emergency Management Director for the years of 2023, 2024, 2025, 2026 and 2027.

(h) **Rescission**. This ordinance may be rescinded upon the project's completion or termination and upon public notice from the Columbia County Emergency Management Director.

## SEC. 14.702 LAKE GEORGE REGULATIONS.

Motor powered craft shall not be operated upon the waters of Lake George, situated in the NW 1/4 of Section 13, Town 12 North, Range 9 East, in Columbia County.

## SEC. 14.703 PENALTIES.

Any person violating any provision of this Ordinance shall be subject to the penalty listed in Section 1.12.

# Chapter 15 – Offenses

## SUBSECTION 100: STATE STATUTES ADOPTED

### SEC. 15.101 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of Columbia County provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

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| (1) | Wis. Stats. § 48.345 | Disposition of Child Adjudged in Need of Protection or Services |
| (2) | Wis. Stats. § 48.983 | Child Abuse and Neglect Prevention Program |
| (3) | Wis. Stats. § 101.123 | Smoking Prohibited |
| (4) | Wis. Stats. § 118.07 | Health and Safety Requirements |
| (5) | Wis. Stats. § 118.08 | School Zones; Crossings |
| (6) | Wis. Stats. § 118.09 | Safety Zones |
| (7) | Wis. Stats. § 118.10 | School Safety Patrols |
| (8) | Wis. Stats. § 118.105 | Control of Traffic on School Premises |
| (9) | Wis. Stats. § 118.11 | School Fences |
| (10) | Wis. Stats. § 118.123 | Reports and Records; Forfeitures |
| (11) | Wis. Stats. § 118.163 | Municipal Truancy and School Dropout |
| (12) | | Wis. Stats. § 125.07 Underage and Intoxicated Persons Present on Licensed Premises or Possession of Alcohol on Premises |
| (13) | Wis. Stats. § 125.085 | Proof of Age |
| (14) | Wis. Stats. § 134.65 | Cigarette and Tobacco Products Retailer License |

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| (15) | Wis. Stats. § 134.66 | Restrictions on Sale or Gift of Cigarettes or Tobacco Products |
| (16) | Wis. Stats. § 167.10 | Fireworks Regulated |
| (17) | Wis. Stats. § 175.25 | Storage of Junked Automobiles |
| (18) | Wis. Stats. § 343.50 | Identification Cards |
| (19) | Wis. Stats. § 939.05 | Parties to Crime |
| (20) | Wis. Stats. § 939.22 | Words and Phrases Defined |
| (21) | Wis. Stats. § 940.19(1) | Battery |
| (22) | Wis. Stats. § 940.20 | Battery: Special Circumstances |
| (23) | Wis. Stats. § 940.203 | Battery or threat to an officer of the court or law enforcement officer |
| (24) | Wis. Stats. § 940.291 | Failure of a Police Officer to Render Aid |
| (25) | Wis. Stats. § 941.01 | Negligent Operation of a Vehicle |
| (26) | Wis. Stats. § 941.10 | Negligent Handling of Burning Materials |
| (27) | Wis. Stats. § 941.12(2), (3) | Interfering with or Failing to Assist in Firefighting |
| (28) | Wis. Stats. § 941.13 | False Alarms and Interference with Firefighting |
| (29) | Wis. Stats. § 941.20(1)(a-d) | Endangering Safety by Use of Dangerous Weapon |
| (30) | Wis. Stats. § 941.23 | Carrying Concealed Weapon |
| (31) | Wis. Stats. § 941.235 | Carrying a Firearm in a Public Building |
| (32) | | Wis. Stats. § 941.237 Carrying Handgun where Alcohol Beverages may be sold and consumed |
| (33) | Wis. Stats. § 941.35 | Emergency Telephone Calls |
| (34) | | Wis. Stats. § 941.36 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes |

(35) Wis. Stats. § 941.37(1), (2) Obstructing Emergency or Rescue Personnel

(36) Wis. Stats. § 942.05 Opening Letters

(37) Wis. Stats. § 942.10 Use of a Drone

(38) Wis. Stats. § 943.01(1) Criminal Damage to Property

(39) Wis. Stats. § 943.11 Entry into Locked Vehicle

(40) Wis. Stats. § 943.125 Entry into Locked Coin Box

(41) Wis. Stats. § 943.13 Trespass to Land

(42) Wis. Stats. § 943.14 Criminal Trespass to Dwellings

(43) Wis. Stats. § 943.145 Criminal Trespass to a Medical Facility

(44) Wis. Stats. § 943.15 Entry into Locked Site

(45) Wis. Stats. § 943.20 Theft of Property

(46) Wis. Stats. § 943.21 Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator, or Gas Station

(47) Wis. Stats. § 943.22 Use of Cheating Tokens

(48) Wis. Stats. § 943.23(4), (5) Operating Vehicle Without Owner's Consent

(49) Wis. Stats. § 943.24 Issue of Worthless Checks

(50) Wis. Stats. § 943.34(1)(a) Receiving Stolen Property

(51) Wis. Stats. § 943.37 Alteration of Property Identification Marks

(52) Wis. Stats. § 943.38(3) Forgery

(53) Wis. Stats. § 943.41 Financial Transaction Card Crimes

(54) Wis. Stats. § 943.50 Retail Theft

(55) Wis. Stats. § 943.55 Removal of a Shopping Cart

(56) Wis. Stats. § 943.75 Unauthorized Release of Animals

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| (57) | Wis. Stats. § 944.15 | Fornication |
| (58) | Wis. Stats. § 944.17 | Sexual Gratification |
| (59) | Wis. Stats. § 944.20 | Lewd and Lascivious Behavior |
| (60) | Wis. Stats. § 944.21 | Obscene Material or Performance |
| (61) | Wis. Stats. § 944.23 | Making Lewd, Obscene or Indecent Drawings |
| (62) | Wis. Stats. § 944.30 | Prostitution |
| (63) | Wis. Stats. § 944.31 | Patronizing Prostitutes |
| (64) | Wis. Stats. § 944.33 | Pandering |
| (65) | Wis. Stats. § 944.36 | Solicitation of Drinks Prohibited |
| (66) | Wis. Stats. § 945.01 | Definitions Relating to Gambling |
| (67) | Wis. Stats. § 945.02 | Gambling |
| (68) | Wis. Stats. § 945.04 | Permitting Premises to be Used for Commercial Gambling |
| (69) | Wis. Stats. § 946.40 | Refusing to Aid Officer |
| (70) | Wis. Stats. § 946.41 | Resisting or Obstructing Officer |
| (71) | Wis. Stats. § 946.42(2) | Escape |
| (72) | Wis. Stats. § 946.46 | Encouraging Violation of Probation or Parole |
| (73) | Wis. Stats. § 946.69 | Falsely Assuming to Act as Public Officer or Employee |
| (74) | Wis. Stats. § 946.70 | Impersonating Peace Officer |
| (75) | Wis. Stats. § 946.72 | Tampering with Public Records and Notices |
| (76) | Wis. Stats. § 947.01 | Disorderly Conduct |
| (77) | Wis. Stats. § 947.012 | Unlawful Use of Telephone |
| (78) | Wis. Stats. § 947.0125 | Unlawful Use of Computerized Communication Systems |
| (79) | Wis. Stats. § 947.013 | Harassment |

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| (80) | Wis. Stats. § 947.06 | Unlawful Assemblies and Their Suppression |
| (81) | Wis. Stats. § 948.01 | Definitions Relating to Crimes Against Children |
| (82) | Wis. Stats. § 948.09 | Sexual Intercourse with a Child Age 16 or Older |
| (83) | Wis. Stats. § 948.10 | Exposing a Sex Organ |
| (84) | Wis. Stats. § 948.11(1)(b) | Exposing a Child to Harmful Material |
| (85) | Wis. Stats. § 948.21 | Neglecting a Child |
| (86) | Wis. Stats. § 948.40 | Contributing to the Delinquency of a Child |
| (87) | Wis. Stats. § 948.50 | Strip Search by School Employee |
| (88) | Wis. Stats. § 948.51(3)(a) | Hazing |
| (89) | Wis. Stats. § 948.60 | Possession of a Dangerous Weapon by a Child |
| (90) | Wis. Stats. § 948.61(2)(a) | Dangerous Weapons Other than Firearms on School Premises |
| (91) | Wis. Stats. § 948.63 | Receiving Property from a Child |
| (92) | Wis. Stats. § 951.01 | Definitions Relating to Crimes Against Animals |
| (93) | Wis. Stats. § 951.015 | Construction and Application |
| (94) | Wis. Stats. § 951.02 | Mistreating Animals |
| (95) | Wis. Stats. § 951.025 | Decompression Prohibited |
| (96) | Wis. Stats. § 951.03 | Dognapping or Catnapping |
| (97) | Wis. Stats. § 951.04 | Leading Animal from Motor Vehicle |
| (98) | Wis. Stats. § 951.05 | Transportation of Animals |
| (99) | Wis. Stats. § 951.06 | Use of Poisonous and Controlled Substances |
| (100) | Wis. Stats. § 951.07 | Use of Certain Devices Prohibited |
| (101) | Wis. Stats. § 951.08 | Instigating Fights Between Animals |
| (102) | Wis. Stats. § 951.09 | Shooting at Caged or Staked Animals |

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| (103) | Wis. Stats. § 951.095 | Harassment of Police and Fire Animals |
| (104) | Wis. Stats. § 951.097 | Harassment of Service Dogs |
| (105) | Wis. Stats. § 951.10 | Sale of Baby Rabbits, Chicks or Other Fowl |
| (106) | Wis. Stats. § 951.11 | Artificially Colored Animals; Sale |
| (107) | Wis. Stats. § 951.13 | Providing Proper Food and Drink to Confined Animals |
| (108) | Wis. Stats. § 951.14 | Providing Proper Shelter |
| (109) | Wis. Stats. § 951.15 | Animals; Neglected or Abandoned; Police Powers |
| (110) | Wis. Stats. §§ 961.14 (4)(t), 961.41 (3g)(e) | Possession of Marijuana |
| (111) | Wis. Stats. § 961.573 | Possession of Drug Paraphernalia |
| (112) | Wis. Stats. § 961.574 | Manufacture or Delivery of Drug Paraphernalia |
| (113) | Wis. Stats. § 961.575 | Delivery of Drug Paraphernalia to a Minor |

## SEC. 15.102 Penalties; Parties to Acts.

(1) **Penalties.** In addition to the general penalty provisions of Section 1.11 and Section 1.12 of this Code, or any other penalty imposed for violation of any Section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property.

(2) **Parties to Acts Prohibited in Chapter 15.**

(a) Whoever is concerned in the commission of an act prohibited by Chapter 15 of this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.

(b) A person is concerned in the commission of an act prohibited by these ordinances if he/she:

1. Directly commits the act; or

2. Intentionally aids and abets the commission of it; or

3. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

## SUBSECTION 200: OFFENSES AGAINST PUBLIC SAFETY AND PEACE

### SEC. 15.201 THROWING OR SHOOTING OF STONES AND OTHER MISSILES PROHIBITED.

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, stone, snowball, or other missile within Columbia County.

### SEC. 15.202 OBSTRUCTING STREETS AND SIDEWALKS, PROWLING, AND SOLICITATION PROHIBITED.

(1) **Obstructing Streets Prohibited.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public road, street, sidewalk, bridge or public ground within Columbia County in such a manner as to:

(a) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;

(b) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or

(c) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.

(2) **Obstructing Sidewalk Prohibited.** No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.

(3) **Prowling Prohibited.**

(a) No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identity himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself and explain his or her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

(b) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.

(c) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.

(d) No person shall loiter in or about a restaurant, tavern or other public building. As used in this Subsection, loiter means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.

(4) **Soliciting Prohibited.** No person shall loiter in or nearby any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or engaged male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:

(a) **Public Place.** An area generally visible to public view and includes roads, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.

(b) **Known Prostitute or Panderer.** A person who, within five (5) years previous to the date of arrest for violation of this Section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

(5) **Definitions.** As used in this Subsection, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(a) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

(b) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, road, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of Columbia County.

(c) **Obstruct.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.

(6) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

## SEC. 15.203 PUBLIC DEFECATION, URINATION AND EXPOSURE PROHIBITED.

It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the County, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

## SEC. 15.204 LOUD AND UNNECESSARY NOISE PROHIBITED.

(1) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue, or cause to be made or continued any loud and unnecessary noise.

(2) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

(a) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

(b) **Radios, phonographs, boom box, similar devices.** The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, boom box, or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure, or vehicle in which it is located shall be evidence of a violation of this Section.

(c) **Loudspeakers, amplifiers for advertising.** The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical devise.

(d) **Animals, birds.** The keeping of any animal or bird which causes frequent or long continued unnecessary noise.

(e) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper authorities.

(f) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) **Schools, courts, churches, hospitals.** The creation of excessive noise on any street adjacent to any school, institution of learning, church, or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital, or court street.

(h) The provisions of this Section shall not apply to:

1. Any vehicle of the county while engaged in necessary public business.

2. Excavations or repairs of streets or other public construction by or on behalf of the county or state at night when public welfare and convenience renders it impossible to perform such work during the day.

3. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

## SEC. 15.205 Unauthorized Presence on School Property.

(1) **Unauthorized Presence.**

(a) No student who is under suspension, expulsion, or other disciplinary procedures excluding him/her from attending any school located within Columbia County or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise authorized person, shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.

(b) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection (1)(a), shall be guilty of trespass.

(c) Authorized person shall include:

1. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;

2. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;

3. Any person utilizing a designated area for attending an athletic or other organized school event.

(2) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in Columbia County or upon any School District grounds or within adjacent posted school zones on any day when such schools are in session.

(3) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

(a) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

(b) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of Columbia County.

## SEC. 15.206 UNNECESSARY 911 CALLS.

No person shall make a 911 call, whether or not a conversation ensues, for the purpose of activating an emergency response when no actual emergency exists. This provision shall not affect those callers who in good faith believe an emergency situation exists when initiating the call.

## SEC. 15.207 HOWLING ANIMALS.

No person shall own, keep, possess or harbor any animal within the county which by frequent or habitual howling, yelping, barking or wailing disturbs other persons, provided that the provision of this section shall not apply to licensed animal hospitals or to the premises used and occupied by the county for impounding animals.

## SEC. 15.208 LIVESTOCK ON HIGHWAYS OR RUNNING AT LARGE.

No person, being the owner or keeper of livestock, shall allow or permit such livestock to run at large on a public highway, road, or on another's property without consent.

## SEC. 15.209 DOGS RUNNING AT LARGE SUBJECT TO IMPOUNDMENT.

(1) **Dog Running at Large.** A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(2) **Dog running at large subject to impoundment.** Any Columbia County Deputy is authorized to capture and restrain any dog running at large and to place such dog in an impoundment facility. The owner shall reimburse the person or organization providing care to the dog for the costs of such care.

(3) No person, being the owner or keeper of a dog, shall allow or permit such dog to run at large.

# SUBSECTION 300: OFFENSES AGAINST PROPERTY

## SEC. 15.301 LITTERING PROHIBITED.

(1) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the County of Columbia or any other municipal or public entity within the County, or any private person, or upon the surface of any body of water within the County.

(2) **Litter from Conduct of Commercial Enterprise.**

(a) **Scope.** The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.

(b) **Litter to be cleaned up.** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

(c) **Litter picked up at litterer's expense.** If any person, firm, corporation or association fails to pick up any litter as required by Subsection (2)(a) within the time specified, County officials shall arrange to have the same picked up by County crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

## SEC. 15.302 STORAGE OF JUNK REGULATED.

No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, furniture, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris which substantially depreciates property values in the neighborhood.

## SEC. 15.303 ABANDONED REFRIGERATORS PROHIBITED.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his/her control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

## SEC. 15.304 TRESPASS ON RAILROAD PROPERTY.

No person, other than a licensee or those connected with or employed by a railroad, shall walk, loiter, or be upon or along the track of any railroad. Violation of this Section shall be considered trespass.

## SEC. 15.305 DISTURBING CEMETERY PROPERTY.

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants, or vines from any cemetery lot or property; nor shall any person deface, injure, or mark upon any cemetery markers, headstones, monuments, fences, or structures; nor shall any person other than the owner injure, carry away, or destroy any vases, flower pots, urns, or other objects which have been placed on any cemetery lot.

## SEC. 15.306 CREATING A ROAD HAZARD.

No person may intentionally throw, push, dispel, discharge, or otherwise place grass clippings, leaves, branches, trees, snow or any other debris upon any street, road, or highway so as to create a hazard for any motoring public.

# SUBSECTION 400: OFFENSES INVOLVING ALCOHOLIC BEVERAGES

## SEC. 15.401 OUTSIDE CONSUMPTION.

(1) **Alcoholic Beverages in Public Areas**

(a) **Private Property Held Out for Public Use.** It shall be unlawful for any person to consume any alcoholic beverages upon any private property held open for public use within Columbia County unless the property is specifically named as being part of a licensed premises.

(b) **Possession of Open Intoxicants in Vehicle in Public Places Prohibited.** No person shall possess on his or her person open containers of alcoholic beverages in any vehicle as that term is defined in Wis. Stats. § 340.01(74), while the same is on property as described in Subsection (1)(a) of this Section, excluding public highways as that term is defined in Wis. Stats. § 340.01(22). For purposes of this Subsection, vehicle also includes snowmobiles as that term is defined in Wis. Stats. § 340.01(58a).

(c) **Owner or Driver Responsible for Open Intoxicants in Vehicle in Public Places.** The owner of a privately-owned vehicle or the driver of the vehicle as that term is defined in Wis. Stats. § 340.01(74), shall not keep, or allow to be kept in the vehicle any open container of alcoholic beverage when it is upon property as described in Subsection (1)(a) of this Section, excepting public highways as that term is defined in Wis. Stats. § 340.01(22). For purposes of this Subsection vehicle also includes snowmobile as that term is defined in Wis. Stats. § 340.01(58a).

(2) **Definitions.**

(a) As used in this Section, the term alcoholic beverage shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purpose.

(b) As used in this Section, the term public area shall be construed to mean any location within the County which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.

(c) As used in this Chapter, underage person shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

## SEC. 15.402 POSSESSION OF ALCOHOLIC BEVERAGES ON SCHOOL GROUNDS PROHIBITED.

(1) In this Subsection:

(a) Motor vehicle means a motor vehicle owned, rented or consigned to a school.

(b) School means a public, parochial or private school which provides an educational program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

(c) School administrator means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

(d) School premises means premises owned, rented or under the control of a school.

(2) Except as provided by Subsection (3) no person may possess or consume alcoholic beverages:

(a) On school premises;

(b) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or

(c) While participating in a school-sponsored activity.

(3) Alcoholic beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent which applicable laws and ordinances.

## SUBSECTION 500: OFFENSES BY JUVENILES

### SEC. 15.501 COUNTY JURISDICTION OVER PERSONS 12 THROUGH 16 YEARS OF AGE.

(1) **Adoption of State Statute.** Wis. Stats. § 938.17 is hereby adopted and by reference made a part of this Section as if fully set forth herein.

(2) **Provisions of Ordinance Applicable to Persons 12 through 16 Years of Age.** Subject to the provisions and limitations of Wis. Stats. § 938.17 complaints alleging a violation of any provision of this Code of Ordinances against persons 12 through 16 years of age may be brought on behalf of Columbia County and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.

(3) **No incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.

### SEC. 15.502 PETTY THEFT BY JUVENILES.

It shall be unlawful for any person under the age of seventeen (17), with intent, to steal or take property from the person or presence of the owner without the owners consent and with the intent to deprive the owner of the use thereof.

## SEC. 15.503 TRUANCY.

(1) **Definitions.**

(a) **Habitual truant.** A pupil who is absent from school without an acceptable excuse for either of the following:

1. Part or all of five (5) or more days out of ten (10) consecutive days on which school is held during a semester;

2. Part or all of ten (10) or more days on which school is held during a school semester.

(b) **Acceptable excuse.** An acceptable excuse as defined in Wis. Stats. §§ 118.15 and 118.16(4).

(2) **Prohibited Conduct.** Any person under the age of eighteen (18) years enrolled in school shall not be a habitual truant.

## SEC. 15.504 CRIMINAL GANG ACTIVITY PROHIBITED.

(1) **Definitions.** For purposes of this Section, the following terms are defined:

(a) **Criminal Gang.** An ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in Wis. Stats. § 939.22(21)(a)-(u), or in any of the Code of Ordinances sections referred to in Subsection (1)(b) below; that has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(b) **Pattern of Criminal Gang Activity.** Has the same meaning as the definition in Wis. Stats. § 939.22(21)(a)-(u).

(c) **Unlawful Act**. Includes a violation of any of the Code of Ordinances sections referred to in Subsection (2)(b) above or any criminal act or act that would be criminal if the actor were an adult.

(2) **Unlawful Activity.**

(a) It is unlawful for any person to engage in criminal gang activity.

(b) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to commit or attempt to commit any violation of the provisions of this Section, or any one (1) or more of those sections of the Code of Ordinances, referred to in Subsection (2)(b) above.

(c) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to participate in criminal gang activity.

(d) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to join a criminal gang.

## SEC. 15.505 CURFEW.

(1) It shall be unlawful for any person under seventeen (17) years of age to be on foot, cycle, or in any type of vehicle on any public beach, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building, or any other public place in the county between the hours designated as follows, unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore. The fact that said child, unaccompanied by parent, guardian, or other person having legal custody is found upon any such public place during the aforementioned hours shall be evidence that said child is there unlawfully and that no reasonable excuse exists therefore:

(a) From Sunday evening through Thursday evening, the above-mentioned acts shall be prohibited from 10:00 p.m. to 5:00 a.m.

(b) On Friday and Saturday evenings, the above-mentioned acts shall be prohibited from 12:00 midnight to 5:00 a.m.

(2) **Exceptions.**

(a) This Section shall not apply to a child:

1. Who is performing an errand as directed by his parent, guardian, or person having lawful custody.

2. Who is on his own premises or in the areas immediately adjacent thereto.

3. Whose employment makes it necessary to be upon the streets, alleys, or public places or in any motor vehicle during such hours.

4. Who is returning home from a supervised school, church, or civic function.

(b) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys, or public places or be in a parked motor vehicle on the public streets.

(3) It shall be unlawful for any parent, guardian, or other person having the lawful care, custody, or control of any person under seventeen (17) years of age to allow or permit such person to violate the provisions of (1) or (2) above. The fact that prior to the present offense a parent, guardian, or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian, or custodian allowed or permitted the present violation. Any parent, guardian, or custodian herein who shall have made a missing person notification to the Sheriffs Office shall not be considered to have allowed or permitted any person under seventeen (17) years of age to violate this Section.

(4) It shall be unlawful for any person, firm, or organization operating or in charge of any place of amusement, entertainment, refreshment, or other place of business to permit any minor under seventeen (17) years of age to loiter, loaf, or idle in such place during the hours prohibited by this Section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment, or other place of business during the hours prohibited by this Section shall find persons under sixteen (16) years of age loitering, loafing, or idling in such place of business, he shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Sheriffs Office and inform them of the violation.

## SEC. 15.506 SEXTING PROHIBITED.

(1) **Definitions.** For purposes of this Section, the following terms are defined:

(a) **Nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a noticeably erect state. A mother's breastfeeding of her baby does not, under any circumstances, constitute nudity, regardless of whether the nipple is covered during or incidental to feeding.

(b) **Harmful to minors.** Any reproduction, imitation, characterization, description, exhibition, presentation, or representation of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

1. Predominantly appeals to an indecent, shameful, or morbid interest; and

2. Is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and

3. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(c) **Minor.** Any person under the age of 18 years.

(2) Sexting as an Offense. A minor commits the offense of sexting if he or she knowingly does any of the following:

(a) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another person any photograph or video of any person which depicts nudity, as defined in this section, and is harmful to minors as defined in this section.

(b) Possesses a photograph or video of any person that was transmitted or distributed by another person which depicts nudity and is harmful to minors. A minor does not violate this paragraph if all of the following apply:

1. The minor did not solicit the photograph or video; and

2. The minor took reasonable steps to report the photograph or video to a guardian, school or law enforcement official; and

3. The minor did not transmit or distribute the photograph or video to a third party other than a law enforcement official.

(c) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another person any text message, correspondence or message of a sexual nature when it:

1. Predominantly appeals to an indecent, shameful, or morbid interest; and

2. Is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and

3. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(d) Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would be prohibited under this section.

**(3) General Penalties.**

(a) **First Offense.** Violators shall be subject to a $250.00 forfeiture.

(b) **Second Offenses.** Any additional offense(s) within a one-year period upon conviction of the first violation shall be considered a Second Offense. Second Offense violators are subject to a $439.00 forfeiture.

# Chapter 16 – Miscellaneous Law Enforcement Provisions

## SUBSECTION 100: ALARM REGULATION

### SEC. 16.101 TITLE.

This chapter may be cited as the Alarm Regulation Ordinance.

### SEC. 16.102 PURPOSE.

The purpose of this chapter is to reduce the number of false alarms by: (1) eliminating automatic telephone alarm devices preprogrammed to telephone county emergency numbers; (2) by requiring permits for certain types of alarms; and (3) by imposing penalties upon the owners of alarm devices which repeatedly generate false alarms.

### SEC. 16.103 AUTHORITY.

This chapter is enacted under the authority of Wis. Stats. §§ 59.07(5) and 59.07(64).

### SEC. 16.104 ADMINISTRATION; ENFORCEMENT.

(1) The Public Safety Committee of the Columbia County Board shall act as the policy oversight body with respect to the operation of this chapter.

(2) Implementation and day-to-day administration of this chapter shall rest with the Columbia County Sheriff. The Sheriff shall designate persons who shall act as custodians of application records and perform such other functions with respect to this Ordinance as may from time to time be directed by the Sheriff.

(3) The Columbia County Corporation Counsel's Office shall prosecute violations of this Ordinance.

(4) Any law enforcement officer employed by the County of Columbia may issue citations for violations of this chapter.

(5) In lieu of issuing citations under this chapter, the Corporation Counsel may issue formal Summons and Complaints in any particular case.

### SEC. 16.105 DEFINITIONS.

For the purposes of this Subsection, the following terms shall be defined as described herein. All other terms not defined shall have their normal and ordinary meaning apply unless specifically defined within applicable law.

(1) **Alarm or Alarm Device.** Any device, whether mechanical, electrical or otherwise, which is designed to signal an unauthorized entry on the premises, an unlawful act, or an emergency situation to which law enforcement or a fire department is expected to respond immediately.

(2) **Alarm Monitoring Service.** An alarm business which provides services to alarm system users, answering recording signaling from alarm systems that indicate an activation of an alarm and relaying the alarm message to the Sheriff's Office. An alarm monitoring service may be located within the State of Wisconsin or at locations outside of the State.

(3) **Alarm System.** Any mechanical or electrical equipment arranged to signal the occurrence of an unauthorized entry on the premises, an unlawful act, or an emergency situation that initiates immediate police or fire department notification, including local alarms, which are audible or visible upon the exterior of a structure and give notice to the public.

(4) **Alarm System User.** The owner, occupant, or person, in control of any building, structure, or facility in which an alarm system has been installed and is in operation.

(5) **Committee.** The Public Safety Committee of the Columbia County Board of Supervisors.

(6) **Department.** The Columbia County Sheriff's Office.

(7) **False Alarm**.

(a) An alarm notification summoning the Department's deputies or a local fire department to the location of an alarm activation, and the responding officer find no evidence of a criminal offense or fire. Unintentional activation of the alarm by the alarm system user or due to mechanical failure or malfunction are considered "false alarms."

(b) "False alarm" does not include an alarm activation signal caused by extraordinary extremes of weather such as high winds, thunder, and lightning storms or the disruption of the alarm system beyond the control of the alarm system user and a direct causation can be established between the event and the alarm activation signal. The alarm system user shall bear this burden of proof if the cause of the false alarm is contested.

(8) **Information Packet.** Document created by the Department to be completed by the alarm system user and returned to the Department in order to provide the Department with information about the alarm systems user's alarm.

(9) **Owner.** The owner of an alarm device, or his or her agent or employee.

(10) **Person.** Any individual, partnership, associations of individuals, firms, corporations, business entities, or organization of any kind.

## SEC. 16.106 ALARM DEVICES GENERAL REGULATION.

Except as hereafter provided, no device which transmits any type of signal to the Department or to any agency of Columbia County government shall be installed or maintained in existence unless in accordance with the terms of this chapter and any such existing device shall be removed within ninety (90) days of the effective date of this Ordinance.

Devices that are not designed to, directly or indirectly, and do not generate a response from the Department, any Columbia County governmental agency, municipality, other law enforcement agencies, or local fire departments are excluded from this Ordinance. Alarms services which generate signals to private firms or business, which in turn call upon a law enforcement agency or a local fire department to respond, shall be subject to this Ordinance and any penalties for false alarms established.

## SEC. 16.107 RESPONSIBILITY FOR ACTS OF OTHERS.

Alarm system users shall be responsible for the acts of persons acting under their control or authority, including the act of their agents, representatives, or employees who shall be presumed to be acting at the direction of or under the control of the alarm system user where the device is located.

## SEC. 16.108 INFORMATIONAL PACKET.

Each alarm system user shall provide pertinent information to the Department at the time of notification of the activation of any alarm. Such information shall be provided via the informational packet created by the Department. The informational packet shall require such information the Department deems appropriate and necessary, including but not limited to the identity of key representatives or key holders for the alarm system who may take immediate action upon the request of the Department, the location and identification of the alarm, the description of any animals located on the property, and the identity of any alarm monitoring service with whom the alarm system user has a contract with to obtain and maintain the alarm.

All alarm system users shall promptly notify the Department if there are any changes to the information contained within the informational packet.

Any alarm system user who generates an emergency response from the Department or any other law enforcement agency at the time when the completed informational packet is not on file with the Department, or is not appropriately updated as required, shall be subject the same forfeiture as found in Section 16.113

## SEC. 16.109 INFORMATION PACKET, CONFIDENTIALITY.

Each information packet received by the Department under this Ordinance shall be deemed confidential and may not be released to any person or agency except by court order, with notice of the applicable hearing provided to the alarm system user, or the alarm system user's written consent.

## SEC. 16.110 TESTING.

No alarm system shall be tested or demonstrated without first obtaining prior approval from the Department. No alarm system shall be tested to determine the response or adequacy of any public safety agency.

## SEC. 16.111 NOTIFICATION.

When the service provided by an alarm monitoring service to an alarm system user is disrupted for any reason by the alarm monitoring service or the alarm monitoring service becomes aware of such disruption, it shall promptly notify the alarm system user by telephone that protection is disrupted. If the alarm monitoring system has written instructions from the alarm system user to make such notification by telephone or by email, during certain hours, the alarm monitoring system may comply with such instructions.

## SEC. 16.112 PROHIBITIONS.

Any automatic dialing device, which automatically selects a public telephone number, including 911, of Columbia County and relays a pre-recorded message or coded signal indicating the existence of an activated alarm system is prohibited. No person shall own, use, or possess an alarm system or the transmission of information regarding an alarm system that causes, permits, or otherwise results in the giving of an alarm whether intentional, accidental, or otherwise unless that results in the direct connection to Columbia County (except alarm systems intended to protect County employees or County-owned property). Notification of an activated alarm system to the Department shall be accomplished by person-to-person communications directly from the alarm system user, an observer, or by means of a central monitoring station or answering service.

## SEC. 16.113 PENALTIES FOR VIOLATION OF THIS ORDINANCE.

(1) For the first and second false alarm within a period of twelve (12) consecutive months, which results in the dispatching of deputies from the Department or local fire personnel, the alarm system user shall receive a written warning.

(2) For the third, fourth, and fifth false alarm within any period of twelve (12) consecutive months, the alarm system user shall pay a forfeiture of $131.40, as provided within Section 1.12, plus any court costs and fees, for each false alarm.

(3) For any false alarm exceeding five alarms within any period of twelve (12) consecutive months, the alarm system user shall be deemed to be a habitual violator of this ordinance and he or she shall be subject to a forfeiture of $500 as provided within Section 1.12, plus any court costs and fees, for each false alarm.

(4) For any habitual offender of this Ordinance, the Sheriff, in his or her discretion, shall have the authority to disconnect any system that accumulates six (6) or more false alarms within a twelve (12) month period.

(5) Violators of Sections 16.106 and 16.07 shall pay a forfeiture of $131.40, as provided within Section 1.12

(6) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this section shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code of Ordinances.

(7) When the Department is aware the alarm system user is not the owner of the property, notice of a citation issued to the alarm system user will be mailed to the owner of the property.

(8) All forfeitures in this ordinance are in addition to any charges levied by the responding agency for actual costs incurred.

### SEC. 16.114 MODE OF ISSUANCE.

Only the Sheriff's Office shall issue citations under this ordinance. Citations may be served on the defendant by any manner allowed by Wis. Stats. § 66.0113(3)(e).

## SUBSECTION 200: MEDICAL CARE TO PRISONERS

### SEC. 16.201 GENERAL PROVISIONS.

(1) **Purpose and General Policy.** This policy is intended to establish guidelines for payment of fees for medical costs of prisoners while incarcerated in the Columbia County jail.

(2) **Interpretation.** The provisions of this ordinance shall be interpreted to be the minimum requirements and shall be liberally translated in favor of Columbia County and shall not be deemed a limitation of any power granted by the State of Wisconsin Statutes.

### SEC. 16.202 DEFINITIONS.

(1) **Indigent.** A prisoner who has assets which fall below the indigency standard pursuant to Wis. Stats. §§ 59.025 and 302.38.

(2) **Huber Prisoner.** Prisoners sentenced by the court to jail who are allowed to leave the jail for specified reason(s) as stated in Wis. Stats. § 303.08(1).

## SEC. 16.203 Prisoner's Health Care.

(1) No prisoner shall be refused medical and/or dental care/treatment while housed in the Columbia County Jail.

(2) The Columbia County Health Care staff will provide the following care to prisoners:

(a) Medical Emergency care/assessment.

(b) Admitting physical screening.

(c) Follow up visits recommended by medical staff.

(d) In-house mental health screening.

(e) Ambulance or squad car service to hospitals and health care facilities.

## SEC. 16.204 HEALTH CARE COSTS TO PRISONERS.

(1) The prisoner shall be ultimately liable for the cost of medical care inside or outside of the jail.

(2) Prisoners who do not have a sufficient amount of money in their account at the time medical services is provided, will have medical fees assessed to their account creating a negative balance.

(3) Any monies obtained by the prisoner will be credited to the negative balance.

## SEC. 16.205 COUNTY JAIL RESPONSIBILITY FOR HEALTH CARE.

(1) **Limitation on Liability.** The maximum amount that Columbia County shall pay for the cost of medical, dental or hospital care provided to any prisoner housed at the Columbia County Jail whom it is financially responsible for shall be limited to the amount payable by Medical Assistance under Wis. Stats. § 49.43 to 49.47, except Wis. Stats. § 49.468, for care for which a Medical Assistance rate exists.

(2) **Inability of prisoner to pay for cost of care.** It shall be presumed that a prisoner is able to pay for the cost of medical or dental care if his income and assets exceed the financial eligibility standards established by the State of Wisconsin for AFDC eligibility. In making a determination with respect to the financial ability of a prisoner to pay for the cost of his medical and dental care, the income of a prisoner shall be counted for thirty days prior to the first date of medical treatment. Columbia County shall not pay the cost of medical, dental and hospital care provided to a prisoner inside or outside of the Jail who exceeds such financial eligibility limit. For purposes of making a determination with respect to the financial ability of a prisoner to pay for the cost of medical, dental and hospital care, the Columbia County Sheriff or an employee of Columbia County may require a prisoner to complete an AFDC application form. In the absence of such a completed form, Columbia County may rely on any other information which is available as to the prisoner's present income and assets, including, but not limited to, the prisoner's application for representation through the Wisconsin Public Defender's Office. This ordinance shall not diminish the rights of Columbia County to collect any amount paid on behalf of the prisoner for medical, dental or hospital care from the prisoner or his or her estate in the future.

(3) **Collection.** Columbia County shall make a diligent effort to collect the value of any medical, dental or hospital care provided to a prisoner inside or outside the County Jail, or from the prisoner's estate as provided for in Wis. Stats. § 49.08. The Columbia County Sheriff, in conjunction with the Columbia County Judiciary Committee, shall formulate a policy with regard to the collection of said monies.

## SUBSECTION 300: PUBLIC EVENTS

### SEC. 16.301 INTENT OF REGULATIONS.

It is the purpose of the county to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in this county, in order that the public peace and good order, the health, safety and welfare of all persons in this county, residents and visitors alike, may be protected.

### SEC. 16.302 LICENSE.

(1) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 1,000 or more people which continues or can reasonably be expected to continue for 8 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the Board of Supervisors as hereinafter provided. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly. The term assembly means a company of persons gathered together at any location at any single time for any purpose.

(2) A separate license is required for each day and each location in which 1,000 or more people assemble or can reasonably be anticipated to assemble. The fee for each license is listed in the Fee Schedule at Chapter 7.

(3) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

## SEC. 16.303 EXCEPTIONS.

(1) This chapter does not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

(2) This chapter does not apply to government financially supported fairs or affairs, such as are held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances or regulations of this county.

## SEC. 16.304 CONDITIONS FOR LICENSE.

(1) Before a license may be issued the applicant shall determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of this county. An overnight assembly is an assembly of 1,000 or more persons which continues between the hours of 9:00 p.m. and 5:00 a.m. consecutively.

(2) Before a license may be issued the applicant shall provide proof that he will furnish at his own expense before the assembly commences:

(a) A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.

(b) Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least 10 gallons per person per day.

(c) Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and ordinances and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.

(d) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly, and sufficient trash cans with the tight fitting lids and personnel to perform the task.

(e) Physicians and nurses licensed to practice in Wisconsin sufficient to provide the average medical care enjoyed by residents of Wisconsin for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times.

(f) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot-candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

(g) A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.

(h) Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons.

(i) If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of this county, sufficient to provide camping accommodations for the maximum number of people to be assembled.

(j) Security guards, either regularly employed, duly sworn, off duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 250 people.

(k) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this county, and sufficient emergency personnel to efficiently operate the required equipment.

(l) All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(m) A bond, filed with the Clerk of this county, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of $0 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless this county or any of its agents, officers, and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

## SEC. 16.305 APPLICATION FOR LICENSE.

(1) Application for a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the County Clerk at least 30 days in advance of such assembly.

(2) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural, human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

(3) The application shall contain and disclose:

(a) The name, age, residence and mailing address of all persons required to sign the application and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of the corporation.

(b) The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner of all such property.

(c) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of 2,000 or more persons.

(d) The nature or purpose of the assembly.

(e) The total number of days and/or hours during which the assembly is to last.

(f) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight.

(g) The maximum number of tickets to be sold, if any.

(h) The plans of the applicant to limit the maximum number of people permitted to assemble.

(i) The plans for fencing the location of the assembly and the gates contained in such fence.

(j) The plans for supplying potable water including the source, amount available and location of outlets.

(k) The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited.

(l) The plans for holding, collection, and disposing of solid waste material.

(m) The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service.

(n) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.

(o) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.

(p) The plans for telephone service including the source, number and location of telephones.

(q) The plans for camping facilities, if any, including facilities available and their location.

(r) The plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability.

(s) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.

(t) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.

(u) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.

(v) Certificates of insurance coverage issued by bona fide insurance companies licensed to transact business in this state showing that such companies have insured said applicant, and said assembly in the following ways:

1. A comprehensive public liability policy with a maximum limit for all claims in the amount of $2,000,000.00 and containing a medical payments coverage guaranteeing payment of all medical bills incurred within one year of injury by any person by reason of any injury on said premises during such assembly to a maximum of $5,000.00 per person.

2. A fire legal liability policy with a maximum limit of $2,000,000.00.

3. Workmen's Compensation Insurance as required by Wisconsin law.

(4) The application shall include the bond required, certificates of insurance, and the license fee.

## SEC. 16.306 ISSUANCE OF LICENSE.

The application for a license shall be processed within 20 days of receipt and shall be issued by the County Clerk, if all the conditions are complied with.

## SEC. 16.307 REVOCATION OF LICENSE.

The license may be revoked by the Board of Supervisors or any committee thereof designated by the Board to so act at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

## SEC. 16.308 ENFORCEMENT.

(1) The provisions of this legislation may be enforced by injunction in any court of competent jurisdiction, including any such other remedies as the court may allow including but not limited to the penalties provided in this section.

(2) The holding of an assembly in violation of any provision or condition contained in this legislation shall be deemed a public nuisance and may be abated as such.

(3) **Penalties.** Any person who violates this Ordinance or who violates any condition upon which he is granted a license may be subject to penalties as listed in Section 1.12. Each day of violation shall be considered a separate offense.

## SUBSECTION 400: RABIES CONTROL

### SEC. 16.401 RABIES VACCINATION OR QUARANTINE REQUIRED.

(1) Whoever does any of the following may be penalized, as provided in Section 1.12:

(a) Owns a dog but fails to vaccinate such animal against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinate such animal within one year after the initial vaccination; or

(b) Obtains or brings a dog into this county after the dog has reached four (4) months of age but fails to have the dog vaccinated against rabies within thirty (30) days after the dog is obtained or brought into this county unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination; or

(c) Owns a dog but fails to have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination.

(d) Owns a dog or cat which has been ordered by an Officer, as defined in Wis. Stats. § 95.21(1), to be quarantined and fails to comply with the order by failing to:

1. Keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the biting of a person and having the animal examined by the veterinarian on the first day of isolation, on the last day of isolation, and on one intervening day.

2. Deliver the animal to an isolation facility as soon as possible but no later than 24 hours after the original order is issued, and leave the animal at the isolation facility for the required period of time; or

3. Quarantine the animal on the premises of the owner by keeping the animal leashed or confined for the required period of time and obtaining a rabies vaccination at the required time.

# SUBSECTION 500: VEHICLE IMMOBILIZATION

## SEC. 16.501 VEHICLE IMMOBILIZATION.

(1) **Authority.**

(a) Adopted pursuant to Wis. Stats. § 59.025.

(b) This Ordinance shall be subject to the provisions of Wis. Stats. Chapter 346, and all subsequent rules and regulations promulgated thereunder regarding rules of the road and the immobilization of violators vehicles.

(c) This Ordinance shall not be more lenient nor stringent than the rules and regulations promulgated pursuant to Wis. Stats. Chapter 346.

(2) **Jurisdiction.** The jurisdiction of this Ordinance shall include all lands within Columbia County including the lands within the corporate limits of the cities and villages of Columbia County.

(3) **Compliance.** Any Columbia County Circuit Court may order a law enforcement officer to seize a motor vehicle, or if the motor vehicle is not ordered seized, shall order a law enforcement officer to equip the motor vehicle with an ignition interlock device or immobilize any motor vehicle owned by a person whose operating privilege is revoked as pursuant to Wis. Stats. § 346.65 (6).

(4) **Adoption by Reference and Disclaimer of Liability.** Wis. Stats. Chapter 346, titled Rules of the Road, and all Administrative Codes adopted thereunder pertaining to penalties for motor vehicle operators in violation of Wis. Stats. Chapters 343, 346 and 940, are hereby adopted by reference and made a part of this Ordinance.

(5) **Fees**. Fees may be reestablished by County Board action and are to be listed in the Fee Schedule. The fee for immobilization shall not be less than the amount established by Wis. Stats. § 346.65(6)(e).

# SUBSECTION 600: ABANDON AND JUNKED VEHICLES

## SEC. 16.601 ABANDONED VEHICLES.

(1) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:

(a) **Vehicle.** A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.

(b) **Unattended.** Unmoved from its location with no obvious sign of continuous human use.

(c) **Street.** Any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.

(2) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private property in Columbia County for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in Columbia County or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.

(3) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:

(a) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the Sheriff or designee.

(b) Whenever a property owner or the authorized agent of the property owner, or other person so charged with the lawful jurisdiction thereof, notifies any law enforcement officer that a vehicle has been abandoned on his property or on the public streets adjacent thereto, without permission for more than forty-eight (48) hours, the law enforcement officer shall presume that the vehicle is abandoned.

(4) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with County zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

## SEC. 16.602 REMOVAL AND IMPOUNDMENT OF VEHICLES.

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 16.603.

## SEC. 16.603 REMOVAL, STORAGE, NOTICE OR RECLAIMER OF ABANDONED VEHICLES.

(1) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 16.601.

(2) **Removal.**

(a) Any Deputy Sheriff who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in Columbia County which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment, approved by the Sheriff or designee.

(b) Upon removal of the vehicle, the Sheriff Deputy shall notify the Sheriff or his designee of the abandonment and of the location of the impounded vehicle.

(3) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the Sheriff or his designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Sheriff or his designee determines an abandoned vehicle to have a value of less than One Hundred Dollars ($100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as having a value not in excess of One Hundred Dollars ($100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Sheriff or his designee to provide an ownership or secured party interest in said vehicle.

(4) **Notice to Owner and Secured Party.** A notice, as referred to herein, shall be sent by certified mail to the title owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:

(a) That the vehicle has been deemed abandoned and impounded by Columbia County;

(b) The "determined value" of the abandoned vehicle;

(c) If the cost of towing and storage costs will exceed the determined value of the vehicle;

(d) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars ($100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and

(e) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

## SEC. 16.604 DISPOSAL OF ABANDONED VEHICLES.

Any abandoned vehicle impounded by the County which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class 1 Notice, including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

## SEC. 16.605 REPORT OF SALE OR DISPOSAL.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Sheriff or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the County for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the County shall be made available to any interested person or organization which makes a written request for such list to the Sheriff's Department. The Sheriff's Department may charge a reasonable fee for the list.

### SEC. 16.606 OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.

(1) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the County against the owner.

(2) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

## SUBSECTION 700: INJURED ANIMALS

### SEC. 16.701 INJURED ANIMALS.

No person who owns, harbors, or keeps any animal shall fail to provide proper medical attention when and if such animal becomes sick or injured. If the owner of such animal cannot be located, the Columbia County Sheriff or his deputies shall have the authority to take custody of such animal for the purpose of obtaining medical treatment and the owner thereof shall reimburse the person or organization providing care for the costs of treatment and care.

Any person violating this section shall also be subject to the penalty listed in Section 1.12

## SUBSECTION 800: NUISANCE, DANGEROUS, OR VICIOUS DOGS

### SEC. 16.801 DEFINITIONS.

(1) **Dangerous dog.** A dog that, without provocation, has done any of the following:

(a) Caused injury, other than killing or serious injury, to any person; or

(b) Killed another dog;

(c) This definition does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) **Police dog.** A dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(3) **Menacing fashion.** A dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(4) **Nuisance dog.** A dog that, without provocation and while off the premises of its owner, keeper, or harborer, has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(a) This does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(5) **Serious injury**. Any of the following:

(a) Any physical harm that carries a substantial risk of death;

(b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;

(c) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

(d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(6) **Vicious dog.** A dog that, without provocation, has killed or caused serious injury to any person. This does not include:

(a) A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

(b) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harborer of the dog.

(7) **Without provocation.** The dog in question was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

## SEC. 16.802 CLASSIFICATION.

The Columbia County Sheriff's Office may bring cases to classify dogs within the County as a nuisance, dangerous, or vicious to the Public Safety Committee. The Sheriff's Office is responsible for presenting substantial evidence to the Public Safety Committee for the requested classification of a specific dog to the Public Safety Committee. The Sheriff's Office may consult with an outside agency when gathering evidence. The owner(s) of the dog and the victim(s) shall be informed of the Public Safety Committee meeting date and time and shall be provided with the opportunity to participate in the meeting.

A majority vote is required by the Public Safety Committee to approve or deny the requested classification. The Executive Committee has superseding authority over the Public Safety Committee with respect to the decisions to classify a specific dog as dangerous or vicious. The Executive Committee may overturn the Public Safety Committee's decision by a majority vote.

## SEC. 16.803 NUISANCE DOGS.

The owner of any dog that has been classified as a nuisance shall keep said dog securely enclosed on the owner's premises and shall keep it muzzled when exercising it. Where there is evidence such animal intimidates persons from the use of some or all of their public property, the Sheriff or his deputies may order the animal muzzled, leashed, or restrained.

Any person violating this section shall be subject to the penalty listed in Section 1.12.

## SEC. 16.804 DANGEROUS DOGS.

A dog that has been classified as dangerous may, but is not required, to be euthanized after the first incident. Any dog that has previously been classified as dangerous and has a second incident in which it would subsequently be classified as dangerous shall be euthanized.

Any person violating this section shall be subject to the penalty listed in Section 1.12.

## SEC. 16.805 VICIOUS DOGS.

Any dog that has been classified as vicious shall be euthanized.

Any person violating this section shall be subject to the penalty listed in Section 1.12.

# SUBSECTION 900: DANGEROUS ANIMALS

## SEC. 16.901 DANGEROUS ANIMALS.

**Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance a reasonable application which protects human health and humane treatment of animals.

(1) **Animal.** Any member of the animal kingdom except human beings.

(2) **Animal Control Agency.** The Columbia County Sheriff's Office and any other public or private agency delegated authority by the Columbia County Sheriff to enforce portions of this ordinance; or any public or private agency designated by the state, county supervisors or a municipality as their animal control agent.

(3) **Animal Control Officer.** A designated contractor or officer of the Animal Control Agency.

(4) **Sheriff.** The Columbia County Sheriff.

(5) **Sheriff's Department.** The Columbia County Sheriff's Office.

(6) **Board of Supervisors.** The Columbia County Board of Supervisors.

(7) **Dangerous Animal.** Includes, but not limited to, all animals which are classified in the following animal families, which are subject to amendment by the Board of Supervisors:

(a) Canidae; e.g. wolves, coyotes, foxes, jackals, within the order Carnivora but excluding Canis familaris, the domestic dog.

(b) Felidae; e.g. lions, tigers, jaguars, leopards, cougars, lynx, ocelots, bobcats, within the order Carnivora but excluding Felis domestica, the domestic cat.

(c) Ursidae; e.g black bears, brown bears, grizzly bears, polar bears, of the order Carnivora.

(d) Cercopithecidae; e.g. baboons.

(e) Pongidae; e.g. gibbons, orangutans, chimpanzees, gorillas.

(f) Hyaenidae; e.g. hyaenas.

(8) **Keeping.** The act of confining, harboring, maintaining, owning, or sheltering an animal.

(9) **Owner.** Any person confining, harboring, keeping, maintaining or sheltering an animal.

(10) **Person.** Any agency, association, business, club, company, corporation, firm, individual, institution, organization, partnership, syndicate, trust, trustee or any federal, state or local governmental agency or instrumentality of other entity recognized by the law as the subject of rights and duties. The feminine, masculine, singular or plural is included in any circumstance.

(11) Animals used in agriculture, as defined by the United States Department of Agriculture shall not be considered dangerous animals.

## SEC. 16.902 DANGEROUS ANIMALS PROHIBITED.

No persons shall keep a dangerous animal in Columbia County except as allowed by Section 16.903.

## SEC. 16.903 EXCEPTION TO PROHIBITION OF DANGEROUS ANIMALS.

The prohibition contained in subsection 16.902 of this Ordinance shall not apply to the keeping of dangerous animals in Columbia County in secure containment under these circumstances:

(1) Dangerous animals kept at state licensed veterinary hospitals, humane societies, licensed wildlife rehabilitators or animal control pounds for treatment or impoundment purposes.

(2) Dangerous animals kept by federal, state, county and municipal authorities and their designees or veterinarians pursuant to the enforcement of this or any animal control ordinance.

(3) Dangerous animals kept by governmental agencies, colleges or universities accredited by the North Central Association Commission on Accreditation and School Improvement, medical institutions or research laboratories for instructional or research purposes.

(4) Dangerous animals kept in zoos owned and operated by a municipality.

(5) Dangerous native animals kept in licensed game farms or for fur pelting businesses on properly zoned land.

(6) Dangerous animals commercially exhibited for ten (10) days or less.

(7) Animals being commercially transported through Columbia County.

## SEC. 16.904 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS

(1) The Animal Control Officer may seize and remove any dangerous animal that is not kept under circumstances authorized in subsection 16.903 of this Ordinance or which is not confined under United States Department of Agriculture standards. Any dangerous animals seized may be euthanized by the Animal Control Officer. The Owner or keeper of a seized dangerous animal may be assessed for any costs incurred for capturing, maintenance, or euthanizing the animal.

(2) A dangerous animal that kills or causes serious injury to a human being shall be immediately surrendered to the Animal Control Officer for euthanasia.

## SEC. 16.905 DUTY TO SURRENDER A DANGEROUS ANIMAL/COST OF CONFINEMENT

(1) An Owner of a dangerous animal which has been seized may request that the Columbia County Circuit Court review the seizure. If an Owner requests review of the seizure of a dangerous animal, the animal shall remain in the custody of the Animal Control Agency during the pendency of the proceedings and the cost of confinement shall be assessed against the Owner.

(2) In an appeal from a seizure of a dangerous animal or an order to euthanize the animal, the decision of the Animal Control Officer shall prevail unless the Circuit Court finds that the decision was without a rational basis.

(3) Confinement of an animal shall be at a facility approved by the Animal Control Agency.

## SEC. 16.906 UNCONTROLLED DANGEROUS ANIMALS PROHIBITED

(1) No person may suffer or permit a dangerous animal to be at large in Columbia County.

(2) Any uncontrolled dangerous animal may be apprehended and impounded by the Animal Control Officer. The Animal Control Officer shall have the right to enter upon private property when it is necessary to apprehend an uncontrolled dangerous animal. Such entrance upon private property shall be in reasonable pursuit of an animal and shall not include entry into a domicile unless it be at the invitation of the occupant. An animal control officer denied entry to a domicile may initiate procedures regarding issuance of a search warrant.

(3) Any peace officer or Animal Control Officer may humanely destroy an uncontrolled dangerous animal if apprehension of the animal would pose a risk of injury to the officer.

## SEC. 16.907 DISPOSITION OF DISEASED AND INJURED UNCONTROLLED DANGEROUS ANIMALS.

(1) The Animal Control Officer may euthanize a diseased or injured uncontrolled dangerous animal. The animal shall first be examined by a licensed veterinarian and the veterinarian shall determine whether or not euthanization is required. A reasonable attempt to locate and notify the Owner of the animal will be made prior to euthanizing the animal.

(2) If the disease or injury to the uncontrolled dangerous animal is of such severity that the animal could not humanely be treated, or the animal has a contagious or fatal disease as determined by the examining veterinarian, the animal may be euthanized immediately without an attempt to locate or notify the Owner. The Owner shall subsequently be notified, if possible.

## SEC. 16.908 LIABILITY.

Nothing in this Ordinance absolves the keeper of an animal that inflicts injury to a person or property from financial responsibility for the animal's actions. Columbia County is not, by undertaking the enforcement of this Ordinance, creating any duty to third parties.

## SEC. 16.909 ENFORCEMENT.

It shall be the duty of the Sheriff or his/her designee to enforce provisions of this Ordinance, and this duty may be delegated to his/her authorized representative. The Sheriff is authorized to enter into contracts with any person to enforce portions of this Ordinance.

## SEC. 16.910 PENALTIES.

In addition to and without prejudice to the remedies contained herein, violation of the provisions of this Ordinance or failure to comply with any of its requirements shall be enforced in accordance with the Columbia County Code of Ordinances.

# Chapter 17 – Other County Properties

## SEC. 17.01 COUNTY PARKS, BOAT LANDINGS, SNOWMOBILE TRAILS, AND OTHER COUNTY-OWNED LANDS.

(1) **Dedication of Parks.** Columbia County sets aside and dedicates the following as County parks:

(a) Wyona Park in Town of Wyocena;

(b) Governor's Bend Park in Town of Fort Winnebago;

(c) Owen Park in Town of Caledonia;

(d) Lake George Park in Town of Pacific;

(e) Park Lake Park in Town of Wyocena; and

(f) Whalen Grade Disadvantaged Fishing Pier in Town of Dekorra.

(2) **Dedication of Boat Landings.** Columbia County sets aside and dedicates the following locations as county boat landings:

(a) Landing within Park Lake Park;

(b) Landing within Lake George Park; and

(c) Landing within Wyona Park.

(3) **Snowmobile Trails.** Columbia County administers a Wisconsin Department of Natural Resources (DNR) recreation aids grant providing funding for approximately 272.8 miles of safe, well maintained snowmobile trails known as the Columbia County Snowmobile Trails.

(4) **County Park and Boat Landing Administration.**

(a) General Provisions.

1. **Other Areas.** This section governs all lands and water designated as a park or boat landing and shall not include snowmobile trails.

2. **Season.** All county parks and boat landings shall be closed from November 1st to April 15th of each year, except for persons fishing or snowmobiling on designated trails.

3. **Closed Hours.** All county parks and boat landings shall be closed between the hours of 10:00 p.m. and 6:00 a.m. of the following day except to persons fishing, transporting watercraft to or from boat landings, or utilizing snowmobiles on designated snowmobile trails.

4. **No Reservations Needed.** The lawful use of the parks and boat landings shall be on a "first come" basis, except as authorized by the Land and Water Conservation Director. Planned events are encouraged to notify Highway and Transportation, and the Land and Water Conservation Department, to help avoid conflict.

    a. The only exception to this is Portage High School's use of Wyona Park for its cross-country events. Portage High School's shall be allowed to reserve Wyona Park for its cross-county events and those cross-country events shall supersede any other events.

5. **Governing Committees.** The Highway Committee, and the Agriculture, Extension, Land and Water Conservation Committee shall govern county parks and boat landings, as established in the Standing Rules of the Board of Supervisors.

6. **Maintenance and Operation.** The Highway Committee shall have the responsibility to provide for the maintenance and operation of existing parks and boat landings. The Committee shall have control over the budget provided for this purpose.

7. **New Parks and Boat Landings.** Any new park sites and boat landings shall be created through a cooperative effort between the Agriculture, Extension, Land and Water Conservation Committee and the Highway Committee, and approved by the Executive Committee of the County Board.

8. **Budget.** The County shall annually appropriate an amount sufficient to fund the maintenance, operation, or improvement of county parks and boat landings. The funds shall be derived from the Highway Department budget, in collaboration with the Land and Water Conservation Department.

(b) **Prohibited Conduct.**

1. **Trespass.** It shall be unlawful for any person to be in any county park or boat landing during the closed season as defined in Section 17.01(4)(a)3. or during closed hours as defined in Section 17.01(4)(a)4., except persons fishing, transporting watercraft to or from boat landings, or utilizing snowmobiles on designated snowmobile trails.

2. **Peddling and Soliciting.** It shall be unlawful for anyone to peddle or solicit business of any nature whatever, or to distribute handbills or other advertising matter, to post unauthorized signs or decorative matter on any lands, structures, or property, or use a park or boat landing as a base of commercial operations for soliciting or conducting business, peddling, or providing services within or outside of such lands, structures, or property unless first authorized.

3. **Littering, Vandalism, Disorderly Conduct.** The ordinances of Columbia County prohibiting littering, criminal damage to property, and disorderly conduct shall be enforced in the parks and boat landings of Columbia County.

4. **Vehicular Traffic.**

   a. It shall be unlawful to operate any vehicle at a speed in excess of 15 miles per hour in any county park or boat landing.

   b. It shall be unlawful to operate or park any motor vehicle of any kind in any county park or boat landing except upon paved portions or gravel portions which are intended for use as roadway or parking areas.

   c. It shall be unlawful to operate any unlicensed motor bike in any county park or boat landing.

   d. It shall be unlawful to operate any snowmobile on anything other than snowmobile trails in any county park or boat landing.

   e. Any vehicle found in a park during the closed season or during closed hours and not associated with a lawful use in that park during that time is subject to being towed away at the direction of law enforcement personnel. The owner of said vehicle shall be liable for the expense of towing and any storage costs resulting therefrom.

5. **Fires, Fireworks, Firearms.**

   a. **Fires.**

      1) It shall be unlawful for any person, without written authorization of the Columbia County Land and Water Conservation Director, to start, tend, or maintain any fire, or to burn any refuse, except at designated fireplaces, fire rings, or grills within any county park or boat landing, except that fires for cooking or heating may be made in portable stoves, heaters, or grills at designated campgrounds and picnic areas.

2) It shall be unlawful for any person to leave any fire or coals unattended, or to throw away any matches, cigarettes, cigars, pipe ashes, or any coals without first extinguishing them, or to abandon any fire or coals, or to start, tend, or use in any manner any fire contrary to posted notice in any county park or boat landing.

b. **Firearms.** It shall be unlawful for any person to have in his possession or under his control any firearm, airgun, or gas operated gun as defined in the Wisconsin Statutes, unless the same is unloaded and enclosed in a carrying case, or any bow, crossbow, or slingshot unless the same is unstrung or enclosed in a carrying case in any county park or boat landing.

c. **Hunting and Trapping.** It shall be unlawful for any person to take, catch, kill, hunt, trap, pursue, or otherwise disturb any wild animals or birds in any county park or boat landing.

6. **Pets.** It shall be unlawful for any person to allow pets to enter any public building, bathing beach, picnic grounds, or playgrounds within any county park or boat landing, or to run at large at any time on county park or boat landing grounds. In other county park or boat landing areas, pets are permitted provided they shall at all times be kept on a leash not more than 6 feet long. All pets shall be effectively restrained or under the owner's control at all times. No person shall allow his pet to deprive or disrupt the enjoyment or use of any area by others. Pet excrement shall be immediately removed by the owner.

7. **Camping.** It is unlawful for any person to erect, place, or use a shelter, such as a tent, trailer, motor vehicle, tarpaulin, bed roll, or sleeping bag for temporary residence or sleeping purposes in any county park or boat landing.

8. **Glass Beverage Containers.** No person shall bring glass bottles nor possess such bottles in any county park, beach, or boat landing.

9. **Metal Detectors.** Metal detecting on County property is permitted. However, excavation of County property deeper than six (6) inches in connection with metal detecting is prohibited and any holes dug must be refilled immediately and the site must be returned to its original state.

(c) **Enforcement.**

1. Any person who violates the prohibited conduct section shall be subject to the penalties as contained in Section 1.12.

2. A law enforcement officer of Columbia County, or any municipality therein, may issue a citation for violation of any county ordinance which occurs in a county park or boat landing.

3. **Injunction.** In the event of a continuing or recurrent violation of a county ordinance by a person in a county park or boat landing, the Corporation Counsel, or designee, may proceed to enjoin such activity.

## SEC. 17.02 HUNTING AND TRAPPING ON COUNTY LAND.

It shall be unlawful for any person to take, catch, kill, hunt, trap, pursue, or otherwise disturb any wild animals or birds on any County owned land, unless this land has been classified as a hunting and trapping legal county owned parcel. Anyone wishing to learn more about hunting and trapping opportunities on County land may contact the Land and Water Conservation Department.

# Chapter 18 – Emergency Response System

## SEC. 18.01 UNIFORM EMERGENCY NUMBERING SYSTEM.

(1) **Establishment and Intent.** There is established a uniform system of numbering properties, as shown on the maps on file in the Columbia County Planning and Zoning Department, for use in the unincorporated areas of Columbia County, Wisconsin. The maps and all other explanatory matter thereon are hereby adopted and made a part of this section.

(2) **Assignment of Numbers.** All properties or parcels of land in the unincorporated areas of Columbia County, Wisconsin, shall hereafter be identified by reference to a systematic uniform numbering system adopted herein, provided:

(a) All existing numbers of property and buildings not now in conformity with the provision of this section shall be directed to change by the governing Town Board so as to conform to the system herein adopted.

(b) The system of numbering by the Columbia County Planning and Zoning Department shall utilize and acknowledge roads designated by the Town Boards.

(c) All properties on the east side of north-south roads and all properties on the north side of east-west roads shall be assigned even numbers. All properties on the west side of north-south roads and all properties on the south side of east-west roads shall be assigned odd numbers. An appropriate prefix of "N" or "W" will precede the number. All numbers shall be in the proper numeric sequence within the grid.

(d) All properties or parcels of land with building improvements shall bear the number assigned to the frontage displayed at the driveway entrance on which the front entrance is located. If a property or parcel of land contains more than one building intended for human habitation, each of the buildings constructed for human habitation shall display the assigned number at the driveway entrance. Owners of property which do not contain building improvements may request the assignation of and display an assigned number.

(3) **Administration.**

(a) Numbers for all properties and parcels of land shall be assigned by the Columbia County Planning and Zoning Department in accordance with its administrative procedures.

(b) The Columbia County Planning and Zoning Department shall maintain the records for the numbering system, assign new numbers, and forward information on newly assigned numbers to the Columbia County Highway Department, Land Information Department, and the clerk of the municipality in which the number was assigned.

(4) **Placement of Signs.**

(a) Double sided signs indicating the official numbers of each principal building shall be attached to the provided post, and the sign shall be perpendicular to the road. The post shall be placed approximately five (5) feet to the right of the driveway right-of-way at the edge of the road right-of-way; and the signs shall be placed a minimum of three and one-half (3 1/2 feet) from the ground when the post is in position.

In the event it is impossible to place the post approximately five (5) feet to the right of the driveway right-of-way at the edge of the road right-of-way, the post shall be placed approximately five (5) feet to the left of the driveway right-of-way at the edge of the road right-of-way.

(b) When a driveway serves more than one principal building:

1. Signs indicating the official numbers of each principal building located along a driveway shall be placed on one post to the right of the respective driveway entrance onto the roadway as specified in Section 18.01(4)(a). The designation may be the lowest assigned number along the driveway, with a sign indicating "to" below that number, and then the highest assigned number along the driveway.

2. Additional conforming signs shall be affixed to one post to the right of each division of the driveway to indicate which principal residences are located on each division of the driveway. The designation may be the lowest assigned number along the driveway, with a sign indicating "to" below that number, and then the highest assigned number along the driveway.

3. Further, the specific number assigned to each principal building, displayed on a conforming sign, shall be affixed to a post to the right of the individual driveway serving each principal building as specified in Section 18.01(4)(a).

(c) All posts utilized after January 1, 1996, shall be a standard steel sign post. After May 1, 2004, numerals and letters shall be placed on both sides of the sign, with white reflection numerals and letters on a red reflective background or white reflective numerals and letters on a green reflective background with the local municipality adopting one of the two background colors as the standard for the entire municipality. On public roads with posted speed limits in excess of thirty (30) miles per hour alls signs shall have official letters and numbers a minimum of three (3) inches high, and the name of the local municipality shall be included on the sign. Signs on public roads with posted speed limits less than thirty (30) miles per hour, private roads, or placed per Section 18.01(4)(b)3., may have official letters and numbers a minimum of two (2) inches high, and the name of the local municipality shall be included on the sign. By January 1, 2010, all signs in the local municipality shall be the same color and be installed perpendicular to the road.

(d) The signs shall only be attached to a uniform post. If a sign previously placed at the direction of a local municipality is on a home or other building structure, that sign may remain at its present location but a sign which conforms with the requirements of this Ordinance shall also be placed pursuant to Section 18.01(4)(a).

(e) No structure, object, excavation nor growth shall be constructed, reconstructed, altered, placed, installed, or planted which will prevent a clear view of the sign to passengers traveling on the road.

(f) No sign shall be erected which is similar to an emergency numbering system sign or a road identification sign in or at the edge of a road right-of-way.

(5) **Owners to Assure Sign Placement and Local Municipality to Direct Sign Purchase and Placement.** It shall be the responsibility of every property owner of principal buildings to assure that there is a sign displayed identifying his property. The property owner is to contact the Town Clerk to request a replacement sign. The signs are to be purchased and placed at the direction of the municipal government in conformance with Section 18.01(4).

(6) **Fee for Number Assignment, Sign, and Post.**

(a) Fees for the assignment of numbers shall be charged by the Planning and Zoning Department as specified in the Section 7.13 of the Fee Schedule.

(b) Local municipalities are authorized to establish a fee for the provision of the sign, post, and placement thereof.

(7) **Penalties.**

(a) Any person owning a principal building required to be numbered by this section who neglects or fails to obtain an assigned number or who fails to display the number or numbers in the required manner shall forfeit a penalty as set forth in Section 1.12. Each separate day such number is not obtained or displayed shall constitute a separate offense.

(b) Any person altering, destroying, removing, or otherwise rendering signs required to be posted by this section unreadable from the road shall forfeit a penalty as set forth in the Penalty Section.

## SEC. 18.02 ENHANCED 911 EMERGENCY TELEPHONE NUMBER SYSTEM.

(1) **Purpose.** The purpose of this Ordinance is to effectuate the provision of 911 emergency telecommunications service in Columbia County as provided by Wis. Stats. § 256.35 and Chapter PSC 173 of the State of Wisconsin Administrative Code. Wis. Stats. § 256.35 authorizes Columbia County to contract with a 911 emergency telecommunications provider for the provision of 911 emergency telephone service and for the monthly billing of each customer for the cost of that service. Chapter PSC 173 911 Emergency Telecommunications Services establishes the procedure and criteria for the review of contracts between counties and telecommunications providers for the provision of 911 emergency telecommunications service.

(2) **Definitions.** The following words have the designated meanings in this Section unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(a) Public Safety Answering Point (PSAP) means the location where 911 calls are answered. These locations shall be staffed 24 hours per day 7 days per week.

(b) Automatic Number Identification (ANI) means the automatic display of the telephone number of the calling party. This number is simultaneously displayed on the PSAP display equipment as the PSAP operator or dispatcher answers the call.

(c) Automatic Location Identification (ALI) means the automatic display of the address location of the calling party. This information is simultaneously displayed on the PSAP display equipment as the PSAP operator or dispatcher answers the call.

(d) Selective Routing (SR) means the automatic routing of the 911 call to the appropriate primary PSAP serving the address of the telephone number from which the call is originated.

(3) **Enhanced 911 Service Area.**

(a) The entire geographic area of Columbia County will be served by the Columbia County enhanced 911 emergency telephone number system with the exception of the entirety of the Village of Randolph, which will receive B-911 service from Dodge County.

(b) The contracted 911 emergency telecommunications provider agrees to install and maintain an enhanced (E911) network system and to provide a universal central office number 911 for the use of the public emergency answering centers engaged in assisting local governments within the County in protecting the safety and property of the general public. Except as set forth in paragraph 1 of this section, the system shall operate so that when the number 911 is dialed, it will provide to all access lines served by central offices in Columbia County the following features: automatic number identification (ANI); automatic location identification (ALI); and selective routing (SR).

(4) **Enhanced 911 Equipment.** Columbia County will install and maintain at the Columbia County Sheriff's Office in Portage, Wisconsin, a four-station public safety answering point (PSAP) for the enhanced 911 system which will provide ANI, ALI, SR.

(5) **Database Maintenance.** Database maintenance updates to support accurate and timely ANI and ALI information will be provided by the contracted 911 emergency telecommunications provider.

(6) **Call Routing.** The Columbia County Sheriff's Office PSAP will operate as the PSAP for all 911 calls within areas included under the Columbia County E911 system, except as follows:

(a) All calls on the Columbia County E911 system for which the City of Wisconsin Dells would be responsible for the dispatch of emergency services will be selectively routed to the City of Wisconsin Dells PSAP at which time it will thereafter be the responsibility of the City of Wisconsin Dells to dispatch appropriate emergency services.

(7) **Backup.**

(a) In the event of service interruption or other failure at the Columbia County Sheriff's Office PSAP, the County's designated alternative PSAP shall act as a backup system and shall appropriately process and respond to all 911 calls which would ordinarily be the responsibility of the Columbia County Sheriff's Office PSAP until such time as 911 service can be re-established at the Sheriff's Office PSAP.

(b) In the event of any failure or interruption of 911 service at the Wisconsin Dells PSAP, the Columbia County Sheriff's Office PSAP will act as a backup and will appropriately process and respond to all 911 calls ordinarily the responsibility of the City of Wisconsin Dells PSAP until such time as 911 service can be re-established at the City of Wisconsin Dells PSAP.

(c) In the event of any failure or interruption of 911 service at the Marquette County PSAP, the Columbia County Sheriff's Office PSAP will act as a backup and will appropriately process and respond to all 911 calls which are ordinarily the responsibility of the Marquette County PSAP, until such time that 911 service can be reestablished at the Marquette County PSAP.

(8) **User Rates.** Columbia County does hereby authorize the contracted 911 emergency telecommunications provider and the participating local exchange carriers to bill the nonrecurring and recurring charges to service users within the County as provided for and authorized under Wis. Stats. § 256.35 (3). In accordance with Wis. Stats. § 256.35 (3), the contracted 911 emergency telecommunications provider and/or the participating local exchange carriers may petition the Public Service Commission to charge service users that are outside of Columbia County.

(9) **Mobile Cellular Phones.** Calls originating from mobile cellular phones shall be routed to the Columbia County PSAP in the Columbia County Enhanced 911 Telephone System.

(10) **Voice Over Internet Protocol (VOIP).** Calls originating from Voice Over Internet Protocols (VOIP) shall be routed to the Columbia County PSAP in the Columbia County Enhanced 911 Telephone System.

(11) **Penalty.** Any person who intentionally dials the number 911 to report an emergency, knowing that the fact situation which he or she reports does not exist, shall be assessed a forfeiture as set forth in Section 1.12.

(12) **Columbia County E-911 Plan.** In addition to the above subsections of 18.02, the entire Columbia County Enhanced 911 Emergency Telephone System Plan and Service Agreement are on file in the Office of the Columbia County Clerk and are incorporated herein by reference. The Columbia County Enhanced 911 Emergency Telephone Number System Plan of operation is hereby adopted.