TOWN OF NEWPORT
COLUMBIA COUNTY, WISCONSIN

AN ORDINANCE CREATING THE SHORELAND BUFFER OVERLAY DISTRICT
ORDINANCE NO. 2009-01

The Town Board of the Town of Newport, Columbia County, Wisconsin does make findings and ordain as follows:

[00.001] **Legislative Findings:**

The Town Board finds that the Wisconsin River corridor within the Town of Newport in its natural state, including rock formations, bluffs and shoreline vegetation;

[a] is a unique resource significantly enhancing property values in the Town of Newport and the potential for economic development of the township;

[b] provides an important habitat for birds, mammals, fish and natural plants that are worth preserving and protecting;

[c] reduces the force of runoff entering the river and stabilizes river banks, reduces the thermal warming of the river, and reduces the level of pollutants and sediments that would otherwise flow into the river; and

[d] provides recreational and scenic resources and opportunities enhancing the welfare of citizens and visitors.

[00.002] **Purpose:**

The purpose of this ordinance is to promote the public health, safety and welfare of citizens of the Town of Newport by creating a Shoreland Buffer Overlay District to:

[a] preserve and protect the river corridor as a resource for recreation;

[b] enhance the potential for future economic growth with the township, both along the river corridor and in areas of the township in the vicinity of the river corridor;

[c] enhance the value of the land along the river corridor and in the vicinity of the river corridor by ensuring that the scenic beauty of the entire river corridor within the township is preserved and protected by enforcing consistent, appropriate development along the entire river corridor;

[d] preserve and protect the natural habitat and ecosystem within the river corridor; and

[e] maximize the environmental benefits of the river corridor.

(00.013) Creation of Shoreline Buffer Overlay District:

The Town of Newport creates a Shoreland Buffer Overlay District , extending horizontally 100 feet in width, measured horizontally from the Ordinary High Water Mark, along the entire Wisconsin River Corridor in the township.

(00.004) Development Standards:

1. Buildings and Structures: Not withstanding any other provisions of the ordinances of the Town of Newport , no new buildings or structures shall be permitted within the Shoreland Buffer Overlay District except that the following, in each case conforming with applicable zoning, building and safety standards of the Town of Newport, the County of Columbia, and the State of Wisconsin, shall be permitted.

(a) piers and removable boat shelters and hoists;

(b) walkways, stairways and lifts when attached to stairway not exceeding 4 feet in width;

(c) retaining walls constructed of natural materials; and

(d) existing homes may be re built or remodeled as long as there will be minimal damage to existing vegetation.

2. Vegetation: Not withstanding any other provision of the ordinances of the Town of Newport, no vegetation shall be removed from the Shoreland Buffer Overlay District except the following;

(a) dead, dying or diseased trees, provided that a replacement of the same or similar species is is planted near the location of the removed tree;

(b) a shrub , provided that a replacement shrub of the same or similar species is planted near the location of the removed shrub;

(c) noxious vegetation that poses a threat to health or safety (ex. Poison Ivy) and invasive plants; and

(d) trees, shrubs and other vegetation to create a path to the river no wider than 8 feet provided that no more than one path shall be created per 100 feet of shoreline, and provided further that each path shall be curved or otherwise designed to maintain visual screen from the river

3. Rock Formations: Rock formations, dells and rock outcropping within the Shoreland Buffer Overlay District shall not be disturbed.

(00.005) Penalties

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be subject to the following penalties. A fine not to exceed $25,000, or an order to replace all damaged or

destroyed trees, shrubs, vegetation or rock formation or similar species near the location where the damaged or destroyed items where removed or both.

(00.006)Effective Date:

This ordinance shall take effect upon passage by the town board and publication as required by law.

Date4d this 9th day of March, 2009.

Donald P. Nelson, Chairman of the Board for Town of Newport

Mathew Brunn, Supervisor , Town of Newport

Pamela Stolte, Supervisor, Town of Newport

ED LUKASZEWICZ

Cecil Pittack, Clerk, Town of Newport

TOWN OF NEWPORT
COLUMBIA COUNTY WISCONSIN

NOTICE is hereby given that the Town of Newport, on the 9th day of March ,2009 did pass and adopt:

AN ORDINANCE CREATING THE SHORELAND BUFFER OVERLAY DISRICT, Ordinance No. 2009-01 , to preserve and protect the river corridor in its natural state.

1. Sec. [00.001] of the ordinance explains the Legislative Findings of the Town Board.

2. Sec. [00.002] of the ordinance contains the Purpose for the ordinance.

3. Sec. [00.003] of the ordinance describes the Shoreland Buffer Overlay District in the Town of Newport.

4. Sec. [00.004] of the ordinance sets for the Development Standards established by the Town Board.

5. Sec. [00.005] of the ordinance sets forth the penalties for violation of the ordinance.

6. Sec. [00.006] of the ordinance sets forth the date upon which the ordinance becomes effective.

Notice posted this 1st&4th day of April , 2009.

Donald P. Nelson, Chairman of the Board
for the Town of Newport.

Cecil Pittack

Cecil Pittack, Clerk, Town of Newport

State of Wisconsin
ss
County of Columbia
Cecil Pittack, being duly first duly sworn, on oath deposes as says as follows:
1. That your affiant is the Town Clerk for the Town of Newport, Columbia County, Wisconsin.
2. That pursuant to Wis. Stats., ch. 985.02, your affiant did cause the following document to be posted in at least 3 public places likely to give notice to persons affected, to wit: AN ORDINANCE CREATING THE SHORELAND BUFFER OVERLAY DISTRICT, ordinance No. 2009-01, passed by the town board on the 9th day of March, 2009.
2. That your affiant further caused notice of said ordinance to be published as a class I publication in the Wisconsin Dells, Events the nearest newspaper of general circulation in and around the Township of Newport, Columbia County, Wisconsin.
4. That the said posting and publication of the ordinance was accomplished within 30 days after the passage or adoption.
5. That this affidavit is to attest to compliance with Wis. Stats., chs 60;80 and 985.02 requiring the posting and publication of legal Notice relating to the passage and adoption of ordinances by towns in Wisconsin.
Cecil Pittack, Clerk
Township of Newport

Julie can you please get this in the Newspaper for A Wednesday and Saturday to insure that most of our residents will get to see it. Thanks Cecil

AFFIDAVIT OF PUBLICATION

STATE OF WISCONSIN)
(ss
COUNTY OF COLUMBIA)

Cecil Pittack, being first duly sworn, on oath deposes as says as follows:

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3. That your affiant further caused notice of said ordinance to be published as a class 1 publication in the Wisconsin Dells Events, the nearest newspaper of general circulation in and around the Township of Newport, Columbia County, Wisconsin.

4. That the said posting and publication of the ordinance was accomplished within 30 days after its passage or adoption.

5. That this affidavit is to attest to compliance with Wis. Stats., chs. 60.80 and 985.02 requiring the posting and publication of legal Notice relating to the passage and adoption of ordinances by towns in Wisconsin.

Cecil E Pittack

Cecil Pittack, Clerk
Town of Newport

Subscribed and sworn to before me this
26th day of MARCH, 2009

Mary Mastellar

Notary Public, State of Wisconsin.
My commission expires: 5-30-10