



City of Colby

Meeting Notice

211 W Spence Street, Colby WI

City Planning Committee
Tuesday, January 28, 2025
7:00 PM or immediately following CEDC
Council Chambers - Colby City Hall

Agenda:

1. Call to Order
2. Roll Call
3. Ordinance to Create a Point System for Liquor License Businesses
4. Review Commercial and Downtown Zoning District
5. Hemp-Derived Cannabinoid Ordinance
6. Adjourn

*City Council members may attend the above committee meeting for information gathering purposes. If a quorum of Council members should appear at this Committee meeting, a regular Council meeting may take place for the purposes of gathering information on an item listed on this Committee agenda. If such a meeting should occur, the date, time and location of the Council meeting will be that of this Committee as listed on the Committee agenda.

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities. Please contact the City Clerk's Office at (715) 223-4435 or e-mail: clerk@cityofcolby.org.

sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person and that proper identification may be required.

(c) **Fencing.**

(1) If necessary due to the physical characteristics of the site, the Clerk-Treasurer may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.

(2) For indoor events, the structure used shall have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.

(d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.

(e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.

(f) **Waiver.** The Clerk-Treasurer may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.

(g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the City of Abbotsford. The applicant may be required to furnish a performance bond prior to being granted the license.

Cross Reference: Section 11-4-1.

Sec. 7-2-17 Revocation and Suspension of Licenses; Non-Renewal.

(a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.

(b) **Abandonment of Premises.** Any Licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The losing of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the

Common Council. All persons issued a license to sell alcohol beverages in the City for which a quota exists limiting the number of such licenses that may be issued by the City shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.

(c) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

(d) **Point Values for Alcohol Beverages Violation, Revocations and Suspensions.**

(1) **Purpose and Definitions.** The purpose of this Subsection is to administratively interpret those portions of this Chapter relating to the establishment of an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.

(2) **Point Schedule.** The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated state statutes and City Ordinances for the purpose of recommending suspension or revocation of their alcohol beverage licenses.

Type of Violation	Point Value
1. Sale of alcohol beverages without license or permit; sale of controlled substances on licensed premises	100
2. Sale of alcohol beverages to underage person	50
3. Sale of alcohol beverages to intoxicated person	50
4. Underage person on premises	50
5. Intoxicated bartender; disorderly conduct on premises	50
6. After hours consumption	50
7. Refusal to allow police to search premises or refusal to cooperate with lawful police investigation	50

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| 8. Licensee, agent or operator not on premises at all times | 25 |
| 9. Persons on premises after closing hours | 25 |
| 10. Violations of carry-out hours | 25 |
| 11. Licensee permitting person to leave licensed premises with open alcohol beverage | 25 |
| 12. All other violations of this Chapter | 25 |
- (3) **Violations How Calculated.** In determining the accumulated demerit points against a licensee within twelve (12) months, the City shall use the date each violation was committed as the basis for the determination.
- (4) **Suspension or Revocation of License.**
- a. The Common Council shall call before it for purposes of revocation or suspension hearing all licensees who have accumulated two hundred (200) points in a twelve (12) month period as a result of court imposed convictions.
 - b. If the demerit point accumulation calculated from the date of violation amounts to two hundred (200) points in a twelve (12) month period, a suspension of thirty (30) days shall be imposed. If the demerit point accumulation is two hundred fifty (250) points (calculated from the date of violation) in a twenty-four (24) month period, a suspension of sixty (60) days shall be imposed. If the demerit point accumulation in a thirty-six (36) month period is three hundred (300) points, the suspension shall be for the maximum allowed by law, which is ninety (90) days. If the license is revoked no other license shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of revocation.
 - c. The procedure to be used for suspension or revocation shall be that found in Subsection (c) above.

Sec. 7-2-18 Non-Alcohol Events for Underage Persons on Licensed Premises.

The presence of underage persons on a licensed premises as provided under Sec. 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (a) The Licensee or agent of a corporate Licensee shall notify the Police Department at least forty-eight (48) hours in advance of the date of any event at which underage persons will

	PARCEL #	PROPERTY ADDRESS	OWNER NAME	OWNER MAILING ADDRESS
	21128020720961	Venzke/Comm	City of Colby	
	21128020720962	Venzke/Comm	City of Colby	
	21128020720963	Venzke/Comm	City of Colby	
	21128020720968	102 Hodd Dr	Reality Income Properties 17, LLC	11995 El Camino Real, San Diego, CA 92130
	21128020720969	Hodd Dr	CFHC, LLC	606 E Elm Dr, Loyal, WI 54446
	21128020720971	1122 N Division St	Forward Financial Bank SSB	1001 N Central Ave, Marshfield, WI 54449
	21128020720990	1010 N Division St	Medford Veterinary Clinci SC	898 S Gibson St, Medford, WI 54451
	21128020720995	1210 N Division St	Super Land Co, LLC	PO Box 28, Antigo, WI 54409
	21128020730968	110 Dehne Dr	John P & Patricia A Kampmeyer	104172 County Road P, Unity, WI 54488
	21128020730969		Zengrewe Financial Systems, LLC	N11383 Badger Ave, Unity, WI 54488
	21128020730970	120 Dehne Dr	Zengrewe Financial Systems, LLC	N11383 Badger Ave, Unity, WI 54488
	21128020730974	810 N Division St	Nicolet National Bank	111 N Washington St, Green Bay, WI 54301
	21128020730977		Kramer Real Estate LLC	2937 S Rifle Rd, Rhinelander, WI 54501
	21128020730979	804 N Division St	Kramer Real Estate LLC	2937 S Rifle Rd, Rhinelander, WI 54501
	21128020730955		Kramer Real Estate LLC	2937 S Rifle Rd, Rhinelander, WI 54501
	21128020730972	906 N Division St	Douglas J & Annette C Blunt	906 N Division St, Colby, WI 54421
	21128020730985		Zengrewe Financial Systems, LLC	N11383 Badger Ave, Unity, WI 54488
	21128020730986		Zengrewe Financial Systems, LLC	N11383 Badger Ave, Unity, WI 54488
	21128020739990	111 Dehne Dr	Marshfield Clinic	1000 North Oak Ave, Marshfield, WI 54449
	21128020739997	604 N Division St	Zengrewe Financial Systems, LLC	N11383 Badger Ave, Unity, WI 54488
	21128020739998	102 E Adams St	Timothy & Nancy Shannon	102 E Adams St, Colby, WI 54421
	21128020739999	604 N Division St	Zengrewe Financial Systems, LLC	N11383 Badger Ave, Unity, WI 54488
	21128021821001	100-102 N Division St	David W Johnson Jr	102 N Division St, Colby, WI 54421
	21128021821003	106 N Division St	ProVision Partners Cooperative	PO Box 988, Marshfield, WI 54449
	21128021821013		ProVision Partners Cooperative	PO Box 988, Marshfield, WI 54449
	21128021821014		ProVision Partners Cooperative	PO Box 988, Marshfield, WI 54449
	21128021821064	506 N Division St	JC Rental Properties LLC	1705 Central Ave, Marshfield, WI 54449
	21128021821066	510 N Division St	General Telephone Co of Wis	4170-001, PO Box 1804, Marion, OH 43301-1804
	21128021829953	404 N Division St	Lindeman Properties LLC	405 N Main St, Colby, WI 54421
	21128021831001	702 S Division St	ProVision Partners Cooperative	PO Box 988, Marshfield, WI 54449
	21128021831004	700 S Division St	City of Colby	PO Box 236, Colby, WI 54421
	21128021831009	611 S Division St	Pinter Enterprises, LLC	311 S 4th St, Abbotsford, WI 54405
	21128021831016	S Division St	Pinter Enterprises, LLC	311 S 4th St, Abbotsford, WI 54405
	21128021831018	S Division St	Todd Frahm	609 Plisch St, Athens, WI 54411
	21128021831019	510 S Division St	Todd Frahm	609 Plisch St, Athens, WI 54411
	21128021831023	410 S Division St	Manuel J & Candi M Gamillo	N15363 Hiline Ave, Abbtosford, WI 54405
	21128021831040	210 S Division St	Terry Kroening	231706 Guinness Rd, Wausau, WI 54403
	21128021831041	S Division St	Terry Kroening	231706 Guinness Rd, Wausau, WI 54403
??APT	21128021831042	206 S Division St	Apolonio Jeronimo Ramos	417 N Second St, Abbotsford, WI 54405
??APT	21128021831043	204 S Division St	Apolonio Jeronimo Ramos	417 N Second St, Abbotsford, WI 54405
	21128021831044	S Division St	Clark Co Telephone Co	**CITY OF COLBY S 5' OF LOT 4 BLK 6
	21128021831045	202 S Division St	Patrick Detweiler	202 S Division St, Colby, WI 54421
	21128021831051	S Division St	Central Wisconsin Holdings, LLC	PO Box 443, Abbotsford, WI 54405
	21128021831052	110 S Division St	Precision Builders of Central Wisconsin, INC.	PO Box 199, Colby, WI 54421
	21128021831053	108 S Division St	Zengrewe Financial Systems, LLC	N11383 Badger Ave, Unity, WI 54488
	21128021831054	S Division St	Veterans of Foreign Wars Post #2227 VFW	PO Box 106, Colby, WI 54421

	21128021831055	104 S Division St	Veterans of Foreign Wars Post #2227 VFW	PO Box 106, Colby, WI 54422
	21128021831056	S Division St	Veterans of Foreign Wars Post #2227 VFW	PO Box 106, Colby, WI 54423
	211.0001.000	211 W Spence St	City of Colby	211 W Spence St, Colby, WI 54421
	211.0004.000	110 S 2nd St	Empirical Dynamics, LLC	206 W Clark St, Colby, WI 54421
?? APT	211.0005.000	206 W Clark St	Empirical Dynamics, LLC	312 N 2nd St, Colby, WI 54421
	211.0007.000	133 S 1st St	Tiffany Bruesewitz Property, LLC	104157 Huckleberry Rd, Colby, WI 54421
	211.0008.000	135 S 1st St	Gary Dietze	135 S 1st St, Colby, WI 54421
	211.0009.000	129 S 1st St	Black Rock Properties, LLC	6532 County Rd H, Athens, WI 54411
	211.0010.000	125 S 1st St	Hipolito Cruz Lopez, Gudulia Macedonio Cruz	125 S 1st St, Colby, WI 54421
	211.0011.000	127 S 1st St	Henry J Blazel	119 S 4th St, Abbotsford, WI 54405
	211.0012.000	121 S 1st St	D&A Rental Prop, LLC	542 E 3rd St, Owen, WI 54460
	211.0013.000	119 S 1st St	Kralcik Family Trust, Leroy E & Hollyrodine Kralcik	119 S 1st St, PO Box 193, Colby, WI 54421
	211.0014.000	115 S 1st St	Ryan R Urmanski, Debbie L B Urmanski	PO Box 646, Abbotsford, WI 54405
	211.0015.000	111 S 1st St	Philip J Carlson	PO Box 26, Colby, WI 54421
	211.0016.000	109 1/2 S 1st St	Robbie Smazal	109 S 1st St, PO Box 111, Colby, WI 54421
	211.0017.000	107 S 1st St	Edward Kostlevy	107 S 1st St, PO Box 376, Colby, WI 54421
	211.0018.000	S 1st St	205 West Washington, LLC	205 W Washington St, Colby, WI 54421
	211.0019.000	101 S 1st St	205 West Washington, LLC	205 W Washington St, Colby, WI 54421
	211.0020.000	S 1st St	205 West Washington, LLC	205 W Washington St, Colby, WI 54421
	211.0027.000	200 W Spence St	Norval O Jackson, Virignia E Jackson	215 Hemlock St, PO Box 384, Abbotsford, WI 54404
	211.0028.000	204 W Spence St	Members' Choice Credit Union, ETAL	204 W Spence St, PO Box 559, Colby, WI 54421
	211.0322.000	101 S Division St	Lester K Willner	101097 Cty Hwy N, Colby, WI 54421
**	211.0323.000	105 S Division St	Marlene Vonne	PO Box, 112, Colby, WI 54421
	211.0324.000	101 S Division St	Lester K Willner	101097 Cty Hwy N, Colby, WI 54421
	211.0325.000	107 S Division St	KBRK Holdings LLC	W5294 Jolly Ave, Medford, WI 54451
	211.0326.000	S Division St	City of Colby	
	211.0327.000	S Division St	City of Colby	
	211.0328.000	100 W Clark St	Alejandro Vazquez Garcia, Irma Maritza Acosta De Vazquez	PO Box 235, Abbotsford, WI 54405
	211.0329.000	S Division St	City of Colby	
	211.0330.001	S Division St	City of Colby	
	211.0536.000	Rail	Fox Valley & Lake Superior Rail System LLC	315 W 3rd St, Pittsburg, KS 66762

NOTES: Not included are existing homes, Waterford, Orville Lieders vacant lots, Norma Hoeg 302 S Div & Aguilera Ent 304 S Div
Do we want to include all existing commercial property? Do we want to exclude exisintng non-conforming use properties?

Chapter 480. Zoning

Article III. Zoning Districts

§ 480-21. CG-1 General Commercial District.

- A. Purpose. The CG-1 General Commercial District is meant to accommodate the general business and commercial needs of the City of Colby, including all retail sales and services which by their nature attract patronage from more than the immediate neighborhood in which it is located. The CG-1 General Commercial District is intended to:
- (1) Provide for present and future commercial activities within areas planned and zoned for business uses in the City of Colby;
 - (2) Accommodate community service functions, public and quasi-public facilities and land uses serving the City of Colby;
 - (3) Protect the commercial character of the district by prohibiting the incursion of incompatible land uses; and
 - (4) Permit residential uses above established businesses.
- B. Permitted uses. The following uses are permitted in the CG-1 General Commercial District:
- (1) Any use permitted in the Multifamily Residential District.
 - (2) Local commercial business activities, including the following:
 - (a) Antique stores (no outside storage).
 - (b) Bakeries (primarily retail).
 - (c) Barber shops, beauty parlors, hair salons and day spas.
 - (d) Cafes.
 - (e) Candy and ice cream shops.
 - (f) Dairy product stores.
 - (g) Delicatessens.
 - (h) Dry-cleaning establishments.
 - (i) Dwelling units.
 - (j) Florists.
 - (k) Food stores and grocery stores.
 - (l) General merchandise, gift and clothing stores.
 - (m) Hardware stores.

- (n) Home furnishings, furniture and flooring/carpeting stores.
 - (o) Laundromats.
 - (p) Meat markets.
 - (q) Parking lots serving the business uses.
 - (r) Pharmacies.
 - (s) Post offices.
 - (t) Shoe repairs.
 - (u) Sporting goods stores.
- (3) Businesses which do not generate smoke, dust, noise, glare, vibration, odors or private or public nuisances. These generally include:
- (a) Banks and financial institutions.
 - (b) Bowling alleys.
 - (c) Bus depots.
 - (d) Clinics of physicians, dentists, osteopathic physicians, optometrists, counselors and chiropractors.
 - (e) Offices (i.e., law, accounting, insurance and engineering offices, etc.).
 - (f) Package liquor stores.
 - (g) Personal services, automotive services and equipment service establishments.
 - (h) Restaurants, taverns and bars.
 - (i) Telephone, cable television, computer and internet service provider offices.
 - (j) Theaters and places of amusement.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (k) Uses customarily incidental to any of the above uses.
- (4) Highway-oriented businesses and uses, including the following:
- (a) Drive-in establishments serving food or beverages for consumption.
 - (b) Hotels and motels.
 - (c) Service stations and vehicle washing, provided that all fuel pumps are not less than 30 feet from the existing or proposed street line.
 - (d) Recreational establishments, including drive-in theaters, golf and baseball driving ranges, archery fields, miniature golf courses or similar uses.
 - (e) Warehousing and storage of materials and products which are sold on the premises.
 - (f) Uses distinctively similar and related to those listed above.
- (5) Class 2 co-location of a new mobile service facility on an existing support structure without substantial modification, per § 480-82.

C. Uses prohibited. Uses prohibited in the CG-1 General Commercial District are those which by their nature generate noise, odors, smoke and other nuisances. This includes uses such as but not limited to the following:

- (1) Industrial uses as specified in Industrial Districts.
 - (2) Wholesale trade of farm-produced products or animal products.
 - (3) Sale of metals, minerals, scrap and waste materials.
 - (4) Warehousing and storage of materials or products which are not sold on the premises or which are not used in the production of some materials or items which will be sold on the premises.
- D. Conditional uses. The following uses may be allowed in the CG-1 General Commercial District by conditional use permit in accordance with the provisions of this chapter:
- (1) Farm and garden implement sales.
 - (2) Farm supplies and services.
 - (3) Funeral homes and cremation services.
 - (4) Mini warehouses.
 - (5) Motor vehicle sales and service, including the sale and installation of tires, oil changes, batteries, mufflers and other automotive accessories.
 - (6) Other retail sales and services not listed as a permanent use or accessory to these uses.
 - (7) Public and community service uses.
 - (8) Repair shops and related facilities.
 - (9) Sales and service of recreational vehicles, boats, trailers, campers or mobile homes.
 - (10) Seasonal roadside stands for the sale of farm produce or fireworks only.
 - (11) Siting and construction of any new mobile support structure and/or facility or a Class 1 co-location of a new mobile service facility on an existing support structure, per § 480-82.
 - (12) Veterinary clinics, pet boarding facilities and animal hospitals.
- E. Lot size, yards and setbacks. In cases where the building occupies two adjacent lots in a row, the building may not occupy more than 96% of the total lot area:
- (1) Front yard setback. none.
 - (2) Side yard setback.
 - (a) When abutting a Residential, Conservancy and/or Urban Transitional District: eight feet.
 - (b) When abutting Industrial or Commercial District properties, no setback is required.
 - (3) Rear yard setback.
 - (a) When abutting Residential, Conservancy and/or Urban Transitional Districts: 20 feet.
 - (b) When abutting Industrial or Commercial District properties, no setback is required.
- F. Height. Maximum building height not to exceed 45 feet.
- G. Nonconforming structures/uses. Preexisting structures and uses may be nonconforming. In such instances, the dimensional requirements of this section may be modified if, in the opinion of the Zoning Board of Appeals, such action would be in keeping with the purpose of this chapter, where a practical hardship would result from a literal enforcement of district requirements.

§ 480-22. CG-2 General Commercial District.

- A. Purpose. The CG-2 General Commercial District is meant to accommodate the general business and commercial needs of the City of Colby, including all retail sales and services which by their nature attract patronage from more than the immediate neighborhood in which it is located. The CG-2 General Commercial District is intended to:
- (1) Provide for present and future commercial activities within areas planned and zoned for business uses in the City of Colby;
 - (2) Accommodate community service functions, public and quasi-public facilities and land uses serving the City of Colby;
 - (3) Protect the commercial character of the district by prohibiting the incursion of incompatible land uses; and
 - (4) Permit residential uses above established businesses.
- B. Permitted uses. The following uses are permitted in the CG-2 General Commercial District:
- (1) Local commercial business activities, including the following:
 - (a) Antique stores (no outside storage).
 - (b) Bakeries (primarily retail).
 - (c) Barber shops, beauty parlors, hair salons and day spas.
 - (d) Cafes.
 - (e) Candy and ice cream shops.
 - (f) Dairy product stores.
 - (g) Delicatessens.
 - (h) Dry-cleaning establishments.
 - (i) Florists.
 - (j) Food stores and grocery stores.
 - (k) General merchandise, gift and clothing stores.
 - (l) Hardware stores.
 - (m) Home furnishings, furniture and flooring/carpeting stores.
 - (n) Laundromats.
 - (o) Meat markets.
 - (p) Parking lots serving the business uses.
 - (q) Pharmacies.
 - (r) Post offices.
 - (s) Shoe repairs.
 - (t) Sporting goods stores.
 - (2) Businesses which do not generate smoke, dust, noise, glare, vibration, odors or private or public nuisances. These generally include:
 - (a) Banks and financial institutions.
 - (b) Bowling alleys.

- (c) Bus depots.
 - (d) Clinics of physicians, dentists, osteopathic physicians, optometrists, counselors and chiropractors.
 - (e) Offices (i.e., law, accounting, insurance and engineering offices, etc.).
 - (f) Package liquor stores.
 - (g) Personal services, automotive services and equipment service establishments.
 - (h) Restaurants, taverns and bars.
 - (i) Telephone, cable television, computer and internet service provider offices.
 - (j) Theaters and places of amusement.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (k) Uses customarily incidental to any of the above uses.
- (3) Highway-oriented businesses and uses, including the following:
- (a) Drive-in establishments serving food or beverages for consumption.
 - (b) Hotels and motels.
 - (c) Service stations and vehicle washing, provided that all fuel pumps are not less than 30 feet from the existing or proposed street line.
 - (d) Recreational establishments, including drive-in theaters, golf and baseball driving ranges, archery fields, miniature golf courses or similar uses.
 - (e) Warehousing and storage of materials and products which are sold on the premises.
 - (f) Uses distinctively similar and related to those listed above.
- (4) Class 2 co-location of a new mobile service facility on an existing support structure without substantial modification, per § 480-82.
- (5) Residential units above first-floor businesses; no dwelling shall be permitted below the second floor and business activities are prohibited above the first floor if there are such dwelling units.
- C. Uses prohibited. Uses prohibited in the CG-2 General Commercial District are those which by their nature generate noise, odors, smoke and other nuisances. This includes uses such as but not limited to the following:
- (1) Industrial uses as specified in Industrial Districts.
 - (2) Wholesale trade of farm-produced products or animal products.
 - (3) Sale of metals, minerals, scrap and waste materials.
 - (4) Warehousing and storage of materials or products which are not sold on the premises or which are not used in the production of some materials or items which will be sold on the premises.
- D. Conditional uses. The following uses may be allowed in the CG-2 General Commercial District by conditional use permit in accordance with the provisions of this chapter:
- (1) Farm and garden implement sales.
 - (2) Farm supplies and services.
 - (3) Funeral homes and cremation services.
 - (4) Mini warehouses.

- (5) Motor vehicle sales and service, including the sale and installation of tires, oil changes, batteries, mufflers and other automotive accessories.
 - (6) Other retail sales and services not listed as a permanent use or accessory to these uses.
 - (7) Public and community service uses.
 - (8) Repair shops and related facilities.
 - (9) Sales and service of recreational vehicles, boats, trailers, campers or mobile homes.
 - (10) Seasonal roadside stands for the sale of farm produce or fireworks only.
 - (11) Siting and construction of any new mobile support structure and/or facility or a Class 1 co-location of a new mobile service facility on an existing support structure, per § 480-82.
 - (12) Veterinary clinics, pet boarding facilities and animal hospitals.
- E. Lot size, yards and setbacks. In cases where the building occupies two adjacent lots in a row, the building may not occupy more than 96% of the total lot area.
- (1) Front yard setback: none.
 - (2) Side yard setback.
 - (a) When abutting Residential, Conservancy and/or Urban Transitional District: eight feet.
 - (b) When abutting Industrial or Commercial District properties, no setback is required.
 - (3) Rear yard setback.
 - (a) When abutting Residential, Conservancy and/or Urban Transitional District: 20 feet.
 - (b) When abutting Industrial or Commercial District properties, no setback is required.
- F. Height. Maximum building height not to exceed 45 feet.
- G. Nonconforming structures/uses. Preexisting structures and uses may be nonconforming. In such instances, the dimensional requirements of this section may be modified if, in the opinion of the Zoning Board of Appeals, such action would be in keeping with the purpose of this chapter, where a practical hardship would result from a literal enforcement of district requirements.

Chapter 354. Peace and Good Order

Article II. Offenses Against Public Safety and Peace

§ 354-10. Possession of marijuana or drug paraphernalia.

A. Marijuana possession.

- (1) No person shall possess 25 grams or less of marijuana, as defined in § 961.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.
- (2) For purposes of this section, "practitioner" means:
 - (a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
 - (b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
- (3) This section does not apply to any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

- B. Possession of drug paraphernalia. Section 961.573, Wis. Stats., relating to possession of drug paraphernalia, is hereby adopted by reference, provided the penalty for commission of such offense hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances.^[1] Any future amendments, revisions or modifications of the stated statutes shall be incorporated herein by reference and are intended to be part of this Code of Ordinances.

[1] *Editor's Note: See Ch. 1, Art. I, § 1-3, General penalty.*

§ 354-11. Possession or use of intoxicating substances or paraphernalia.

- A. Possession or use of intoxicating substances prohibited. The use or possession with intent to use or sell of any intoxicating substance for the purpose of becoming intoxicated, high, altering mood or function, inducing excitement or stupefaction or achieving a psychoactive effect is prohibited. This includes controlled substance analogues and naturally occurring intoxicating substances such as salvia divinorum. Also included are inhalants, propellants, solvents and substances for inhaling or huffing, and prescription and over-the-counter medications when used contrary to their intended purpose or in excess of the prescribed dosage. The use of alcohol, caffeine, tobacco or the lawful use of medications consistent with their intended medical purpose is not a violation of this section.

- B. Possession of intoxicating substance paraphernalia prohibited. No person may use or possess with the intent to use any item to ingest, inhale, smoke or otherwise introduce an intoxicating substance as described above into the human body for the purpose of becoming high, intoxicated, altering mood or function, inducing excitement or stupefaction or achieving a psychoactive effect.^[1]

[1] *Editor's Note: Original § 11-2-12(c), Possession of injection implements, of the 1995 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

CITY OF ABBOTSFORD ORDINANCE NO. 2024-5

AN ORDINANCE CREATING HEMP-DERIVED CANNABINOID REGULATIONS

WHEREAS the City of Abbotsford desires to restrict the sale of hemp-derived cannabinoid vaping inhalants and associated products.

NOW THEREFORE, the City of Abbotsford does hereby Ordain as follows:

SECTION 1: Ordinance Section 11-2-11 of the Abbotsford Municipal Code is hereby amended to amend Section 11-2-11 (d) and create Section 11-2-11 (e) as fully set forth in Section Two (2) of this Ordinance.

SECTION 2: (d) Hemp-Derived Cannabinoid Regulations

(1) Definitions:

- "Synthetic Cannabinoid" includes all controlled substances defined under section 961.14(4)(b) of the Wisconsin Statutes, or an analog of those controlled substances.
- "Drug Paraphernalia" has the same meaning as the definition found in section 961.571 of the Wisconsin Statutes.

(2) In this subsection, hemp-derived cannabinoid constitutes one of the many intoxicating

cannabinoids found in the cannabis plant or a synthetic version thereof.

- A cannabinoid other than delta-9 tetrahydrocannabinol (THC), or an isomer derived from such cannabinoid (delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC), HHC-O, THCA, THC-O, THCP, THCV); or
- A hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of 0.3 percent or less
- Does not include non-intoxicating cannabinoids, including cannabidiol (CBD), which is an active ingredient in cannabis, but does not cause intoxication by itself, is not addictive, and does not contain other isomers as listed above

(3) It shall be illegal for a person under the age of twenty-one (21) to possess or use any amount of a hemp-derived cannabinoid including delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV except as specifically allowed by Wisconsin law.

(4) It shall be illegal to sell or deliver any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-

O, THCP, or THCV to a person under the age of twenty-one years, except as specifically allowed by Wisconsin law.

(5) It shall be illegal to sell or deliver any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV to a person without having first verified their age by having the purchaser present a valid photo identification.

(e) (6) Additional Penalties. In addition to the penalties in Section 1-1-7: a. If any adult violates Subsections (b) or (c), the court shall, in addition to any other penalties that may apply to the offense, suspend or revoke the person's operating privilege for not less than six (6) months nor more than five (5) years. The court shall immediately take possession of any suspended or revoked license and forward it to the Wisconsin Department of Transportation, together with the record of conviction and notice of suspension or revocation.

(2) If any person who is under twenty-one (21) years of age violates Subsections (b) or (c), such person shall be subject to the same penalties set forth in Subsection (c)(1) or participation in a supervised work program or both.

(3) If any person who is under twenty-one (21) years of age violates Subsections (b) or (c), the court shall, in addition to any other penalties that may apply to the offense, suspend or revoke the person's operating privilege for not less than six (6) months nor more than five (5) years. The court shall immediately take possession of any suspended or revoked license and forward it to the Wisconsin Department of Transportation, together with the record of conviction and notice of suspension or revocation.

State Law Reference: Chapter 961, Wis. Stats.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4: SEVERABILITY AND CONFLICTS OF LAW.
If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

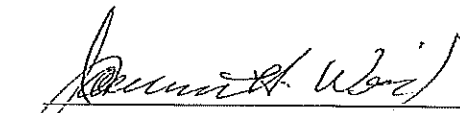
SECTION 5: EFFECTIVE DATE.

This Ordinance shall take effect and be enforced from and after the date of its passage and publication, as provided by law.

ADOPTED: 05-15-2024

APPROVED: 05-15-2024

PUBLISHED: 05-16-2024


James Weix, Mayor

ATTEST: 
Erin Clausnitzer, City Clerk