

COMMON COUNCIL AGENDA
October 24, 2022
REEDSBURG CITY HALL COUNCIL CHAMBERS
6:00 PM

DUE TO THE RESTRICTIONS CAUSED BY THE COVID-19 PANDEMIC, SOME VOTING MEMBERS MAY BE PRESENT VIA TELECONFERENCE OR VIDEO CONFERENCE, AS PROVIDED BY THE RECOMMENDATIONS OF THE WISCONSIN DEPARTMENT OF JUSTICE. [HTTPS://WWW.DOJ.STATE.WI.US/NEWS-RELEASES/OFFICE-OPEN-GOVERNMENT-ADVISORY-CORONAVIRUS-DISEASE-2019-COVID-19-AND-OPEN-MEETINGS](https://www.doj.state.wi.us/news-releases/office-open-government-advisory-coronavirus-disease-2019-covid-19-and-open-meetings)

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

THE COUNCIL WILL RECEIVE INFORMATION ON NON-AGENDA TOPICS BROUGHT BEFORE THE COUNCIL BY MEMBERS OF THE PUBLIC. THE COUNCIL WILL NOT DISCUSS THESE TOPICS, AND WILL NOT TAKE ACTION ON ANY OF THEM AT THIS MEETING.

I. CONSENT AGENDA (ONE MOTION APPROVES ALL ITEMS):

1. Approve minutes for the meeting held on October 10 & October 18, 2022

II. GENERAL BUSINESS:

1. Approve/Deny: Resolution 4489-22 Authorizing the Reedsburg Utility to apply for the USDA ReConnect Program loan.

III. RECOMMENDATIONS FROM BOARDS, COMMITTEES AND COMMISSIONS:

1. Plan Commission: Approve/Deny Resolution 4486-22 - Certified Survey Map for parcels 276-2201-00000 & 276-1799-00000, generally located at 405 N. Webb Avenue.
2. Public Works: Approve/Deny: Town & Country Engineering Contract for final design of the Waste Water Treatment Plant
3. Public Works: Approve/Deny: Resolution 4487-22 setting WWTP Sewer Rates for 2023.
4. Plan Commission: Approve/Deny: Second reading and Public Hearing on Ordinance 1937-22 amending Chapter 650 - Floodplain Zoning.

IV. CITY ADMINISTRATOR REPORTS:

1. 2023 Budget update

V. COMMISSION, COMMITTEE, BOARD AND STAFF REPORTS:

1. 2nd Meeting Committees: Public Works, Utility Commission, Plan Commission, Library Board, Zoning Board, CDA (any other committees or commissions with reports).



The City of Reedsburg does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Disability-related aids or services, including printed information in alternate formats, to enable persons with disabilities to participate in public meetings and programs are available by calling (608) 524-6404. To be able to meet the needs of a request for a different format contact the City Clerk-Treasurer at 134 S. Locust Street, Reedsburg, WI at least 48 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.



CITY OF REEDSBURG
134 South Locust Street, PO Box 490
Reedsburg, WI 53959
PH. 608-524-6404 FAX. 608-524-8458
www.reedsburgwi.gov

VI. OFFICE OF THE MAYOR:

VII. ADJOURN:



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City of Reedsburg Meeting of the Common Council
October 10, 2022

Present: Mayor Dave Estes, Alderpersons Darrin Frye, Jason Schulte, Mike Gargano, Missy Frenz, Phil Peterson, Dave Knudsen, and Adam Kaney.
Absent: Alderpersons Craig Braunschweig and Tom Seamonson.
Others Present: City Administrator Tim Becker, Finance Director/City Clerk-Treasurer Jacob Crosetto, Public Works Director Steve Zibell, Police Chief Pat Cummings, City Attorney Derek Horkan, Parks and Recreation Director Matt Scott, Building Inspector/Zoning Administrator Brian Duvalle, Carol Wirth, Citizens, Press.

Mayor Dave Estes called the regular session of the Common Council to order at 6:00 p.m. in the Common Council Chambers.

Approve Consent Agenda: consisting of the minutes from the Common Council meeting held on September 26, 2022; approval of the September 2022 Paid Bills; September 2022 Building Permit Reports; Proclamation declaring October as Fair Housing Month; and approval of Susan Lindloff to serve as an election worker.

Motion: Schulte, Second: Gargano to approve the consent agenda. Motion carried 7-0.

GENERAL BUSINESS:

- A. Approve/Deny: Initial Resolution 4484-22 Authorizing \$1,575,000 General Obligation Bonds for Community Development Projects in Tax Incremental Districts.
 - a. **Motion: Peterson, Second: Gargano to approve Resolution 4484-22 as presented. Motion carried 7-0.**
- B. Approve/Deny: Resolution 4485-22 Directing Publication of Notice to Electors Relating to Bond Issue.
 - a. **Motion: Kaney, Second: Frye to approve Resolution 4485-22 as presented and to direct the Clerk to publish the Notice. Motion carried 7-0.**

RECOMMENDATIONS FROM BOARDS, COMMITTEES AND COMMISSIONS

- A. Plan Commission: Approve/Deny: Second Reading and Public Hearing on Ordinance 1945-22 Amending the City Code, Chapter 690 Zoning - as it is related to various zoning standards.
 - a. **Motion: Gargano, Second: Kaney to approve Ordinance 1945-22 as presented. Motion carried 7-0.**

Motion: Gargano, Second: Frye to adjourn.
Motion carried 7-0. Meeting adjourned at 6:30 p.m.

Respectfully submitted,

Jacob Crosetto
Finance Director/City Clerk-Treasurer

City of Reedsburg
Special Budget Workshop Meeting of the Common Council
October 18, 2022

Present: Mayor Dave Estes, Alderpersons Darrin Frye, Craig Braunschweig, Jason Schulte, Mike Gargano, Missy Frenz, Phil Peterson, Dave Knudsen, Tom Seamonson, and Adam Kaney.

Absent: None.

Others Present: City Administrator Tim Becker, City Clerk/Treasurer-Finance Director Jacob Crosetto, Police Chief Pat Cummings, Public Works Director Steve Zibell, Parks and Recreation Director Matt Scott, Building Inspector/Zoning Administrator Brian Duvall, Citizens, Press.

Mayor Dave Estes called the special session of the Common Council to order at 6:00 p.m. in the Common Council Chambers.

GENERAL BUSINESS

A. Review proposed FY2023 Budget – All Funds

Motion: Seamonson, Second: Schulte to adjourn.

Motion carried 9-0. Meeting adjourned at 6:21 p.m.

Respectfully submitted,

Jacob Crosetto
City Clerk-Treasurer/Finance Director

RESOLUTION

File No: 4489-22

(Authorizing the Reedsburg Utility to apply for a ReConnect Program Loan)

WHEREAS, the Reedsburg Utility Commission (“RUC”), acting by and for the City of Reedsburg, Wisconsin, is a municipally owned Alternative Telecommunications Utility certified to provide telecommunications service in the State of Wisconsin.

WHEREAS, RUC is undertaking an aggressive rural fiber network expansion project. This project will consist of approximately 850 miles of mainline fiber and will pass by approximately 4500 unserved and underserved locations in Sauk, Juneau, Richland and Iowa counties.

WHEREAS, RUC won 21 census block groups in Sauk, Juneau, Richland and Iowa counties through the FCC Rural Digital Opportunity Fund (“RDOF”) auction. RUC will receive \$643,959 per year of RDOF support for the next ten years for the project.

WHEREAS, RUC has been awarded approximately \$12,800,000 of Wisconsin Public Service Commission (“PSC”) Broadband Expansion Grants for the project.

WHEREAS, due to inflationary pressures and supply chain issues the project cost has increased from \$30,400,000 (2020 RDOF estimate) to \$45,850,000 (current estimate).

WHEREAS, \$28,000,000 to \$33,000,000 of additional funds are needed to complete the project per the RDOF and PSC requirements.

WHEREAS, The U.S Department of Agriculture’s (“USDA”) ReConnect Program provides loans, grants, and loan-grant combinations to bring high-speed internet to rural areas that lack sufficient access to broadband.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Reedsburg is authorizing the Reedsburg Utility Commission to apply for an USDA ReConnect Program 100% loan in an amount not to exceed \$33,000,000 to fund the cost of constructing the rural fiber network expansion project in Sauk, Iowa, Richland, and Juneau counties.

ADOPTED on this 24th day of October, 2022.

David G. Estes, Mayor

Jacob Crosetto, City Clerk-Treasurer

The above resolution has been authorized by the governing body of the City of Reedsburg by Resolution No. 4489-22, dated October 24, 2022.

Date Passed: October 24, 2022

Vote: _____

Funding to facilitate broadband deployment in underserved rural areas



What does this program do?

The ReConnect Program provides loans, grants, and loan-grant combinations to bring high-speed internet to rural areas that lack sufficient access to broadband. ReConnect Program funds can be used to fund the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service.

The ReConnect Program fosters private-sector investments in broadband infrastructure to deploy high-speed internet service to rural homes, businesses, and essential community facilities that support public safety, health care, schools, libraries, business and industry, and agricultural operations, among other sites.

Who can apply?

Eligible applicants can be either for- or nonprofit organizations, and include:

- Cooperatives or mutual associations
- Corporations, limited liability companies, or limited liability partnerships
- States, local governments, or any agency, subdivision, instrumentality, or political subdivision thereof
- A territory or possession of the U.S.
- Tribes, Tribal organizations, and governments as defined in the current Funding Opportunity Announcement (FOA)

You must be able to supply broadband service — at speeds defined in the most recent FOA — simultaneously to all customers in your proposed funded service area (PFSA).

What is an eligible area?

For a geographic area to be eligible, it must meet two criteria:

1. The area must be rural.
2. Fifty percent of households in the area must lack sufficient access to broadband service.

What is considered “rural?”

Service areas cannot be located in a city, town, or incorporated area with a population greater than 20,000, or an urbanized area adjacent to a city or town with a population greater than 50,000.

Eligible areas must be completely contained within a rural area, or composed of multiple rural areas. Visit the mapping tool at <https://www.usda.gov/reconnect> for additional eligibility information.

What is “sufficient access?”

For ReConnect, sufficient access to broadband is defined as “fixed terrestrial broadband service at 100 megabits per second (Mbps) downstream and 20 Mbps upstream.”

How can funds be used?

- The construction or improvement of facilities capable of delivering 100 Mbps symmetrical service to every premises in the PFSA at the same time
- Under certain circumstances — and with restrictions — the acquisition of an existing system not currently providing sufficient access to broadband service
- Up to 5 percent of the requested amount can be used for pre-application expenses, and up to 3 percent of this amount can be used to cover the costs of the environmental review.

How do we apply?

Applications must be submitted through Rural Development’s online application system, available at this link: <https://www.usda.gov/reconnect>. All materials required for completing an application are included in the online system. The ReConnect webpage also includes basic program information and detailed application guidance.

Where can we find technical assistance?

Rural Development will host several technical assistance webinars and workshops during the application window. Webinar and workshop dates and times, along with additional technical assistance, can be found at <https://www.usda.gov/reconnect>.

You also can contact your Telecommunications General Field Representative (GFR) for assistance. A map and list of GFRs can be found at: <https://www.rd.usda.gov/contact-us/telecom-gfr>.

When are applications due?

The application deadline is determined by the most recent FOA.

What governs this program?

In 2018, Congress passed the Consolidated Appropriations Act (available at this link: <https://go.usa.gov/xea7W>), which established the broadband loan and grant pilot program, now known as ReConnect.

In February 2021, USDA codified the program's policies and procedures in a published ReConnect Program Regulation (available at this link: <https://go.usa.gov/xexPT>). In addition to the regulation, Rural Development publishes a FOA in the *Federal Register*.

The ReConnect FOA published on August 4, 2022 will use funds appropriated and requirements established under the Infrastructure Investment and Jobs Act (Pub. L. 117-58 - available at this link: <https://go.usa.gov/xSUfp> - PDF).

What kind of funding is available?

ReConnect offers grants, loans, and loan-grant combinations. The minimum request for funding across all categories is \$100,000. Applicants can submit only one application for one of the five following funding options:

Type of Funding Available	Total Funding and Maximum Award Available	Key Funding Requirements
100 Percent Grant	\$150 million total funds \$25 million maximum, per project \$35 million maximum per project if the PFSA meets certain guidelines detailed in the FOA	- Competitive review based on scoring criteria 25 percent cash match requirement
Loan-Grant Combination (50-50)	- Total funds: \$150 million for loans, \$150 million for grants \$25 million maximum for the grant, per project \$25 million maximum for the loan, per project - Loan and grant amounts will always be equal	- Competitive review based on scoring criteria - Interest rate set at the U.S. Treasury rate at the time of each advance of funds
100 Percent Loan	\$150 million total funds \$50 million maximum, per project	- Funds are awarded on a rolling basis until exhausted - Interest rate is fixed at 2 percent
100 Percent Grant for Tribal Governments, Alaska Native Corporations, Colonias, Persistent Poverty Areas, and Socially-Vulnerable Communities	\$350 million total funds \$25 million maximum, per project \$35 million maximum per project if the PFSA meets certain guidelines detailed in the FOA	- Only available to those entities and areas defined in the FOA - No cash match is required if the applicant meets the requirements for this type of funding as set forth in the FOA
100 Percent Grant for projects where 90 percent of households lack sufficient access to broadband	\$200 million total funds \$25 million maximum, per project	- Must demonstrate that at least 90 percent of homes in the proposed service area do not have sufficient access to broadband as defined in the FOA - No matching funds required

NOTE: Because citations and other information change, always consult the program instructions listed in the *Federal Register*. You can also contact your General Field Representative for assistance. A map and list of GFRs can be found at this link: www.rd.usda.gov/contact-us/telecom-gfr. You will find additional forms, resources, and program information at www.usda.gov/reconnect. *USDA is an equal opportunity provider, employer, and lender.*

RESOLUTION

(CSM – 405 N Webb Ave; Parcel #405 N Webb Ave; Parcel #276-2201 & 276-1799-00000)

File No. 4486-22

Resolved, that this Certified Survey located in the City of Reedsburg is hereby approved by the Common Council of the City of Reedsburg.

STATE OF WISCONSIN)

COUNTY OF SAUK)

I hereby certify that the foregoing resolution is a true, correct and complete copy of a resolution duly and regularly passed by the Common Council of the City of Reedsburg on the 24th day of October, 2022, and that said resolution has not been repealed or amended, and is now in full force and effect.

Dated this 24th day of October, 2022.

Jacob Crosetto
City Clerk

Plan Commission

DATE: October 11, 2022

APPLICANT: Gatlin Fenwick

LOCATION: 405 N Webb Ave; Parcel #276-2201

ZONING: Ag & Conservancy

PROPOSED LAND USE REQUEST: Certified Survey Map

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider CSM to divide parent parcel into two parcels.

General Findings

SURROUNDING LAND USES:

- North – Residential, vacant, Lakeside ponds
- West – Residential, vacant
- South – Vacant
- East – Vacant, Webb Park

ZONING:

- North- Agricultural
- West- Agricultural
- South- Agricultural
- East- Conservancy

TOPOGRAPHY: Flat slopes; floodway; flood fringe

STREET R.O.W./TRAFFIC/ACCESS: None

ENVIRONMENTAL HAZARDS/CONDITIONS: Floodway

COMPREHENSIVE PLAN DESIGNATION: Recreation & Conservation

COMMENTS

ADMINISTRATOR:

AMBULANCE:

FIRE:

POLICE:

PUBLIC WORKS:

SCHOOL:

UTILITIES:

OTHER:

City of Reedsburg Land Use Application

134 S. Locust St.
PO Box 490
Reedsburg, WI 53959

Ph: 608-524-6404
Fax: 608-524-8458
bduvalle@ci.reedsburg.wi.us

APPLICANT: Gatlin Fenwick

ADDRESS: S2720 County Rd V **CITY:** Reedsburg **STATE:** WI

ZIP: 53959 **PHONE:** 608-572-2665 **FAX:** _____

E-MAIL: gatlinfenwick@yahoo.com

PROPERTY OWNER: (if different from Applicant) City of Reedsburg

LOCATION: west part of 276-2201-00000, +-44 acres **Size TBD** **PARCEL #:** part of 276-2201-00000

LAND USE REQUEST

(Please describe one or more as applicable – attach extra pages/maps if necessary)

☒ **Certified Survey Map (CSM):** TBD
Proposed CSM for +-44 acres, lying west part of 276-2201-00000, including mowed trail

☐ **Conditional Use Permit:** _____

For *CONDITIONAL USE PERMIT* requests, also answer "A & B" on back page.

☐ **Preliminary Plat:** _____ **Final Plat:** _____ **Name of Plat:** _____

☐ **Rezoning - From:** _____ **To:** _____ **TID #** _____

☐ **Site Plan Review:** (See "B" on back page) _____

☐ **Zoning Appeal / Interpretation:** _____

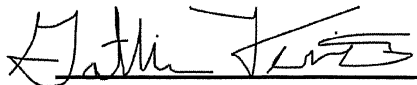
☒ **Zoning Variance:** Variance to allow for sale of lot without frontage along public street

For *VARIANCE* requests, also answer "C" on back page.

☐ **Other or Annexation:** _____

AFFIDAVIT

I certify that the information and plans submitted are true and accurate to the best of my knowledge. I also give permission to City zoning officials to enter my property for inspection purposes and for a temporary Zoning sign to be placed in my yard prior to the meeting.

 6-28-2022

Applicant Signature / Date

Owner Signature / Date

Extraterritorial Committee Date: _____
Plan Commission Date: _____
Board of Zoning Appeals Date: _____
City Council Action & Date: _____

Account #10-461500-00

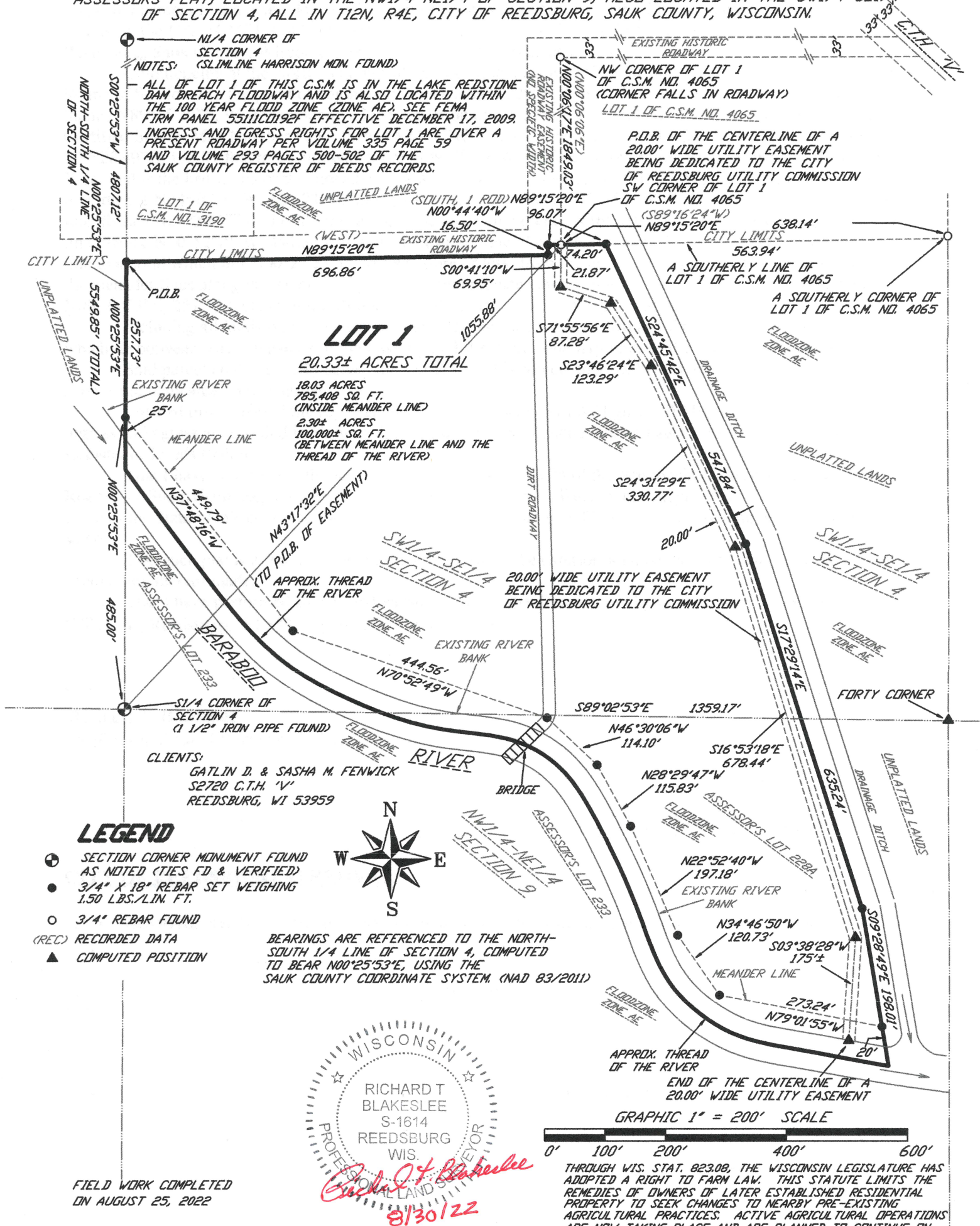
**The applicant or representative MUST
ATTEND the meeting.**

G:\wpnet\Zoning - Planning\Land Use Appl.doc

Cond Use Permit	\$200	_____
Cond Use-Agriculture	\$400	_____
Variance	\$125	<u>X</u> _____
Rezoning	\$200	_____
C.S.M.	\$175	<u>X</u> _____
Subdivision Plat	\$610	_____
- w/ Stormwater Plan	\$100	_____
Site Plan Review	\$175	_____
Annexation	\$200	_____
Plan Amend	\$200	_____
Date Paid	<u>8-23-22</u>	
Receipt #	<u>1.042008</u>	

SHEET 1 OF 3

A PARCEL OF LAND BEING DESCRIBED AS PART OF ASSESSOR'S LOT 228A OF THE CITY OF REEDSBURG ASSESSORS PLAT; LOCATED IN THE NW1/4-NE1/4 OF SECTION 9, ALSO LOCATED IN THE SW1/4-SE1/4 OF SECTION 4, ALL IN T12N, R4E, CITY OF REEDSBURG, SAUK COUNTY, WISCONSIN.



THROUGH WIS. STAT. 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 NEARBY PRE-EXISTING AGRICULTURAL PRACTICES. ACTIVE AGRICULTURAL OPERATIONS ARE NOW TAKING PLACE AND ARE PLANNED TO CONTINUE ON LANDS IN THE VICINITY OF THIS C.S.M. THESE ACTIVE AGRICULTURAL OPERATIONS MAY PRODUCE NOISES, ODDORS, DUST, MACHINERY TRAFFIC OR OTHER CONDITIONS DURING DAYTIME AND EVENING HOURS.

Map Exhibit to accompany offer dated 8-17-22



The area outlined in yellow is approximately 15+/- acres lying west of the drainage ditch, part of Parcel 276-2201-00000

PRIVATE ROAD MAINTENANCE AGREEMENT

THIS PRIVATE ROAD MAINTENANCE AGREEMENT ("Agreement") made and entered into as of the date the last party has executed this Agreement ("Effective Date") by and between **Gatlin and Sasha Fenwick, a married couple, including their heirs, successors and assigns** ("Purchaser"), **Ryan and Valerie Johansen, including their heirs, successors and assigns** ("Owner 1"), and **Richard T. Blakeslee, including his heirs, successors and assigns** ("Owner 2") all together and collectively referred to in this document as the Parties ("Parties"), pursuant to a Private Road ("Private Road"), as depicted in the attached Exhibit A ("Map").

WITNESSETH:

WITNESSED, WHEREAS, Purchaser plans to obtain title to a portion of Sauk County Tax Parcel Number 276-1799-00000 and a portion of Sauk County Tax Parcel Number 276-2201-00000.

WHEREAS, on September 20, 2022, the City of Reedsburg Zoning Board of Appeals Committee passed a unanimous vote to recommend to the City of Reedsburg General Council to issue a Zoning Variance for a portion of Sauk County Tax Parcel Number 276-1799-00000 and a portion of Sauk County Tax Parcel Number 276-2201-00000, to allow for the creation of a lot without 40 feet of frontage along a public street, under the condition that a maintenance agreement is created.

WHEREAS, Parties seek to establish an Agreement for the maintenance of Private Road.

WHEREAS, this Agreement shall be enforceable by all Parties.

WHEREAS, this Agreement shall not be enforceable until Purchaser receives title to the Property.

WHEREAS, Private Road provides a benefit to the Parties and a benefit to other landowners who are not part of this Agreement.

WHEREAS, Lakeside Foods, Inc are the current owners to the title of Sauk County Tax Parcel Number 276-2201-00100, a 50.56 acre lot.

WHEREAS, Lakeside Foods, Inc has historically been maintaining the majority of the Private Road.

WHEREAS, Parties recognize that Lakeside Foods, Inc may or may not continue ownership of Sauk County Tax Parcel Number 276-2201-00100.

WHEREAS, Parties recognize Lakeside Foods, Inc. and other landowners who have the legal and proper right to use the Private Road, may or may not contribute to the maintenance of the Private Road.

WHEREAS, Purchaser agrees to not change the point at which Private Road provides existing access to the portion of Sauk County Tax Parcel Number 276-1799-00000 and a portion of Sauk County Tax Parcel Number 276-2201-00000 that is being purchased by Purchaser.

NOW, THEREFORE, in consideration of the Private Road, the terms set forth below, the promises and covenants of the Parties hereunder, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

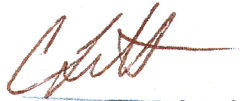
1. Owner 1 hereby agrees to assume responsibility for managing the maintenance activities within Segment 1 of the Private Road, as depicted in the Map, approximately 540 linear feet.
2. Owner 2 hereby agrees to assume responsibility for managing the maintenance activities within Segment 2 of the Private Road, as depicted in the Map, approximately 1,960 linear feet.
3. Purchaser hereby agrees to assume responsibility for managing the maintenance activities within Segment 3 of the Private Road, as depicted in the Map, approximately 1,700 linear feet.
4. Parties hereby agree to perform annual assessments of the Private Road to determine maintenance activities that may or may not need to be addressed.
5. Parties hereby agree to perform Private Road maintenance under majority mutual consent, which is defined as majority vote whereby the Purchaser is allowed one vote, Owner 1 is allowed one vote, and Owner 2 is allowed one vote.
6. Parties hereby agree to manage the periodic maintenance of the Private Road, including the following maintenance activities:
 - a. Placement of gravel where material has been depleted
 - b. Grading of the gravel
 - c. Smoothing of potholes and uneven surfaces
7. Parties hereby agree to provide contributions, as needed, of one or more of the following:
 - a. Requesting payments from other landowners who utilize the Private Road
 - b. Collecting payments from other landowners who chose to participate in the Private Road maintenance
 - c. Contacting a third-party contractor to perform the work identified in no. 6, provided the Parties agree, with unanimous consent between all Parties, that the third-party performing the work has agreed to perform the work at a reasonable price.
 - d. Labor, equipment and/or material associated with Private Road maintenance
 - e. Money for Private Road maintenance activities
8. Parties hereby agree that any major damage of Private Road caused by activity of any one of the Parties that extends over and above normal "wear and tear" will be fixed by the individual party within a reasonable timeframe, and that individual party will be responsible for 100% of the costs associated with remediation of said damage.
9. Parties hereby agree to make good on obligations and payments required for Private Road maintenance within 90 days unless other arrangements have been made.
10. Annual Private Road evaluation of repair needs and any other Private Road considerations may be communicated via mail to the following mailing addresses:
 - a. Purchaser: S2720 County Road V, Reedsburg, Wisconsin 53959
 - b. Owner 1: 636 N Locust St, Reedsburg, WI 53959
 - c. Owner 2: E5950 La Valle St, Reedsburg, WI 53959

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the Effective Date.

SIGNATURE PAGE FOLLOWS

Johansen Signatures:

Witness:



Print Name: Chad LUTTER

Date: 10/10/2022

Sauk County Tax Parcel Number 030-0140-10000

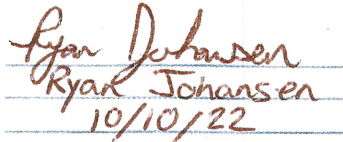
Owner 1:

Ryan Johansen

Signature:

Print Name:

Date:


Ryan Johansen
10/10/22

Witness:



Print Name: Chad LUTTER

Date: 10/10/2022

Sauk County Tax Parcel Number 030-0140-10000

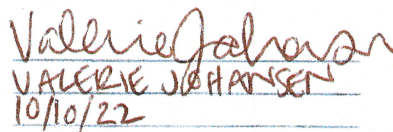
Owner 1:

Valerie Johansen

Signature:

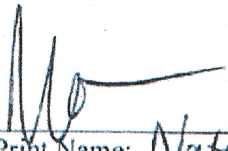
Print Name:

Date:


VALERIE JOHANSEN
10/10/22

Fenwick Signatures:

Witness:



Print Name: Nathan Ihde

Date: 10-2-22

Sauk County Tax Parcel Number: to be determined

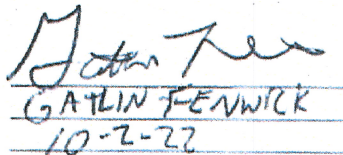
Purchaser:

Gatlin Fenwick

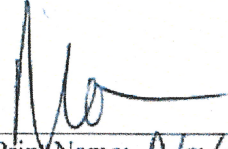
Signature:

Print Name:

Date:


GATLIN FENWICK
10-2-22

Witness:



Print Name: Nathan Ihde

Date: 10-2-22

Sauk County Tax Parcel Number: to be determined

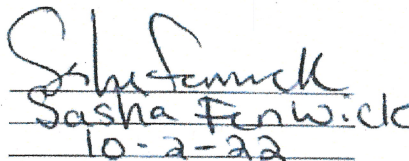
Purchaser:

Sasha Fenwick

Signature:

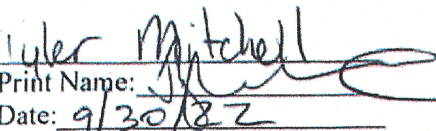
Print Name:

Date:


Sasha Fenwick
10-2-22

Blakeslee Signature:

Witness:



Print Name: Tyler Mitchell

Date: 9/30/22

Sauk County Tax Parcel Number 030-0131-00000

Owner 2:

Richard T. Blakeslee

Signature:

Print Name:

Date:

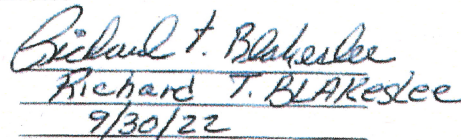
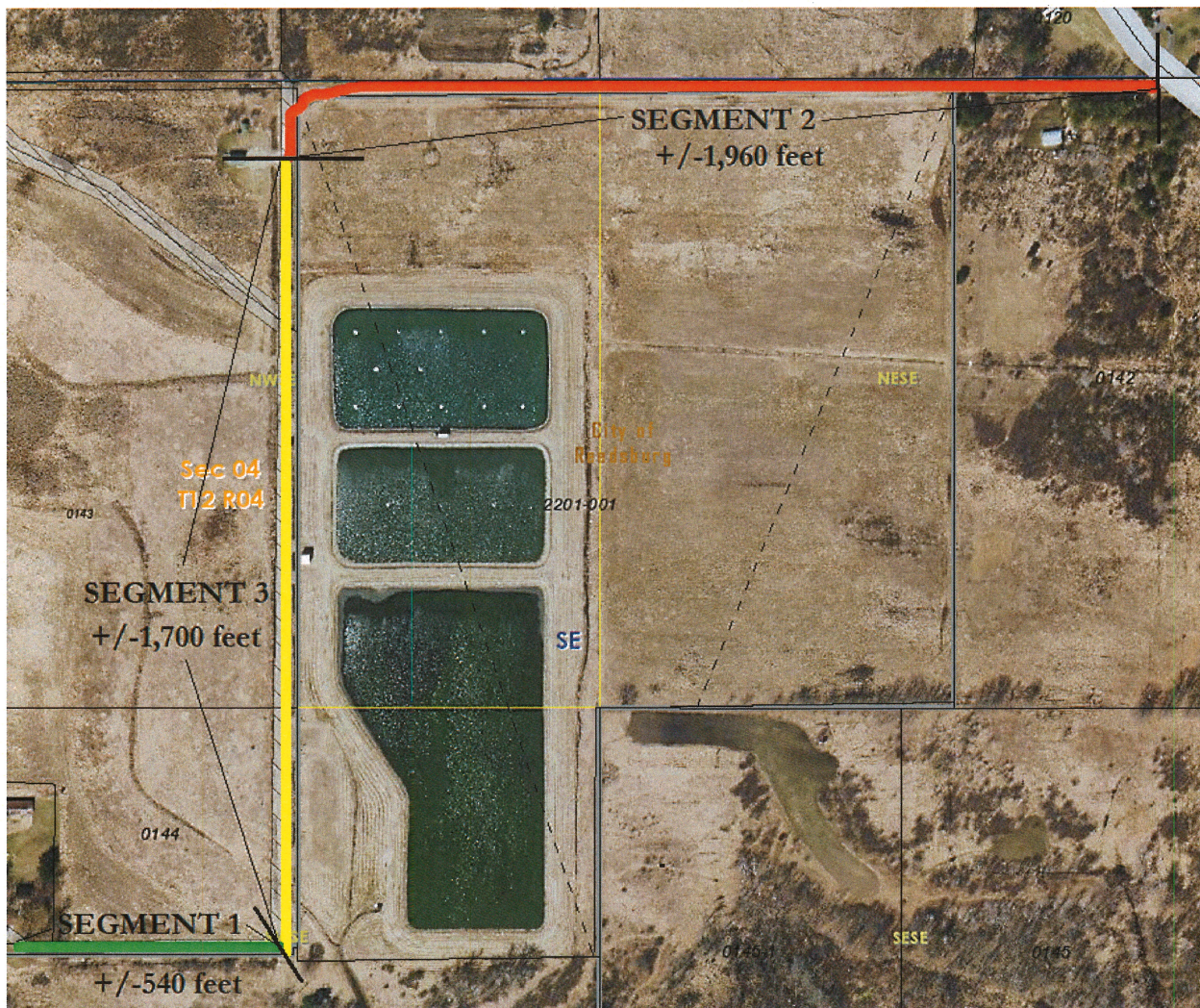

Richard T. BLAKESLEE
9/30/22

EXHIBIT A - Map



This is **EXHIBIT K**, consisting of 3 pages, referred to in and part of the **Agreement between Owner (City of Reedsburg) and Engineer (Town & Country Engineering, Inc.) for Professional Services** dated October 20, 2021.

AMENDMENT TO OWNER-ENGINEER AGREEMENT

The Effective Date of this Amendment No. 1 is: October 24, 2022

In accordance with Paragraph 1.01 of the City of Reedsburg (Owner) and Town & Country Engineering, Inc. (Engineer) for Professional Services, dated October 20, 2021 ("Agreement"), Owner and Engineer agree as follows:

Background Data

- a. Effective Date of Amendment: October 24, 2022
- b. Specific Project (title): WWTF Final Design
- c. Specific Project (description): See Attachment A

Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Amendment are described in Attachment A and the services (and related terms and conditions) set forth in the following sections of Exhibit A, as attached to the Agreement referred to above, such sections being hereby incorporated by reference:
 - Final Design Phase (Exhibit A, Paragraph A1.03)
 - Bidding or Negotiating Services (Exhibit A, Paragraph A1.04)

All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Amendment.

Additional Services

Those services (and related terms and conditions) set forth in Paragraph A2.01 of Exhibit A, as attached to the Agreement referred to above, such paragraph being hereby incorporated by reference.

Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, as attached to the Agreement referred to above, such Article and Exhibit being hereby incorporated by referenced.

Amendment Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the schedule set forth in Attachment A.

Payments to Engineer

A. Owner shall pay Engineer for Basic Services set forth above as follows:

A Lump Sum amount of \$2,987,000.

Standard Hourly Rates and Reimbursable Expense Rates Schedule for Additional Services

Standard Hourly Rates and Reimbursable Expense Rates are set forth below. Standard Hourly Rates include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.

The Standard Hourly Rates apply only as specified in Part 2 of Exhibit A, as attached to the Agreement referred to above, such Part being hereby incorporated by reference.

Schedule:

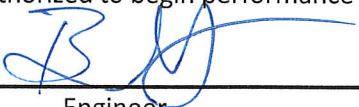
Principal	\$170.00
Senior Project Manager	\$165.00
Senior Project Engineer	\$160.00
Project Engineer IV	\$150.00
Project Engineer III	\$145.00
Project Engineer II	\$140.00
Project Engineer I	\$135.00
Staff Engineer II	\$120.00
Staff Engineer I	\$110.00
Senior Engineering Technician	\$110.00
Engineering Technician III	\$105.00
Engineering Technician II	\$100.00
Engineering Technician I	\$90.00
GIS Analyst	\$110.00
GIS Technician	\$100.00
Survey Crew Chief	\$110.00
Construction Technician II	\$100.00
Construction Technician I	\$85.00
Administrative II	\$80.00
Administrative I	\$75.00
Grant Writer	\$95.00

Note that the fees indicated on this table are only a summary and if there is a conflict with any provision of Exhibit C, the provisions there overrule the values on this table. Fees shown in will not be exceeded without the concurrence of the Agency.

Any adjustments to engineering fees or changes to maximum estimated values must be approved by the Agency and must include a table of what specific category or categories of fees are being changed, what fees were before and after the change, and the resulting total fee.

Terms and Conditions

Execution of this Amendment by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Amendment signed by Owner.



Engineer

10/14/2022

Date

Ben Heidemann, Town & Country Engineering, Inc., Vice-President

Name and Title

Owner

Date

David Estes, City of Reedsburg, Wisconsin, Mayor

Name and Title

Agency Concurrence:

As lender or insurer of funds to defray the costs of this Contract, and without liability for any payments thereunder, the Agency hereby concurs in the form, content, and execution of this Agreement.

Agency Representative

Date

Name and Title

ATTACHMENT A

MEMORANDUM

Date: October 14, 2022

To: Steve Zibell, Director of Public Works/City Engineer – City of Reedsburg

From: Ben Heidemann, P.E., Vice President – Town and Country Engineering

Subject: Scope of Services – WWTF Final Design

The City of Reedsburg intends to proceed with the final design of the proposed new wastewater treatment facility. The Preliminary Design has been completed, scope of improvements has been outlined, and funding for the project has been secured. Separate projects have been started to assist in coordination of the USDA Rural Development funding, development and negotiation of industrial agreements, and evaluation of the user rate impact. Town and Country Engineering and our sub consultants are prepared to undertake design work to accommodate the following project scope:

General

The WWTF upgrade project is intended to construct new wastewater conveyance and treatment facilities. This project is intended to address deficiencies identified in the Facilities Plan, which includes relocation outside of the flood plain, aging/deteriorating infrastructure, and capacity concerns related to local industries. Generally, buildings will be masonry style construction with sloped steel roofs. The administration facilities are planned to match the City's new public works facilities. Tanks will be constructed of cast in place concrete.

Site Work

Site improvements will be completed to support renovations/abandonment at the existing wastewater treatment plant, the new lift station site, and the new wastewater treatment plant site. Improvements will include:

- Utilities including water service, natural gas service, and electrical service.
- Process and utility piping to support unit processes.
- Electrical distribution.
- Civil improvements including grading, asphalt, sidewalk, and fencing.
- Stormwater treatment and equalization as required by the DNR.
- New diesel standby generator(s).
- Demolition and regrading of the existing wastewater treatment facility.

Influent Pump Station

A new pumping station is planned to be located at the intersection of Division and Dewey streets. Scope of improvements will include:

- Dry well/wet well design with open air wet well.
- Dry pit or dry pit submersible pump design.
- Dual force mains with individual pigging facilities.
- Dedicated standby generator.

Headworks and Waste Receiving

A combined headworks and waste receiving building will be constructed at the new WWTF site. This structure will include:

- Influent flow measurement and sampling.
- Raw wastewater screening and screenings processing.

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- Grit removal, grit pumping, and grit processing.
- Primary sludge pumping.
- Waste receiving, screening, equalization, and pumping.
- HVAC and electrical/controls rooms.
- Odor control for the screening channels and hauled waste.

Primary Clarifiers

Two 72' diameter primary clarifiers will be constructed with an effluent box and scum pit located between. Launder covers will be provided to aid in odor management.

Aeration Basins

Six 140' x 30' aeration basins will be constructed. One basin will be divided into four tanks to incorporate selector basins for biological phosphorus removal. One basin will be divided into two tanks to provide anoxic basins for total nitrogen removal but also be fitted with diffusers to act as an aeration basin if needed. The remaining four basins will be arranged as aeration basins.

Final Clarifiers

Two 100' diameter final clarifiers will be constructed with splitter box, effluent box and scum pit located between. Aluminum dome covers will be provided to manage algae growth and reduce freezing.

Tertiary Filter and Disinfection Building

A tertiary filtration and disinfection building will be constructed to include:

- Exterior chemical conditioning tanks.
- Tertiary disc filters for phosphorus removal
- Ultraviolet disinfection
- Effluent flow metering and sampling
- Effluent re-use system
- Chemical and polymer storage
- HVAC and electrical/controls rooms

Process Control Building

A process control building will be constructed to include:

- Aeration blowers
- RAS, WAS and sludge pumps (in the basement)
- Digestion heating equipment
- Gas conditioning equipment
- Sludge thickener(s)
- Sludge dewatering
- Sludge drying
- Dry sludge storage
- Main electrical service and switchgear (outdoor generator(s) to be located near this structure)
- HVAC and electrical/controls rooms

Sidestream Treatment Building

A sidestream treatment building may be constructed to include:

- Sidestream treatment reactor

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- Chemical feed equipment
- HVAC and electrical/controls rooms

Anaerobic Digestion

Three 72' diameter anaerobic digesters will be constructed, with two digesters fitted to operate as sludge treatment and the third fitted to act as reserve sludge storage and as a future digester. Two of the digesters will be fitted with floating, insulated gas holding covers.

On Site Lift Station

A new submersible on-site lift station will be constructed to collect all building and process drains and discharge flow to the Headworks building.

Administration Building

An administration building will be constructed to include:

- Office space
- IT space
- Laboratory facilities
- Break room
- Locker and bathroom facilities
- Shop space
- Garage space
- Wash bay.

Cold Storage

A 40' x 50' cold storage structure will be constructed in a similar fashion to the Public Works facilities.

The engineering scope of services for the final design of the project scope listed above will include:

Design Disciplines

Design services shall include civil, structural/architectural, process, HVAC, plumbing and electrical and controls engineering to support the project scope and prepare necessary plans and specifications for regulatory review and project bidding. A portion of the work will be subcontracted, which is included in the engineering costs provided.

Pre-Selection of Equipment

The scope of work under the design contract will include the bidding and selection of all process equipment items (including controls integration and standby power) in advance of the construction bidding. This pre-selection process will involve preparation of separate bidding documents for each item, coordination of bidding and bid questions from prospective manufacturers, evaluations of bids received, and assistance in selection of the equipment supplier. This procedure does involve more engineering time, but has the benefit of the Owner securing the exact equipment considered best for their needs through an evaluated bid process. The evaluated bids will take into consideration capital cost, operating costs, maintenance costs, and a qualitative evaluation of the equipment item. It should be noted that this is the ONLY bidding process allowed to be used by USDA Rural Development that allows the Owner to evaluate the process equipment they are selecting.

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Regulatory Review

All necessary regulatory review and approval will be obtained prior to bidding. Anticipated regulatory reviews include:

- WI DNR Wastewater Plan Review
- WI DNR Stormwater Plan Review
- DSPS Architectural and HVAC Review
- DSPS Plumbing Review
- USDA Rural Development Engineering Review

Grant and Loan Application

This scope includes preparation and submittal of a Clean Water Fund grant and loan application. The application is required to be submitted by September 30, 2023. This is being included as a potential supplemental funding source in addition to the USDA Rural Development funding as well as to make the recently signed infrastructure bill funds potentially available.

The lump sum engineering cost for the WWTF final design work as described above is \$2,987,000.

Several work items may be required for design and implementation of the proposed project, but are not included in the engineering scope of services. Town & Country Engineering will assist City staff or assist in contracting for these services from outside consultants, if needed.

- Design and bidding for Division Street, force main, and outfall sewers (included as a separate proposal).
- Construction administration and resident engineering (engineering proposal will be prepared after bidding).
- Soil borings and soil engineering report (coordination included in the above scopes).
- Wetland, endangered species, environmental (asbestos/lead) and historical investigations and report (covered under a separate project scope).
- Coordination with Rural Development on completion of Docket items or necessary right of way mapping (covered under a separate project scope).
- Negotiation of industrial agreements (covered under a separate project scope).
- User rate impact and connection fees (covered under a separate project scope).
- Cost for permit fees.

We at Town & Country Engineering, Inc. wish to thank you for the opportunity to present this scope of services to the City of Reedsburg and look forward to continuing to serve you. If you have any questions regarding the above scope, please feel free to call.

BJH

J:\JOB#S\Reedsburg\RD-00-00\O&E Contracts\2021 Preliminary Design (RD Contract)\Amendment 1 - Final Design\Attachment A - Final Design.docx

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This is **EXHIBIT K**, consisting of 3 pages, referred to in and part of the **Agreement between Owner (City of Reedsburg) and Engineer (Town & Country Engineering, Inc.) for Professional Services** dated October 20, 2021.

AMENDMENT TO OWNER-ENGINEER AGREEMENT

The Effective Date of this Amendment No. 2 is: October 24, 2022

In accordance with Paragraph 1.01 of the City of Reedsburg (Owner) and Town & Country Engineering, Inc. (Engineer) for Professional Services, dated October 20, 2021 ("Agreement"), Owner and Engineer agree as follows:

Background Data

- a. Effective Date of Amendment: October 24, 2022
- b. Specific Project (title): Division Street, Force Main, and Outfall Final Design
- c. Specific Project (description): See Attachment A

Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Amendment are described in Attachment A and the services (and related terms and conditions) set forth in the following sections of Exhibit A, as attached to the Agreement referred to above, such sections being hereby incorporated by reference:
 - Final Design Phase (Exhibit A, Paragraph A1.03)
 - Bidding or Negotiating Services (Exhibit A, Paragraph A1.04)

All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Amendment.

Additional Services

Those services (and related terms and conditions) set forth in Paragraph A2.01 of Exhibit A, as attached to the Agreement referred to above, such paragraph being hereby incorporated by reference.

Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, as attached to the Agreement referred to above, such Article and Exhibit being hereby incorporated by referenced.

Amendment Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the schedule set forth in Attachment A.

Payments to Engineer

A. Owner shall pay Engineer for Basic Services set forth above as follows:

A Lump Sum amount of \$380,000.

Standard Hourly Rates and Reimbursable Expense Rates Schedule for Additional Services

Standard Hourly Rates and Reimbursable Expense Rates are set forth below. Standard Hourly Rates include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.

The Standard Hourly Rates apply only as specified in Part 2 of Exhibit A, as attached to the Agreement referred to above, such Part being hereby incorporated by reference.

Schedule:

Principal	\$170.00
Senior Project Manager	\$165.00
Senior Project Engineer	\$160.00
Project Engineer IV	\$150.00
Project Engineer III	\$145.00
Project Engineer II	\$140.00
Project Engineer I	\$135.00
Staff Engineer II	\$120.00
Staff Engineer I	\$110.00
Senior Engineering Technician	\$110.00
Engineering Technician III	\$105.00
Engineering Technician II	\$100.00
Engineering Technician I	\$90.00
GIS Analyst	\$110.00
GIS Technician	\$100.00
Survey Crew Chief	\$110.00
Construction Technician II	\$100.00
Construction Technician I	\$85.00
Administrative II	\$80.00
Administrative I	\$75.00
Grant Writer	\$95.00

Note that the fees indicated on this table are only a summary and if there is a conflict with any provision of Exhibit C, the provisions there overrule the values on this table. Fees shown in will not be exceeded without the concurrence of the Agency.

Any adjustments to engineering fees or changes to maximum estimated values must be approved by the Agency and must include a table of what specific category or categories of fees are being changed, what fees were before and after the change, and the resulting total fee.

Terms and Conditions

Execution of this Amendment by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Amendment signed by Owner.

 _____ Engineer	<u>10/14/2022</u> _____ Date
--	------------------------------------

Ben Heidemann, Town & Country Engineering, Inc., Vice-President	
_____ Name and Title	

Owner	Date
_____ Name and Title	

David Estes, City of Reedsburg, Wisconsin, Mayor

Agency Concurrence:

As lender or insurer of funds to defray the costs of this Contract, and without liability for any payments thereunder, the Agency hereby concurs in the form, content, and execution of this Agreement.

Agency Representative	Date
_____ Name and Title	

ATTACHMENT A

MEMORANDUM

Date: October 14, 2022

To: Steve Zibell, Director of Public Works/City Engineer – City of Reedsburg

From: Ben Heidemann, P.E., Vice President – Town and Country Engineering

Subject: Scope of Services – Division Street Interceptor, Force main, and Outfall Final Design

The City of Reedsburg intends to proceed with the final design of the proposed new wastewater treatment facility. The Preliminary Design has been completed, scope of improvements has been outlined, and funding for the project has been secured. Separate projects have been started to assist in coordination of the USDA Rural Development funding, development and negotiation of industrial agreements, and evaluation of the user rate impact. Town and Country Engineering is prepared to undertake design work to accommodate the following project scope:

General

The WWTF upgrade project is intended to construct new wastewater conveyance and treatment facilities. This project is intended to address deficiencies identified in the Facilities Plan, which includes relocating the City's wastewater treatment facility. To accommodate that, several other projects outside of the existing and future treatment plant sites are needed.

Division Street Interceptor

Construct a new 27-inch interceptor sewer to flow along Division Street from the current WWTP site to the new lift station location. Due to the depth of excavation and disturbance needed for the interceptor, the project will also include replacing 6-inch water main with new piping, pavement reconstruction, curb replacement, and some storm sewer work in the same area.

Force Main

Construct two new 18-inch force mains from the new main lift station location to the new wastewater treatment plant site. This is anticipated to be a combination of open-cut and directionally drilled construction.

Outfall

Construct new 36-inch outfall sewer along Golf Course Road from the new wastewater treatment plant site to the Baraboo River. This will likely require removal and replacement of approximately half of the existing width of the roadway due to depths of construction.

Preliminary design has already been completed for these items, along with almost all necessary field survey of existing conditions and kick off discussions with regulators. To complete final design and issue a bidding package, we propose to provide the following services:

Engineering Plans

As part of the engineering plan development we will provide 30%, 60%, and 90% complete plans for review and comment. The plans will contain plan/profile sheets of both underground and above ground improvements. Plans will be provided in both hard copy and digital format (PDF and/or AutoCAD DWG). It is anticipated that the proposed curb replacement will be largely in the same location as existing, and that the water main will be 8-inch diameter, so detailed analysis and water design would not be required.

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Specifications

Construction specifications will include a complete bidding package for anticipated 2024 construction that will be used to obtain bids and provide guidance during construction of the project. This will include the Advertisement for Bid, Instruction to Bidders, Bidders Proof of Responsibility, all bidding documents themselves (bid proposal form, affidavit of organization, bid bond, disclosure of ownership), and standard construction contract documents as published by the EJCDC. We will also provide technical specifications outlining the materials and performance that will be required of the contractor. It is anticipated that one bid period will be needed for a single general contractor.

Regulatory Review

All necessary regulatory review and approval will be obtained prior to bidding. Anticipated regulatory reviews include:

- WI DNR Wastewater Plan Review
- WI DNR Stormwater Plan Review
- WI DNR Wetland Disturbance Plan Review
- USACE Wetland Disturbance Plan Review
- USDA Rural Development Engineering Review

Bidding Services

We will answer questions from bidders and suppliers regarding plans and specifications. We will attend the bid openings, analyze the bids received, and attend a meeting with City officials to formally recommend award.

Grant and Loan Application

This scope includes preparation and submittal of a Clean Water Fund grant and loan application. The application is required to be submitted by September 30, 2023. This is being included as a potential supplemental funding source in addition to the USDA Rural Development funding as well as to make the recently signed infrastructure bill funds potentially available.

The lump sum engineering cost for the Division Street Interceptor, Force main, and Outfall Final Design work as described above is \$380,000.

Several work items may be required for design and implementation of the proposed project, but are not included in the engineering scope of services. Town & Country Engineering will assist Utility staff or assist in contracting for these services from outside consultants, if needed.

- Design and bidding for the WWTP relocation project (included as a separate proposal).
- Construction administration and resident engineering (engineering proposal will be prepared prior after bidding).
- Soil borings and soil engineering report (coordination included in the above scopes).
- Wetland, endangered species, and historical investigations and report (coordination included in the above scopes).
- Coordination with Rural Development on completion of Docket items or necessary right of way mapping (covered under a separate project scope).
- User rate impact and connection fees (covered under a separate project scope).
- Cost for permit fees.

We at Town & Country Engineering, Inc. wish to thank you for the opportunity to present this

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scope of services to the City of Reedsburg and look forward to continuing to serve you. If you have any questions regarding the above scope, please feel free to call.

BJH:brb

J:\JOB#S\Reedsburg\RD-00-00\O&E Contracts\2021 Preliminary Design (RD Contract)\Amendment 2 - Force Main (RD 57)\Attachment A - Final Design FM-Int-Outfall.docx

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RESOLUTION 4487-22
Increasing Rates for Wastewater System

WHEREAS, the wastewater system of the City of Reedsburg is a self-supporting enterprise of the City; and

WHEREAS, the wastewater ordinance (Chapter 493) creates the authority of the City Council to adopt rates by resolution; and

WHEREAS, a well-funded and efficient wastewater system is important to the public health and the environment;

NOW THEREFORE IT IS RESOLVED BY THE CITY OF REEDSBURG COMMON COUNCIL that the following rates be confirmed and approved:

A. Sewer User Charges: (effective 01/01/2023)

(a) Fixed charge: shall be the “minimum” monthly wastewater service charge as established by resolution of the Common Council of the City of Reedsburg as amended from time to time. The current fixed charges shall be based on the size of the water meter(s) serving the user. Current rates are as follows:

<u>Fixed Monthly Meter Charge</u>	
<u>Meter Size</u>	<u>01/01/2023</u>
5/8"	\$11.50
3/4"	\$11.50
1"	\$25.35
1-1/4"	\$36.45
1-1/2"	\$48.50
2"	\$76.25
3"	\$140.95
4"	\$233.45
6"	\$464.65

(b) Volume charge: In addition to the minimum fixed charge, there shall be a volume charge based on water usage as determined from regular water meter readings by the Water Utility. The charge shall be determined by resolution of the Common Council as amended from time to time. Current rate for normal wastewater service is \$5.50 per 100 cubic feet of water usage

B. Industrial Surcharges: (effective 01/01/2023)

The rates of charge for each of the aforementioned constituents will be at the prevailing rate at the time. The Reedsburg City Council may adjust rates. Said prevailing rates at this time are as follows:

<u>Parameter</u>	<u>2023 Unit Charge</u>
Volume (\$V)	\$3.25 per 1,000 gallons
Biochemical Oxygen Demand (BOD)	\$0.36 per pound
Suspended Solids (SS)	\$0.39 per pound
Phosphorus (P)	\$11.54 per pound

C. Septic, Leachate and Holding Tank Disposal Service Charges: (effective 01/01/2023)

Service charges for Septic, leachate and holding tank waste are calculated based on the following assumed concentrations and the unit rates specified in Chapter 493-30 and from time to time amended by resolution by the City Council.

- o Holding Tank Waste \$12.85/1000 gal (Based on BOD @ 0 - 600 mg/L; SS @ 0 - 1,800 mg/L; and P @ 0 - 30 mg/L)
- o Septic Tank Waste \$90.70/1000 gal (Based on BOD > 5,000 mg/L; SS > 15,000 mg/L; and P > 300 mg/L)
- o Medium Septic Tank Waste \$50.00/1000 gal (Based on BOD @ 601-4,999 mg/L; TSS @ 1,801-14,999 mg/L; and P @ 31-299 mg/L)
- o Leachate Waste – Based upon analysis of a suitable sample(s), the charge for leachate waste shall be calculated at the same rate as the surcharge for Industrial Wastewater.
- o Administrative Fee - \$20.00 per load.

ADOPTED on this 24th day of October, 2022.

David G. Estes, Mayor

Jacob Crosetto, City Clerk-Treasurer

Respectfully Submitted:

The above resolution has been authorized by the governing body of the City of Reedsburg by Resolution No. 4487-22, dated October 24, 2022.

Date Passed: October 24, 2022

Vote: _____

MEMORANDUM

Date: October 18, 2022

To: City of Reedsburg Public Works Committee

From: Ben Heidemann, P.E., Vice President – Town and Country Engineering

Subject: 2023 Sewer User Rate Increase Recommendations

The City of Reedsburg has completed a WWTF Facilities Plan (submitted December 2021) and has proceeded with the recommendation for construction of a new wastewater treatment facility. As a part of the Facilities Planning process, user rate projections were performed to estimate the impact of the project costs on users of the system. The City's current sewer user rates are as follows:

- | | |
|--|---------|
| • Fixed Charge (\$/mo): | \$11.50 |
| • Variable Charge (\$/cf): | \$3.90 |
| • Average Residential User Cost (at 3,500 gal/mo): | \$29.75 |

The Facilities Plan rate estimates were based upon a variety of assumptions that are outlined below.

- 2020 City flow and loadings.
- 2020 industrial loadings.
- Prepayment of existing CWF loans utilizing cash on hand.

Since that time the City, Town and Country Engineering, and Wisconsin Public Finance Professionals have worked together to confirm some of the assumptions and update the rate projections based upon the funding provided by USDA Rural Development. Some of the assumptions have been updated as follows:

- Updated flow, loading and expenses/revenue based upon 2021 audits.
- Reduction of Saputo's flow and loading by 70% annually – based upon conversations with Saputo related to their goat cheese conversion.
- DOA has stated that prepayment of the CWF loans will not be allowed.
- Rate increases in 2023, 2024, 2025, 2026 and 2028.

Additionally, Wisconsin Public Finance Professionals recommended reviewing the interim financing interest payment for the Rural Development loan and consider paying those costs utilizing the City's cash reserves instead of capitalizing them within the loan. This results in approximately \$1.50 less per month for the average user in the final rate step, however requires a more significant escalation of rates over the next 6 years. After discussions with City staff, the recommended rate increases/approach reflect City paying project interest using cash reserves. As a result, 2023 rate increases are recommended below.

2023

- | | |
|----------------------------------|---------|
| • Fixed Charge (\$/mo): | \$11.50 |
| • Variable Charge (\$/cf): | \$5.50 |
| • Average Residential User Cost: | \$37.24 |
| • Variable Charge (Industrial): | \$3.25 |
| • BOD: | \$0.36 |
| • TSS: | \$0.39 |

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- Phosphorus: \$11.54

Rate projections will be updated each year to incorporate previous year audited revenue/expenses as well as updates to industrial usages. Our current estimated final rate impact, which incorporates all project costs, is as follows:

Final

- Fixed Charge (\$/mo): \$11.50
- Variable Charge (\$/cf): \$9.11
- Average Residential User Cost: \$54.13

ORDINANCE NO. 1937-22
(§ 650 Floodplain Zoning)

The City of Reedsburg, Sauk County, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE.

The purpose of this amendment is to update Chapter 650 with new FEMA and Wis DNR requirements including those for the Community Rating System (CRS).

SECTION II: PROVISION AMENDED.

City of Reedsburg Code Chapter 650 is amended with model ordinance provided by the Wisconsin DNR and FEMA. The full text of the ordinance can be obtained from the City Clerk at 134 S. Locust Street in Reedsburg or by contacting City Hall at 524-6404.

SECTION IV: VALIDITY.

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED.

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE.

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VII: PART OF CODE:

This Ordinance becomes part of the City of Reedsburg Code, Chapter 650.

Dated this 24th day of October 2022.

David G. Estes, Mayor

Jacob Crosetto, Clerk/Treasurer

1st Reading at Council:
Public Hearing Noticed:
2nd Reading at Council/Public Hearing:
Published, Enactment Date:

September 26, 2022
October 6 & October 13, 2022
October 24, 2022
November 3, 2022

Chapter 650
Floodplain Zoning

[HISTORY: Adopted by the Mayor and Common Council of the City of Reedsburg as Ch. 23 of the former Municipal Codebook. Amendments noted where applicable.]

Article I

Statutory Authority; Finding of Fact; Statement of Purpose; Title; General Provisions

§ 650-1 Statutory authority.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

This chapter is adopted pursuant to the authorization in § 62.23, Wis. Stats., and the requirements in § 87.30, Wis. Stats.

§ 650-2 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.

§ 650-3 Statement of purpose.

This chapter is intended to regulate floodplain development to:

- A. Protect life, health and property;
- B. Minimize expenditures of public funds for flood control projects;
- C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- D. Minimize business interruptions and other economic disruptions;
- E. Minimize damage to public facilities in the floodplain;
- F. Minimize the occurrence of future flood blight areas in the floodplain;
- G. Discourage the victimization of unwary land buyers and home buyers;
- H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

§ 650-4 Title.

This chapter shall be known as the "Floodplain Zoning Ordinance" for the City of Reedsburg, Wisconsin.

§ 650-5 General provisions.

- A. Areas to be regulated. This chapter 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 AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. 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.

B. Official Maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. 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 Article **VIII**, Amendments) before it is effective. No changes to RFEs on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Zoning Administrator, City of Reedsburg. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) Official Maps. FIRM panel numbers 55111C0191F, 55111C0192F, 55111C0194F, 55111C0212F, 55111C0213F, and 55111C0214F, effective November 20, 2013. Panels 55111C0193E and 55111C0215E, effective December 18, 2009. Panel 55111C0211F, effective October 2, 2015. And with corresponding profiles that are based on the Flood Insurance Study (FIS): 55111CV001C, 55111CV002C, effective October 2, 2015.

(2) Official Maps based on other studies. Sauk County, City of Reedsburg, Village of Rock Springs, Flood Storage District, Panel 3 of 4, sources of study: WDNR, effective November 20, 2013.

C. Establishment of districts.

(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, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5).

(2) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM.

(3) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

(4) The "flood storage district" (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

D. Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection **D(1)** or **(2)** below. If a significant difference exists, the Map shall be amended according to Article **VIII**, 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 predevelopment 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 § **650-28C** and the criteria in Subsection **D(1)** and **(2)** 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 Article **VIII**, 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 chapter 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 Article VIII, Amendments.~~

E. Removal of lands from floodplain

- (1) 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 Article VIII, Amendments.
- (2) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - (a) The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
 - (b) The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- (3) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

F. ~~Compliance. Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter and other applicable local, state, and federal regulations.~~

F. Compliance.

- (1) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with **Article IX Enforcement**.
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 9.0.

G. ~~Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats.,~~

applies.

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 s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

H. Abrogation and greater restrictions.

(1) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under § 62.23, Wis. Stats., for cities or § 87.30, Wis. Stats., 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

(2) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

- I. Interpretation. In their interpretation and application, the provisions of this chapter 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 chapter, 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 chapter or in effect on the date of the most recent text amendment to this chapter.
- J. Warning and disclaimer of liability. The flood protection standards in this chapter 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 chapter does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. This chapter 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 chapter.
- K. Severability. 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.
- L. Annexed areas for cities and villages. The Sauk 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 to 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.

Article II General Standards Applicable to All Floodplain Districts

§ 650-6 General development standards.

~~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; and 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 chapter and all other requirements in § 650-26B. 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.~~

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- A. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
 - (1) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Be constructed with flood-resistant materials;
 - (3) Be constructed by methods and practices that minimize flood damages; and
 - (4) Mechanical and utility equipment must be elevated to or above the flood protection elevation.
- B. If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:
 - (1) Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
 - (2) Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards.
- C. 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 § 650-26B

§ 650-7 Hydraulic and hydrologic analyses.

- A. No floodplain development shall:
 - (1) 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
 - (2) Cause any increase in the regional flood height due to floodplain storage area lost.
- B. 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 Article **VIII**, Amendments, are met.

§ 650-8 Watercourse alterations.

- A. 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 § **650-6** must be met and the flood-carrying capacity of any altered or relocated watercourse shall be maintained.
- B. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to Article **VIII**, 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.

§ 650-9 Compliance with statutory provisions.

Development which requires a permit from the Department, under Chs. **30** and **31**, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to this chapter are made according to Article **VIII**, Amendments.

§ 650-10 Public or private campgrounds.

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- A. The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- B. A land use permit for the campground is issued by the Zoning Administrator;
- C. The character of the river system and the campground elevation are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants;
- D. 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;
- E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in Subsection **D** to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- F. Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- G. The camping units may 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;
- H. 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;

- I. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- J. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article **III**, **IV** or **V** for the floodplain district in which the structure is located;
- K. 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
- L. 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.
- M. **Standards for structures in a campground:**
 - (1) All structures must comply with **§ 650-10** or meet the applicable requirements in Article **III**, **IV** or **V** for the floodplain district in which the structure is located;
 - (2) Deck / landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with **§ 650-26(B)**. Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - (3) Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.
 - (4) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with **§ 650-10(D)**.
 - (5) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section **§ 650-10**.
- N. A land use permit shall be obtained as provided under 7.1(2) before any 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.

Article III Floodway District (FW)

§ 650-11 **Applicability.**

This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to **§ 650-19D**.

§ 650-12 Permitted uses.

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district if:

- A. They are not prohibited by any other ordinance;
- B. They meet the standards in §§ **650-13** and 650-14; and
- C. All permits or certificates have been issued according to § **650-26**:
 - (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 § **650-13D** .
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with §§ **650-13** and **650-14**.
 - (5) Extraction of sand, gravel or other materials that complies with § **650-13D**.
 - (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 Chs. **30** and **31**, Wis. Stats.
 - (7) Public utilities, streets and bridges that comply with § **650-13C**.
 - (8) 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.
 - (9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
 - (10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
 - (11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

§ 650-13 Standards for developments in floodway areas.

- A. General.
 - (1) Any development in floodway areas shall comply with Article **II** and have a low flood damage potential.
 - (2) Applicants shall provide the following data to determine the effects of the proposal according to

§§ 650-6 and 650-26B(3). The analysis must be completed by a registered professional engineer in the state of Wisconsin.

~~(a) — A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or~~

~~(b) — An analysis calculating the effects of this proposal on regional flood height.~~

~~(3) — The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream, based on the data submitted for Subsection A(2) above.~~

(3) Any encroachment in the regulatory floodway is prohibited unless the data submitted for Subsection (A)(2) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in § 650-5(E).

B. 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:

(1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

(2) ~~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;~~

Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

- (a) Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
- (b) Have structural components capable of meeting all provisions of Subsection (B)(7) below and;
- (c) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Subsection (B)(7) below.

(3) Must be anchored to resist flotation, collapse, and lateral movement;

(4) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(5) It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

(6) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets above subsections (B)(1) through (B)(5) and

meets or exceeds the following standards:

1. The lowest floor must be elevated to or above the regional flood elevation;
2. 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;
3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
4. The use must be limited to parking, building access or limited storage.

(7) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in § 650-14 (D) and (E);
3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
5. Placement of utilities to or above the flood protection elevation.

C. Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit, if:

- (1) Adequate floodproofing measures are provided to the flood protection elevation; and
- (2) Construction meets the development standards of § 650-6.

D. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:

- (1) The requirements of § 650-6 are met;
- (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 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 are met;
- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

- (4) The fill is not classified as a solid or hazardous material.

§ 650-14 Prohibited uses.

All uses not listed as permitted uses in § 650-12 are prohibited, including the following uses:

- A. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- B. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- D. 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;
- E. 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;
- F. Any solid or hazardous waste disposal sites;
- G. Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code;
- H. 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.

Article IV
Flood-Fringe District (FF)

§ 650-15 Applicability.

This section applies to all flood-fringe areas shown on the floodplain Zoning Maps and those identified pursuant to § 650-19D.

§ 650-16 Permitted uses.

Any structure, land use, or development is allowed in the flood-fringe district if the standards in § 650-17 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in § 650-26 have been issued.

§ 650-17 Standards for development in flood-fringe areas.

Section 650-6 shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood-fringe must meet the requirements of Article VI, Nonconforming Uses:

- A. Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the flood-fringe shall meet or exceed the following standards. Any existing structure in the flood-fringe must meet the requirements of Article VI, Nonconforming Uses:
 - (1) ~~The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of § 650-17A(2) 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.~~

All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet § 650-5(E).

- (2) ~~The basement or crawlway floor may be placed at the regional flood elevation if it is dry-floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.~~

Notwithstanding § 650-17A(1), a basement or crawlspace floor may be placed at or above one foot above the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed lower than one foot above the regional flood elevation;

- (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection A(4).
- (4) In developments where existing street or sewer line elevations make compliance with Subsection A(3) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation if:
- (a) 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
 - (b) The municipality has a DNR-approved emergency evacuation plan.

- B. Accessory structures or uses. In addition to Article II, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- C. Commercial uses. In addition to Article II, new construction and substantial improvements of any commercial structure which is erected, altered or moved into the flood-fringe area shall meet the requirements of § 650-17A. Subject to the requirements of § 650-17E, 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.
- D. Manufacturing and industrial uses. In addition to Article II, new construction and substantial improvements of any manufacturing or industrial structure which is erected, altered or moved into the flood-fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in § 650-30. Subject to the requirements of § 650-17E, 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.
- E. 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 § 650-30. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- F. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(1) 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 § 650-30.

(2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

G. Sewage systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwater into the system, pursuant to § 650-30C, to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

H. Wells. All wells shall be floodproofed, pursuant to § 650-30C, to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in flood-fringe areas.

J. Deposition of materials. Any deposited material must meet all the provisions of this chapter.

K. Manufactured homes.

(1) 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.

(2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

(a) Have the lowest floor elevated to the flood protection elevation; and

(b) Be anchored so they do not float, collapse or move laterally during a flood.

(3) 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 flood-fringe in § 650-17A.

L. 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 § 650-17K(2) and (3). 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.

Article V Other Floodplain Districts

§ 650-18 Establishment.

Other floodplain districts may be established under this chapter and reflected on the Floodplain Zoning Map. These districts may include general floodplain districts and flood storage districts.

§ 650-19 **General floodplain district (GFP).**

A. Applicability. ~~The provisions for this district shall apply to all floodplains mapped as A, AO, AE or AH Zones.~~
The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in § 650-5(B).

B. Permitted uses.

(1) Pursuant to § 650-19D, it shall be determined whether the proposed use is located within a floodway or flood-fringe area.

(2) Those uses permitted in the floodway (§ 650-12) and flood-fringe (§ 650-16) districts are allowed within the general floodplain district, according to the standards of § 650-19C, provided that all permits or certificates required under § 650-26 have been issued.

C. Standards for development in the general floodplain district. Article III applies to floodway areas; Article IV applies to flood-fringe areas. The rest of this chapter 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 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.~~

(1) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:

(a) To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; plus one additional foot of freeboard; or

(b) If the depth is not specified on the FIRM, to or above three (3) feet above the highest adjacent natural grade.

(2) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

(a) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

(b) All development in zones AO and zone AH shall meet the requirements of Article IV applicable to flood fringe areas.

D. Determining floodway and flood-fringe 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 floodproofing 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 § 650-26B(3).

(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.

§ 650-20 **Flood storage district.**

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.

A. Applicability. The provisions of this section apply to all areas within the flood storage district (FSD), as shown on the Official Floodplain Zoning Maps.

B. Permitted uses. Any use or development which occurs in a flood storage district must meet the applicable requirements in § 650-17.

C. Standards for development in flood storage districts.

(1) Development in a flood storage district shall not cause an increase equal to 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 predevelopment 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 this waterway, is rezoned to the flood-fringe 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 Article **VIII**, Amendments, of this chapter.

(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.

Nonconforming Uses

§ 650-21 General.

- A. ~~Applicability. If these standards conform with § 59.69(10), Wis. Stats., for counties, or § 62.23(7)(h), Wis. Stats., for cities and villages, 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 chapter or any amendment thereto.~~ The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards 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. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created. As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.
- B. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:
- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. 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.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - (2) 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 chapter;
 - (3) 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;
 - (4) 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 chapter. Contiguous dryland access must be provided for residential and commercial uses in compliance with § 650-17A. 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 subsection;

- (5) 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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 650-17A. **Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations;**
- (6) If on a per-event basis the total value of the work being done under Subsection **B(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 chapter. Contiguous dryland access must be provided for residential and commercial uses in compliance with § 650-17A.
- (7) Except as provided in Subsection **B(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 predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (8) 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.
- (a) Residential structures:
- [1] 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 § 650-30B.
- [2] 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.
- [3] 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.
- [4] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- [5] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 650-19C(1).
- [6] In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(b) Nonresidential structures:

[1] Shall meet the requirements of § 650-21.

[2] 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 § 650-30A or B.

[3] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 650-19C(1).

- (9) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with § 650-13A, flood-resistant materials are used, and construction practices and floodproofing methods that comply with § 650-30 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of § 650-21B(8)(a) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.

§ 650-22 **Floodway district.**

A. 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:

(1) Has been granted a permit or variance which meets all ordinance requirements;

(2) Meets the requirements of § 650-21B(1) through (6);

(3) Shall not increase the obstruction to flood flows or regional flood height;

(4) Any addition to the existing structure shall be floodproofed, pursuant to § 650-30, by means other than the use of fill, to the flood protection elevation; and

(5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

(a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters 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;

(b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

(c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(d) The use must be limited to parking or limited storage.

B. 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, § 650-30C and Ch. SPS 383, Wis. Adm. Code.

- C. 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, § 650-30C and Chs. NR 811 and NR 812, Wis. Adm. Code.

§ 650-23 Flood-fringe district.

- A. 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 the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in § 650-17, except where § 650-23B is applicable.
- B. Where compliance with the provisions of Subsection A 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 Zoning Board of Appeals, using the procedures established in § 650-28, may grant a variance from those provisions of Subsection A 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:
- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two feet;
 - (5) Flood velocities will not exceed two feet per second; and
 - (6) The structure will not be used for storage of materials as described in § 650-17E.
- C. 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, § 650-30C and Ch. SPS 383, Wis. Adm. Code.
- D. All new wells, or addition to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this chapter, § 650-30C and Chs. NR 811 and NR 812, Wis. Adm. Code.

§ 650-24 Flood storage district.

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in § 650-20C are met.

Article VII
Administration

§ 650-25 Designated officials.

Where a Zoning Administrator, planning agency or a Zoning Board of Appeals has already been appointed to administer a zoning ordinance adopted under §§ 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also

administer this chapter.

§ 650-26 Zoning Administrator.

A. Duties and powers. The City Zoning Administrator is authorized to administer this chapter and shall have the following duties and powers:

- (1) Advise applicants of this chapter's 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.
- (2) Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.
- (3) Inspect all damaged floodplain structures, and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions such as:
 - (a) All permits issued, inspections made, and work approved;
 - (b) Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - (c) Floodproofing certificates;
 - (d) Water surface profiles, floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments;
 - (e) All substantial-damage-assessment reports for floodplain structures;
 - (f) List of nonconforming structures and uses.
- (5) Submit copies of the following items to the Department regional office:
 - (a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (b) Copies of any case-by-case analyses and any other required information, including an annual summary of the floodplain zoning actions taken.
 - (c) Copies of substantial-damage assessments performed and all related correspondence concerning the assessments.
- (6) Investigate, prepare reports, and report violations of this chapter to the municipal Plan Commission and attorney for prosecution. Copies of the reports shall also be sent to the Department regional office.
- (7) Submit copies of amendments to the FEMA regional office.

B. 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:

- (1) General information.
 - (a) Name and address of the applicant, property owner and contractor;
 - (b) Legal description, proposed use, and whether it is new construction or a modification;
- (2) Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (a) Location, dimensions, area and elevation of the lot;
 - (b) Location of the ordinary high-water mark of any abutting navigable waterways;
 - (c) Location of any structures with distances measured from the lot lines and street center lines;
 - (d) Location of any existing or proposed on-site sewage systems or private water supply systems;
 - (e) Location and elevation of existing or future access roads;
 - (f) Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;
 - (g) 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);
 - (h) 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 Article **III** or **IV** are met; and
 - (i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to § **650-6**. This may include any of the information noted in § **650-13A**).
- (3) 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.
 - (a) Zone A floodplains:
 - [1] Hydrology. The appropriate method shall be based on the standards in § NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis–Determination of Regional Flood Discharge.
 - [2] Hydraulic modeling. The regional flood elevation shall be based on the standards in § NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis–Determination of the Regional Flood Elevation, and the following:
 - [a] 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.

[b] Channel sections must be surveyed.

[c] Minimum four-foot contour data in the overbanks shall be used for the development of cross-section overbank and floodplain mapping.

[d] 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.

[e] The most current version of HEC-RAS shall be used.

[f] A survey of bridge and culvert openings and the top of road is required at each structure.

[g] 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.

[h] 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.

[i] 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.

[3] Mapping. 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.

[a] If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

[b] 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.

(b) Zone AE floodplains.

[1] Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on § NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis–Determination of Regional Flood Discharge.

[2] Hydraulic model. The regional flood elevation shall be based on the standards in § NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis–Determination of the Regional Flood Elevation, and the following:

[a] 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.

[b] 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.

[c] Existing (preproject 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.

[d] 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.

[e] All changes to the duplicate effective model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

[f] 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 top widths 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, and 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 center line, or profile baseline used to measure stream distances in the model, shall be visible on the map.

[4] Expiration. All permits issued under the authority of this chapter 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.

C. 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:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter;

(2) Application for such certificate shall be concurrent with the application for a permit;

(3) 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;

(4) 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 § 650-30 are met.

(5) Where applicable pursuant to § 650-19(C), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

(6) Where applicable pursuant to § 650-19(C), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by § 650-19(C).

D. 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 United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

§ 650-27 Plan Commission.

A. The Plan Commission shall:

(1) Oversee the functions of the office of the Zoning Administrator; and

(2) Review and advise the governing body on all proposed amendments to this chapter, maps and text.

- (3) Publish adequate notice pursuant to Ch. 985, Stats, specifying the date, time, place and subject of the public hearing.

B. The Plan Commission shall not:

- (1) Grant variances to the terms of this chapter in place of action by the Zoning Board of Appeals; or
- (2) Amend the text or Zoning Maps in place of official action by the governing body.

§ 650-28 Zoning Board of Appeals.

The Zoning Board of Appeals, created under ~~§ 59.694, Wis. Stats., for counties or~~ § 62.23(7)(e), Wis. Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this chapter. 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.

A. Powers and duties. The Zoning Board of Appeals shall:

- (1) 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 chapter.
- (2) Boundary disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain Zoning Map.
- (3) Variances. Hear and decide, upon appeal, variances from this chapter's standards.

B. Appeals to the Board.

- (1) 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.
- (2) Notice and hearing for appeals, including variances.
 - (a) Notice. The Board shall:
 - [1] Fix a reasonable time for the hearing;
 - [2] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - [3] 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.
 - (b) Hearing. Any party may appear in person or by agent. The Board shall:
 - [1] Resolve boundary disputes according to § **650-28C**.

[2] Decide variance applications according to § **650-28D**.

[3] Decide appeals of permit denials according to § **650-29**.

(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;
- (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.

C. Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (1) 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.
- (2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (3) 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 Article **VIII**, Amendments.

D. Variance.

- (1) The Board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:
 - (a) Literal enforcement of this chapter's provisions will cause unnecessary hardship;
 - (b) The hardship is due to adoption of this chapter and unique property conditions not common to adjacent lots or premises. In such case, this chapter or Map must be amended;
 - (c) The variance is not contrary to the public interest; and
 - (d) The variance is consistent with the purpose of this chapter in § **650-3**.
- (2) In addition to the criteria in Subsection **D(1)**, to qualify for a variance under FEMA regulations, the

following criteria must be met:

- (a) The variance may not cause any increase in the regional flood elevation;
- ~~(b) Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE; and~~
- ~~(c) 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 this chapter.~~
- (b) The applicant has shown good and sufficient cause for issuance of the variance;
- (c) Failure to grant the variance would result in exceptional hardship;
- (d) Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- (e) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

(3) A variance shall not:

- (a) Grant, extend or increase any use prohibited in the zoning district;
- (b) Be granted for a hardship based solely on an economic gain or loss;
- (c) Be granted for a hardship that is self-created;
- (d) Damage the rights or property values of other persons in the area;
- (e) Allow actions without the amendments to this chapter or Map(s) required in Article **VIII**, Amendments; and
- (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(4) 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 per \$100 of coverage. A copy shall be maintained with the variance record.

§ 650-29 **Review of appeals of permit denials.**

A. The Plan Commission (§ 650-27) or Board shall review all data related to the appeal. This may include:

- (1) Permit application data listed in § 650-26B;
- (2) Floodway/flood-fringe determination data in § 650-19D;
- (3) Data listed in § 650-13A(2), where the applicant has not submitted this information to the Zoning Administrator; and

- (4) Other data submitted with the application or submitted to the Board with the appeal.

B. For appeals of all denied permits, the Board shall:

- (1) Follow the procedures of § 650-28;
- (2) Consider Plan Commission recommendations; and
- (3) Either uphold the denial or grant the appeal.

C. For appeals concerning increases in regional flood elevation, the Board shall:

- (1) 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 Article **VIII**, Amendments; and
- (2) 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.

§ 650-30 Floodproofing standards for nonconforming structures or uses.

- A. No permit or variance shall be issued for a nonresidential 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 **or above** the flood protection elevation and submits a FEMA floodproofing certificate. **Floodproofing is not an alternative to the development standards in Article II, III, IV or V.**
- B. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (1) Certified by a registered professional engineer or architect; or
 - (2) Meets or exceeds the following standards:
 - (a) 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;
 - (b) The bottom of all openings shall be no higher than one foot above grade; and
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- C. Floodproofing measures shall be designed, as appropriate, to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement;

- (4) Minimize or eliminate infiltration of floodwaters; and
- (5) Minimize or eliminate discharges into floodwaters.
- (6) Placement of essential utilities to or above the flood protection elevation; and
- (7) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - (a) 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;
 - (b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - (c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (d) The use must be limited to parking, building access or limited storage.

§ 650-31 **Public information.**

- A. Place marks on structures to show the depth of inundation during the regional flood.
- B. All maps, engineering data and regulations shall be available and widely distributed.
- C. Real estate transfers should show what floodplain district any real property is in.

Article VIII
Amendments

§ 650-32 **When required.**

Obstructions or increases may only be permitted if amendments are made to this chapter, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with § 650-33.

- A. 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 chapter, the Official Floodplain Zoning Maps, floodway lines and water surface profiles in accordance with § 650-33. Any such alterations must be reviewed and approved by FEMA and the DNR.
- B. 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 chapter, the Official Floodplain Maps, floodway lines, and water surface profiles in accordance with § 650-33.

§ 650-33 **General.**

The governing body shall change or supplement the floodplain zoning district boundaries and this chapter in the manner outlined in § 650-34 below. Actions which require an amendment to this chapter and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

- A. Any fill or floodway encroachment that obstructs flow, causing any increase in the regional flood height;
- B. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- C. Any changes to any other officially adopted floodplain maps listed in § 650-5B;
- D. 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;
- E. Correction of discrepancies between the water surface profiles and floodplain maps;
- F. Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- G. All channel relocations and changes to the Maps to alter floodway lines or to remove an area from the floodway or the flood-fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

§ 650-34 Procedures.

Chapter **650**, Floodplain Zoning, amendments may be made upon petition of any party according to the provisions of § 62.23, Wis. Stats. ~~for cities and villages, or § 59.69, Wis. Stats., for counties.~~ The petitions shall include all data required by § **650-19D** and § **650-26B**. The land use permit shall not be issued until a letter of map revision is issued by FEMA for the proposed changes.

- A. The proposed amendment shall be referred to the Plan Commission 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 § 62.23, Wis. Stats. ~~for cities and villages or § 59.69, Wis. Stats., for counties.~~
- B. No amendments shall become effective until reviewed and approved by the Department.
- C. 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.

Article IX
Enforcement & Penalties

§ 650-35 Violations and penalties.

Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the municipal attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more \$50, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter 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 § 87.30, Wis. Stats.

Article X Terminology

§ 650-36 **Word usage.**

Unless specifically defined, words and phrases in this chapter 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.

§ 650-37 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

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. **An accessory structure shall not be used for human habitation.**

AH ZONE

See "area of shallow flooding."

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.

AO ZONE

See "area of shallow flooding."

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% or greater annual chance of flooding to an average depth of one foot to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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.

BASE FLOOD

The flood having a 1% chance of being equaled or exceeded in any given year, as published by FEMA as part of an FIS and depicted on a FIRM.

BASEMENT

Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

BUILDING

See "structure."

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 § 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

CAMPGROUND

Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT

Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for highway use.

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 chapter.

CHANNEL

A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

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.

DECK

An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

DEPARTMENT

The Wisconsin Department of Natural Resources.

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.

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.

ENCROACHMENT

Any fill, structure, equipment, use or development in the floodway.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The federal agency that administers the National Flood Insurance Program.

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.

FLOOD-FRIDGE

That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood, and associated with standing water rather than flowing water.

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.

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.

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.

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:

- A. The overflow or rise of inland waters;
- B. The rapid accumulation or runoff of surface waters from any source;
- C. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- D. 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.

FLOODPLAIN

Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the flood-fringe, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND

A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT

Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

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.

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.

FLOOD PROTECTION ELEVATION

An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood (also see "freeboard").

FLOOD STORAGE

Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

FLOODWAY

The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

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 riverbed or streambed.

HABITABLE STRUCTURE

Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE

Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven 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 (seven days) before the

hearing. Local ordinances or bylaws may require additional notice exceeding these minimums.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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.

HISTORIC STRUCTURE

Any structure that is either:

A. 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;

B. 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;

C. 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

D. 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.

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.

LAND USE

Any nonstructural use made of unimproved or improved real estate (also see "development.")

LOWEST ADJACENT GRADE

Elevation of the lowest ground surface that touches any of the exterior walls of a building.

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 nonelevation design requirements of 44 CFR 60.3.~~

~~The lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in s. 5.3(2)(f), is not considered the building's lowest floor.~~

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.~~

The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

MANUFACTURED HOME

A structure transportable in one or more sections which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a mobile recreational vehicle.

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 of concrete pads.

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.

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 chapter. 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.

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.

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.

MODEL, DUPLICATE EFFECTIVE

A copy of the hydraulic analysis used in the effective FIS and referred to as the "effective model."

MODEL, EFFECTIVE

The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

MODEL, EXISTING (PREPROJECT)

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.

MODEL, REVISED (POST-PROJECT)

A modification of the existing or preproject conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.

MUNICIPALITY or MUNICIPAL

The county, city or village governmental units enacting, administering and enforcing this chapter.

NAVD or NORTH AMERICAN VERTICAL DATUM

Elevations referenced to mean sea level datum, 1988 adjustment.

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.~~

NGVD or NATIONAL GEODETIC VERTICAL DATUM

Elevations referenced to mean sea level datum, 1929 adjustment.

NONCONFORMING STRUCTURE

An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood-fringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE

An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies (such as a residence in the floodway).

NON-FLOOD DISASTER

A fire or an ice storm, tornado, windstorm, mudslide or other destructive act of nature, but excludes a flood.

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.

OFFICIAL FLOODPLAIN ZONING MAP

That map, adopted and made part of this chapter, as described in § 650-5B, which has been approved by the Department and FEMA.

OPEN SPACE USE

Those uses having a relatively low flood damage potential and not involving structures.

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 characteristic.

PERSON

An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

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.

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.

REASONABLY SAFE FROM FLOODING

Base floodwaters 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.

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 1% chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

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.

STRUCTURE

Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBDIVISION

Has the meaning given in § 236.02(12), Wis. Stats.

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% of the equalized assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% 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 an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

UNNECESSARY HARSHIP

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 this chapter.

VARIANCE

An authorization by the Zoning Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in this chapter.

VIOLATION

The failure of a structure or other development to be fully compliant with this chapter. 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.

WATERSHED

The entire region contributing runoff or surface water to a watercourse or body of water.

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.

WELL

An excavation opening in the ground made by digging, boring, drilling, driving or other methods to obtain groundwater, regardless of its intended use.