

NOTICE OF MEETING

SHEBOYGAN COUNTY BOARD OF SUPERVISORS

Sheboygan County Courthouse
615 North 6th Street, 5th Floor
Sheboygan WI

TUESDAY, August 16, 2016 at 6:00 P.M.

In compliance with Rule V under the Rules of Order of the Sheboygan County Board of Supervisors, as County Clerk of Sheboygan County, I herewith submit the following AGENDA.

AGENDA

CALL TO ORDER – Chairperson Thomas G. Wegner

CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF JULY 19, 2016 JOURNAL

CONSIDERATION OF APPOINTMENTS BY COUNTY ADMINISTRATOR

Emergency Medical Services (EMS) Council
Randy Narbatovics, N1656W County Road A, Adell
(Representing Town Government)

Glacierland Resource Conservation and Development Advisory Board
Julie Stodolka, W4390N County Road A, Plymouth
(Citizen Member)

PRESENTATIONS

Judge L. Edward Stengel – Introduction of Judge Kent Hoffmann and Judge Daniel Borowski.

Bryan Grunewald, Schenck & Associates – 2015 Comprehensive Annual Financial Report.

Aaron Brault, Planning & Conservation Director – Update on the Nonmotorized Transportation Pilot Program.

PUBLIC ADDRESSES

As of the preparation of this Agenda no one has requested to speak. County Board rules allow interested persons to register to speak until 5:00 pm on the Monday before the County Board Meeting.

POSTED
08.12.16
2:30 PM

LETTERS, COMMUNICATIONS AND ANNOUNCEMENTS

Items introduced under this heading are either referred to a Committee for action, or received for information. No action is taken at this meeting.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator's Report is a summary of County activities for the previous month and planned for upcoming months.

CONSIDERATION OF COMMITTEE REPORTS - EXECUTIVE COMMITTEE

- Resolution No. 12 (2016/17)** **Re: Authorizing Application for Emerald Ash Borer Mitigation Projects**
Committee Recommendation: Adopt
Signed in Opposition: None
- Resolution No. 14 (2016/17)** **Re: Approving Merger of Eastern Shores Library System with Mid-Wisconsin Library System**
Committee Recommendation: Adopt
Signed in Opposition: None
- Ordinance No. 03 (2016/17)** **Re: Changing Supervisory District Boundaries to Reflect Annexation**
Committee Recommendation: Enact
Signed in Opposition: None
- Ordinance No. 04 (2016/17)** **Re: Amending Shoreland Ordinance in Section 30, Town of Wilson (.15 Acres of Property – Replacement of Existing Three-span Bridge on Marine Drive Over Barr Creek)**
Committee Recommendation: Amend per the Committee Report and Enact as Amended
Signed in Opposition: None

CONSIDERATION OF COMMITTEE REPORTS - FINANCE COMMITTEE

- Resolution No. 13 (2016/17)** **Re: Authorizing Sheboygan County to Become a Member of the Property Assessed Clean Energy (PACE) Commission**
Committee Recommendation: Adopt
Signed in Opposition: None

CONSIDERATION OF COMMITTEE REPORTS – HUMAN RESOURCES COMMITTEE

- Resolution No. 11 (2016/17)** **Re: Dissolving Loss Prevention Committee**
Committee Recommendation: Adopt
Signed in Opposition: None

RESOLUTIONS INTRODUCED

Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.

- Resolution No. 15 (2016/17)** (From Finance Committee)
Re: 2017 Five-Year Capital Plan
- Resolution No. 16 (2016/17)** (From Law Committee)
Re: Supporting Drug Treatment Court for Sheboygan County
- Resolution No. 17 (2016/17)** (From Planning, Resources, Agriculture & Extension Committee)
Re: Approving Land Swap at Amsterdam Dunes

ORDINANCES INTRODUCED

Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.

- Ordinance No. 05 (2016/17)** (From Law Committee)
Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession)
- Ordinance No. 08 (2016/17)** (From Planning, Resources, Agriculture & Extension Committee)
Re: Repealing and Re-creating Chapter 72, Shoreland Ordinance

ADJOURNMENT

Respectfully submitted this 12th day of August, 2016.


.....
JON DOLSON, COUNTY CLERK
.....

NOTES:

Reminder: Expense sheets for the period ending August 15, 2016 are due in the County Clerk's Office no later than **Tuesday, August 16, 2016.**

The Legislative Breakfast will be held on September 12, 2016 at 8:00 A.M. at the Fountain Park Family Restaurant.

The Legislative Breakfast is a monthly informational question and answer session between Sheboygan County's federal and state legislative delegation and Sheboygan County Supervisors and department heads. Because a majority of the Board or a Committee may attend, it is a meeting open to the public under the Open Meeting law even though there is no formal agenda, no action will be taken, and no minutes are being kept.

Persons with disabilities needing assistance to attend or participate are asked to notify the County Clerk's Office at 920.458.3003 prior to the meeting so that accommodations may be arranged.

**JOURNAL OF THE MEETING OF THE
SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

July 19, 2016

Pursuant to Wis. Stat. § 59.11, the July 19, 2016 session of the Sheboygan County Board was called to order by Chairperson Thomas Wegner at 6:00 p.m. Chairperson Wegner noted that the notice of meeting was posted on July 15, 2016 at 3:00 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 25 Supervisors present.

Supervisor Winkel moved for approval of the June 21, 2016 Journal, which was distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor Glavan and carried on unanimous roll call vote of the board.

PRESENTATIONS - NONE

PUBLIC ADDRESS

1. Charles Born, W3224 State Highway 28, Sheboygan Falls – One-half Percent County Sales Tax
2. Dave Aldag, 4904 Baronwood Way, Sheboygan – One-half Percent County Sales Tax
3. Alan Rudnick, 611 Otto Way, Elkhart Lake – One-half Percent County Sales Tax.
4. Agnes Jackson, 3416 South 10th Street, Sheboygan – One-half Percent County Sales Tax
5. Kayle Gabrielse, N7867 Rangeline Road, Sheboygan – One-half Percent County Sales Tax
6. Briana Hesselink, 1163 Michigan Avenue, Oostburg – One-half Percent County Sales Tax
7. Micah Pearce, N4899 Linwood Lane, Sheboygan Falls – One-half Percent County Sales Tax (Cancelled request to speak 7/18/16)
8. Donald Pohlman, 130 North Bruns Avenue, Plymouth – One-half Percent County Sales Tax
9. Jay Hoogstra, N6133 Resource Drive, Sheboygan Falls – One-half Percent County Sales Tax
10. Glenn Lemmenes, N3567 State Road 32, Sheboygan Falls – One-half Percent County Sales Tax
11. John Belanger, 2622 North 3rd Street, Sheboygan – One-half Percent County Sales Tax

LETTERS AND COMMUNICATIONS

The Clerk presented a copy of a letter from the Town of Holland Chairman in support of the proposed one-half percent county sales tax. By Chairperson received for information.

The Clerk presented a copy of a letter from Barbara Crosser, Plymouth in support of the proposed one-half percent county sales tax. By Chairperson received for information.

The Clerk presented a resolution from the St. Croix County Board of Supervisors urging the Governor and Legislature to agree upon sustainable funding for Wisconsin's transportation system. By Chairperson referred to the Transportation Committee.

The Clerk presented a resolution from the Polk County Board of Supervisors authorizing a request to the Wisconsin Department of Revenue for a waiver from state mandated process concerning Act 261 (2015) and absentee ballots. By Chairperson referred to the Finance Committee.

The Clerk presented a resolution from the Outagamie County Board of Supervisors regarding Act 261 (2015) dealing with absentee ballots. By Chairperson referred to the Finance Committee

The Clerk presented a resolution from the Outagamie County Board of Supervisors regarding Act 261 (2015) dealing with election night returns. By Chairperson referred to the Finance Committee

The Clerk noted on the supervisors desks is a copy of the County's Comprehensive Annual Finance Report which will be presented by Schenck & Associates at the August 16, 2016 County Board meeting.

COUNTY ADMINISTRATOR'S REPORT

County Administrator Adam Payne thanked and acknowledged all law enforcement officials, emergency responders and dispatchers for their bravery and public service. Our thoughts and prayers go out to the victims and their families in Dallas and Baton Rouge and those involved in the recent drowning's at the South Pier. Mr. Payne also addressed the County's Transportation Proposal and thanked staff for their role in gathering information, and the Transportation, Finance and Executive Committees' for their essential input and support. Mr. Payne also thanked the Heads of Local Government and the Sheboygan County Economic Development Corporation for their support.

During County Administrator Payne's report, Supervisor Uraynar called a point of order on the grounds that the content of the report was outside of the scope of the agenda description. Chairperson Wegner denied her point. Supervisor Uraynar then appealed his decision but did not receive a second and Mr. Payne finished his report

COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding Resolution No. 10 (2016/17) **Approving Easement for Sheboygan Water Utility at Esslingen Park** recommending adoption.

Supervisor Goshring moved to adopt the resolution. The motion was seconded by Supervisor Winkel and carried on unanimous roll call vote of the board.

The Clerk read the report of the Joint Executive/Finance Committees regarding Ordinance No. 02 (2016/17) **Enacting One-half Percent County Sales Tax to Maintain Sheboygan County's Transportation Infrastructure** recommending amending as follows:

New Section 7.10 to be created as follows:

7.10 SEVEN-YEAR REVIEW. After January 1, 2024, at which time the sales and use tax will have been in place for seven (7) years, the County Administrator, together with the Finance Director and the Transportation Director, shall prepare a report to the County Board as to the amount of revenue received through the tax since its inception, the amount of debt service reduction realized since its inception, the impact that the tax revenue has had on the stated goal to maintain the County transportation system, the projected future transportation infrastructure needs after 2024, and such other aspects as may be deemed relevant. The report shall contain a recommendation as to whether this Chapter shall be continued and be presented to the County Board no later than June 1, 2024, so that the Board may act on the report's recommendations as it determines may be appropriate for implementation prior to the enactment of the budget for 2025.

The current Sections 7.10 and 7.11 are renumbered to 7.11 and 7.12.

And as so amended recommend the ordinance be enacted.

Supervisor Koch moved to enact the ordinance as amended per the committee report. Supervisor Te Stroete seconded the motion.

Supervisor Otten moved to amend the ordinance as follows: Lines 137 through 147 are amended to read as follows:

(2) The balance shall be assigned as revenue to the Transportation Department Highway Division in its annual budgets, for its use for repair and reconstruction of roads and bridges ~~maintaining and improving its transportation system and capital equipment.~~

7.08 HIGHWAY CAPITAL BORROWING. In consideration of receiving the sales and use tax revenues, no annual budget of the Transportation Department Highway Division shall include bonding capital projects ~~or capital equipment~~ related to road and bridge repairs, maintenance, or road and bridge reconstruction unless authorized by the County Board.

The motion was seconded by Supervisor Epping and was defeated on roll call vote of the board of Ayes: 2, Supervisors Bauer, and Otten; Noes: 23.

Ordinance No. 02 was enacted as amended on roll call vote of the board of Ayes: 18, Noes: 7, Supervisors Bauer, Damp, Hilbalink, Marthenze, Ogea, Otten, and Uraynar.

The Clerk read the report of the Finance Committee regarding **Resolution No. 07 (2016/17) Approving Sale of .68-acre Parcel from Taylor Park Complex to Adjacent Property Owners** recommending adoption.

Supervisor Glavan moved to adopt the resolution. The motion was seconded by Supervisor Winkel and carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding **Resolution No. 08 (2016/17) Authorizing Purchase of Properties at 816, 618, and 622 Pennsylvania Avenue, Sheboygan** recommending adoption.

Supervisor Winkel moved to adopt the resolution. Supervisor Damp seconded the motion which carried on roll call vote of the board of Ayes: 22; Noes: 3, Supervisors Hoffmann, Otten, and Uraynar.

The Clerk read the report of the Finance Committee regarding **Resolution No. 09 (2016/17) Authorizing Sale of Elkhart Lake Shed Property** recommending adoption.

Supervisor Winkel moved to adopt the resolution. The motion was seconded by Supervisor Glavan and carried on roll call vote of the board of Ayes: 21; Noes: 4, Supervisors Bauer, Baumgart, Otten, and Uraynar.

(Vice-Chairperson Marthenze presiding)

Pursuant to Rule IV of the Rules of Order, the following resolutions and ordinances were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

Resolution No. 11 (2016/17) Re: Dissolving Loss Prevention Committee referred to the Human Resources Committee.

Resolution No. 12 (2016/17) Re: Authorizing Application for Emerald Ash Borer Mitigation Projects referred to the Executive Committee.

Resolution No. 13 (2016/17) Re: Authorizing Sheboygan County to Become a Member of the Property Assessed Clean Energy (PACE) Commission referred to the Finance Committee.

Resolution No. 14 (2016/17) Re: Approving Merger of Eastern Shores Library System with Mid-Wisconsin Library System referred to the Executive Committee.

Ordinance No. 03 (2016/17) Re: Changing Supervisory District Boundaries to Reflect Annexation referred to the Executive Committee.

Ordinance No. 04 (2016/17) Re: Amending Shoreland Ordinance in Section 30, Town of Wilson (.15 Acres of Property – Replacement of Existing Three-span Bridge on Marine Drive Over Barr Creek) referred to the Executive Committee.

ADJOURNMENT

Supervisor Bemis moved to adjourn. Supervisor Winkel seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 7:50 p.m. The next scheduled meeting is Tuesday, August 16, 2016 at 6:00 p.m.



SHEBOYGAN COUNTY

Adam N. Payne
County Administrator

TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Adam Payne, Sheboygan County Administrator, pursuant to Section 43.05 and Ordinance No. 6 (2006/07) of the Sheboygan County Code, having conferred with the County Board Chairperson and the appropriate standing Committee of the County Board, hereby submit for your confirmation the following appointment to the Emergency Medical Services (EMS) Council for term expirations as listed below:

Appointment for remainder of 2-year term expiring May, 2017

Randy Narbatovics, N1656W County Road A, Adell WI 53001
(Representing Town Government)

Respectfully submitted this 16th day of August, 2016

Adam N. Payne, County Administrator

Randy Narbatovics

N1656W CTH A Adell, WI 53001
Phone: 262.343.1975
E-mail: Dmarb@aol.com

Objectives

To join the county EMS board.

Experience

Town of Scott Supervisor: For 9 years

Town of Scott Chairman: For 3.26 years

Batavia First Responders: For 9 years (Retired)

Beechwood Fire Department: For 13 years

Skills

- ▶ Finding that happy medium to better the people of the Township while keeping that decision fiscally sound.



SHEBOYGAN COUNTY

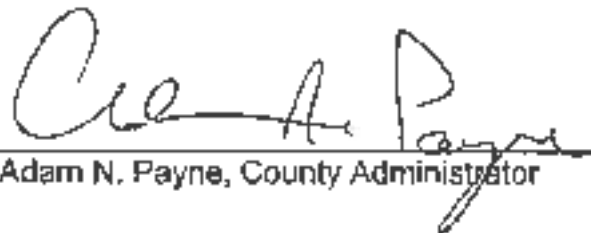
Adam N. Payne
County Administrator

TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Adam Payne, Sheboygan County Administrator, pursuant to Section 43.05 and Ordinance No. 6 (2006/07) of the Sheboygan County Code, having conferred with the County Board Chairperson and the appropriate standing Committee of the County Board, hereby submit for your confirmation the following appointment to the Glacierland Resource Conservation and Development Advisory Board for a two-year term expiring May, 2018:

Julie Stodolka, W4390 N County Road A, Plymouth WI 53073
(Citizen Member)

Respectfully submitted this 16th day of August, 2016.


Adam N. Payne, County Administrator

Julie E. Furman Stodolka
W4390 N County Road A
Plymouth, WI 53073
920-838-3520; jefstodolka@gmail.com

June 7, 2016

Adam Payne
County Administrator
Sheboygan County Administration Building
508 New York Ave.
Sheboygan, WI 53081

Re: Glacierland Resource Conservation & Development

Dear Mr. Payne

My name is Julie Stodolka and I am a retired attorney living in the Town of Herman. I am writing this letter to tell you of my interest in serving on the Advisory Board for the Glacierland Resource Conservation and Development Council. Both your announcement in the Plymouth Review and my conversation with Kari Divine suggest that my interests and those of Glacierland are well aligned, and I would like to assist in their efforts.

My resume is enclosed. What I want to highlight is what a generalist this background has made me. Although I am not much of an outdoorswoman, and only mediocre even as a gardener, I developed a particular competency in farm bankruptcies during my professional life. I think that reflected my parents' farm backgrounds, and my father's professional interests as a farm banker in Howards Grove from 1965 to 1989.

To my instinctive interest in farm life, I added a professional appreciation for scientific agriculture. You can't go very far in reorganizing a troubled farm operation without learning some of the large body of knowledge about the technical and managerial challenges of modern agriculture. I had to learn quickly, as I worked for large agri-businesses and also for small dairy farmers trying to modernize along with the big players. I found myself very interested in the subject matter and now I have both awareness of the difficulties of farming and appreciation for the parts of farming that are non-negotiable: the prices, the weather, sometimes the lenders. This seems like a good base from which to advise Glacierland on its projects.

To that farm knowledge base, I can add my personal experience as a business owner in California, and my direct observation of the difficulties of my individual bankruptcy clients, many of whom were involved in traditional Wisconsin manufacturing or public sector jobs. Finally, you can't get much done as a bankruptcy lawyer without interaction with regulatory agencies, and I have always enjoyed that work: Public agencies can be your best ally in getting things done, and I look forward to making more connections in that area.

On the personal side, I am “from here” – born and raised in Southeastern Wisconsin, graduating from Sheboygan North in 1967. Although I went to college, graduate school and law school out of state, and worked the early part of my career as a lawyer in California, my husband Joseph Stodolka and I eventually decided to retire to Wisconsin. We moved here in 2006. I decided to keep on working for a while, particularly as excellent positions became available, and worked as a lawyer in Wisconsin until the beginning of 2015 before I actually retired.

Right now, I am eager to approach problems like job growth, income growth and smart resource use with a commitment to practical workability. Bankruptcy lawyers, more than most lawyers, work with scarce resources and practical limitations, and our actions often have strong, often negative, effects on third parties. I have learned to respect my opponents, and feel humbled by the sacrifices they sometimes have to make to resolve the problems of an insolvent company. It would be a pleasure to put my knowledge base and professional attitudes to work on making and preserving wealth and resources in Northeastern Wisconsin.

Sincerely

/s/

Julie E. Furman Stodolka

JULIE E. FURMAN STODOLKA

W4390 N Co Rd A
Plymouth, WI 53073
(920) 838-3520; jefstodolka@gmail.com

EDUCATION & LICENSES

UCLA SCHOOL OF LAW

J.D. 1987; Law Review; Teaching Assistant

UNIVERSITY OF CALIFORNIA, BERKELEY

M.A., 1973; European history

CORNELL UNIVERSITY

A.B., 1971; English & comparative literature; Phi Beta Kappa

Admitted to practice law in California in 1987 and Wisconsin in 2006

WISCONSIN EXPERIENCE

Associate Attorney, Steinhilber, Swanson, Mares, Marone & McDermott, Oshkosh, 2008-2015 and Kerkman & Dunn, Milwaukee, 2006-2008. At both firms I worked on large business bankruptcies; at the Steinhilber firm, I also had a full range of consumer and mortgage cases and developed a specialty in farm bankruptcies. I retired from active practice in January of 2015.

PREVIOUS EXPERIENCE

Solo practice, bankruptcy & debtor/creditor law, 1995-2005, in Merced, California
Representing individual and business debtors and creditors in all phases of bankruptcy and workouts

Before opening my own office, I held several junior attorney positions in California, always in the bankruptcy area -- Associate Attorney at Sheppard, Mullin, Richter & Hampton (a large multi-national firm) in San Diego from 1987-1988; Law Clerk to the Honorable Joseph W. Hedrick, Jr. at the U.S. Bankruptcy Court in Modesto, from 1988-1991 and Associate Attorney at the Allen, Polgar, Proietti & Fagalde in Merced, from 1991-1995.

Before I went to law school, I was a legal secretary at a small real estate law firm in Los Angeles from 1980-1984, and Assistant to the Dean of a small, independent psychology graduate school in Berkeley, California, from 1973-1980.

COMMUNITY INVOLVEMENT

I was active in local and professional Bar Associations, and on church boards, in the early part of my career in California. My legal work in Wisconsin involved substantial commuting, which limited community involvement -- except in music and poetry, where I participate in community choirs and poetry readings whenever I can. I have also started attending local town government meetings in my area; local government is important!

REFERENCES

Mary Lynne Donohue
418 St. Clair
Sheboygan, WI 53081
920-458-1027

Attorney Paul G. Swanson
Steinhilber, Swanson et al.
107 Church Avenue
Oshkosh, WI 54901
920-235-6690

Keith & Lisa Brunner
5253 Larsenville Rd
Denmark, WI 54208
920-863-8155

1 SHEBOYGAN COUNTY RESOLUTION NO. 12 (2016/17)

2
3 Re: **Authorizing Application for Emerald Ash Borer Mitigation Projects**

4
5
6 **WHEREAS**, Sheboygan County is interested in obtaining a cost-share grant from the
7 Bay-Lake Regional Planning Commission for the purpose of funding Emerald Ash Borer
8 mitigation projects under funding originating from the U.S. Forest Service, Great Lakes
9 Restoration Initiative, and

10
11 **WHEREAS**, over one-half (1/2) of the mature trees in the Broughon Sheboygan Marsh
12 Park are ash trees that will need to be replaced, and

13
14 **WHEREAS**, it is in the best interests of Sheboygan County to enter into a Grant
15 Agreement to carry out a tree planting project, and

16
17 **WHEREAS**, Sheboygan County attests to the validity and veracity of the statements and
18 representations contained in the Grant Application;

19
20 **NOW, THEREFORE, BE IT RESOLVED** that Sheboygan County is authorized and does
21 hereby apply for the cost-share grant as described herein.

22
23 **BE IT FURTHER RESOLVED** that Sheboygan County will comply with all local, state,
24 and federal rules, regulations, and ordinances relating to this project and the cost-sharing
25 agreement.

26
27 **BE IT FURTHER RESOLVED** that Sheboygan County will budget a sum sufficient to
28 fully and satisfactorily complete the project and hereby authorizes and empowers the Planning
29 & Conservation Director or his designee, to act on his behalf to:

- 30
31 1. Sign and submit the Grant Application;
- 32
33 2. Sign a Grant Agreement between Sheboygan County and the Bay-Lake
34 Regional Planning Commission;
- 35
36 3. Submit interim and/or final reports to the Bay-Lake Regional Planning
37 Commission to satisfy the Grant Agreement;
- 38
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- 4. Submit reimbursement requests and, if applicable, contractor invoices to the Bay-Lake Regional Planning Commission; and
- 5. Sign and submit other required documentation.

Respectfully submitted this 19th day of July, 2016.

**PLANNING, RESOURCES, AGRICULTURE,
AND EXTENSION COMMITTEE***



Keith Abler, Chairperson



Frad Damp, Vice-Chairperson



Libby Ogea, Secretary



Steven Bauer



James Baumgart

Opposed to Introduction:

*County Board Members signing only

FISCAL NOTE
July 2016

Resolution No. 12 (2016/17) Re: Authorizing Application for Emerald Ash Borer Mitigation Projects

This resolution is to provide authority to submit an application for the cost share Grant with Bay-Lake Regional Planning Commission for the purpose of funding Emerald Ash Borer mitigation projects. The structure of the cost share grant is 75/25, with the 25% County Share to include in-kind transactions. If approved, this grant would be part of the 2017 Budget year.

Funding:

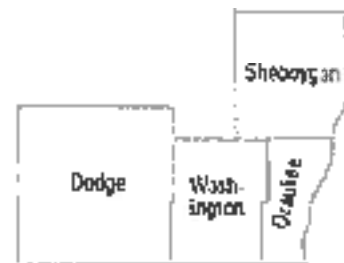
If approved, it is anticipated that \$3,000 will be included in the Planning and Conservation 2017 budget proposal.

Respectfully Submitted,



Wendy A. Charnon, Finance Director
July 15, 2016

**Proposed Merger
Eastern Shores Library System
Mid Wisconsin Federated Public Library
Fact Sheet**



1. Counties involved: Dodge, Ozaukee, Sheboygan, and Washington County
2. Number of Libraries involved: Eastern Shores Library System = 15 (this includes the ESLS Bookmobile and Lakeland University); Mid Wisconsin Federated Library System = 18; Total = 33 Libraries
3. Combined State Aid: \$1,069,766.00
4. Libraries will save approximately \$98,000 due to economy of scale in 2017
5. Full IT Technology Services: 'Cradle to grave' PC support; Managing all aspects of both staff and patron PCs located in member libraries; support at no additional charge to the member libraries: (License fees and technology equipment charges will still apply.) Technology planning Ch 43.24 (2) (m)
6. Integrated Library System (ILS): Polaris (EasiCat)
7. Additional ILS services: Social, Outreach, and Leap modules
8. ILS Database maintenance
9. System Headquarters: Sheboygan, Wisconsin
10. Delivery: Two routes; 5 day delivery; System aid will cover 100% of cost Ch. 43.24 (2) (fm)
11. Continuing education opportunities in house/in system Ch. 43.24 (2) (e)
12. WisCat, Inter Library Loan, is paid 100% by State aid Ch. 43.24 (2) (b)
13. Resource library contract: Mead Public Library, Sheboygan. Ch 43.24 (2) (b)
14. Mileage for directors to attend system director's meetings
15. Staffing/consulting (Ch 43.24 (2) (h)) at system would consist of
 - a. System Director Ch 43.17 (4)
 - b. Administrative Assistant/HR/Accountant/Delivery coordinator
 - c. Database Maintenance/ ILS admin
 - d. Asst. Database maintenance/trainer/ ILS (* new)
 - e. IT Specialist
 - f. IT PC Tech Support
 - g. 6 delivery drivers
 - h. .75 FTE Public Information Specialist Ch 43.24 (2)(i); Ch 43.24 (2)(b)
 - i. .2 FTE Special Services: Youth and Special Needs Ch. 43.24 (2) (k)

Eastern Shores Library System Mid Wisconsin Federated Library System Merger Process

On February 29, 2016, Mid Wisconsin Federated Library System (MWFLS) and Eastern Shores Library System (ESLS) began working to see if they were compatible to form a new system. Over the next four months, key services were discussed and negotiations continued. Compromises and changes to agreements led to the creation of a Merger Plan.

The Joint Merger Committee, Internal Merger Committee, as well as the ESLS System Board and MWFLS System Board, believe the Merger Plan is the beginning of a new system in Wisconsin. Joint merger committee voted unanimously in favor of the merger as did ESLS and MWFLS System Boards. The internal ESLS merger committee voted yes=9; no=1; and 1 abstention. This would be the first merger between two systems in the history of Wisconsin.

Public Library Systems in Wisconsin have been experiencing the impact of reduced or flat system aid funding from the state while expenses continue to increase. A merged system will see cost savings due to economy of scale and the desire to see improved services for both libraries and patrons.

Joint Merger Committee

Eastern Shores Representatives

Amy Birtell, ESLS

Robert Nitsch, ESLS

Steve Ruggieri, (Board) Ozaukee County

Linda Bendix, (Frank L. Weyenberg Library of Mequon-Thiensville) Ozaukee County

Jim Hughes, (Board President)

Garrett Erickson, (Mead Public Library) Sheboygan County

Mid Wisconsin Representatives

Michael Gelhausen, MWFLS

Patrick Busch, MWFLS

Margaret McFadden, (Board) Washington County

Amy Becker, (West Bend Library) Washington County

Mark Hanson, (Board President) Dodge County

Bret Jaeger, (Waupun Library), Dodge County

ESLS Internal Merger Committee

Amy Birtell, (ESLS)

Robert Nitsch, (ESLS)

Steve Ruggieri, (Board) Ozaukee

Linda Bendix, (Frank L. Weyenberg Library of Mequon-Thiensville) Ozaukee

Jim Hughes, (Board President) Sheboygan

Garrett Erickson, (Mead Public Library) Sheboygan

Bill Goehring, (Sheboygan County Supervisor)

Tom Richart, (Ozaukee County Supervisor)

John Hanson, (U.S.S. Liberty Memorial Public Library) Ozaukee

Martha Rosche, (Plymouth Public Library) Sheboygan

Sherry Speth, (Board) Sheboygan

Nancy Szatkowski, (Board) Ozaukee

**EASTERN SHORES LIBRARY SYSTEM &
MID-WISCONSIN FEDERATED
LIBRARY SYSTEM
JOINT MERGER COMMITTEE
RECOMMENDATION REPORT**

JUNE 16, 2016

Recommendation

The Joint Merger Negotiation Committee of the Eastern Shores Library System (ESLS) and Mid-Wisconsin Federated Library System (MWFLS) voted on June 16, 2016 to recommend that the two systems merge together to become a new four county public library system effective January 1, 2017. The committee requests that the boards of both systems and the boards of county supervisors in the four counties of Dodge, Ozaukee, Sheboygan and Washington consider and approve a resolution supporting this merger. See Appendix I for an example of a potential resolution.

Background

After the Mid-Wisconsin Federated Library System engaged in an exploratory process in the second half of 2015 to identify potential system merger partners, the Eastern Shores Library System and Mid-Wisconsin Federated Library System began discussions in February of 2016 to determine the feasibility of a merger between the two systems. This process was led by a Joint Merger Negotiation Committee made up of six representatives from each system. WLS (Wisconsin Library Services) was hired as a consultant to help develop the negotiation process and facilitate meetings of the committee. The Joint Merger Negotiation Committee was made up of the following individuals.

Eastern Shores Library System Representatives:

- Linda Bendix, Director, Frank L. Weyenberg Library of Mequon-Thiensville
- Amy Birtell, ESLS Director
- Garrett Erickson, Director, Mead Public Library (Sheboygan)
- Jim Hughes, ESLS Board President (Sheboygan County)
- Robert Nitsch, ESLS IT Specialist
- Steve Ruggieri, ESLS Board Member (Ozaukee County)

Mid-Wisconsin Federated Library System Representatives:

- Amy Becker, Director, West Bend Public Library
- Patrick Busch, MWFLS IT Director
- Michael Gelhausen, MWFLS Director
- Mark Hanson, MWFLS Board President (Dodge County)
- Bret Jaeger, Director, Waupun Public Library
- Margaret McFadden, MWFLS Board Member (Washington County)

On February 15, 2016, the systems directors and a board representative from each system met to discuss a roadmap for the negotiation process. The full Joint Merger Negotiation Committee first met on February 29th, in addition to the following dates- March 14th, March 28th, April 11th, April 25th, May 25th, June 2nd and June 13th.

The committee focused on key service and system topics that it determined needed to be addressed during this process. More detailed information, findings and agreement information about these topics can be found starting on Page 3. As the committee would come to agreements around a topic, the topic would be taken back by each system for discussion by each system's internal merger committees

to discuss the potential impact to their members, in addition to holding other discussions through other system communication with members or at other system committee meetings. These internal merger committees served as the bodies for discussion and decision-making within a system. This process is where various options related to a topic would be redeveloped to propose new compromises or changes until an agreement was reached that both the Joint Merger Negotiation Committee and internal system merger committees would support.

In addition to the committee meeting and decision-making process, other meetings were held to help inform the process. This includes a demonstration of Polaris, the shared catalog platform, for the MWFLS libraries. Also, the circulation committees from both systems met to find common ground among their policies and procedures to identify areas of agreement that would exist in the new system around circulation through the shared catalog.

Why is a merger being considered?

Particularly over the last five years, public library systems around Wisconsin have been experiencing the impact of reduced or flat system aid funding from the state while expenses continue to increase. Changes in system membership and less revenue have put both systems in the position of having to reduce staff and/or services. The result, to different degrees in both systems, has been a reduction in services to libraries.

The goal of this negotiation process was to determine the following:

1. If, due to an increased economy of scale and greater purchasing leverage with vendors, services could be provided at a similar or less expense to the system and member libraries.

And/or

2. Services would minimally be provided just as effectively, but preferably would be improved for both libraries and patrons.

Due to the differences in funding formulas and various policies and procedures, there were a number of challenges and ideas for the committee to consider and work through. Through continued discussion and compromise from both systems, the committee came to agreements about services they determined at the beginning of the process needed to be addressed to determine the feasibility of a merger.

There is still more to do related to operational decisions and new agreements to form the new system. This includes strategic planning to identify how the new system will lead and innovate moving forward, how the system will communicate and how it will continue to find opportunities to provide improved service as a four-county system. While not every service in the new system will bring the same benefits to each library, the sum equates to a significant gain in value in the services that can be provided as a merged system, specifically those the patrons value most.

The agreements the committee came to include recommendations about what services will be provided, how they will be provided, how services will be funded and how decisions about the services will be

made in a new system. Based on the agreements and compromises made during this process and resulting service recommendations, it is the determination of this committee that the merger of the two systems will:

1. Improve services to patrons through easier and more efficient access to more resources. The shared catalog will contain more than 1.1 million holdings (currently ESLS has more than 600,000 holdings and MWFLS has nearly 500,000)
2. Save libraries approximately \$98,000 cumulatively system fees being paid by member libraries for shared services.
3. Improve the sustainability of and in key areas improve system services to libraries.
 - Increase in in-system continuing education opportunities for library staff
 - Improved technology support and expertise
 - Maintaining the same levels of delivery service to each library, but funded fully by system aid

In the fall of 2015, as part of the MWFLS merger exploration process, libraries in both systems responded to a survey regarding the importance they place on system services provided to them and their satisfaction with those services. The services both systems placed the highest importance on were the shared catalog available to patrons, technology (both support and innovation) to libraries, delivery and a strong administration

As noted in the three benefits listed above and documented in the following sections providing more detail about the areas of service agreements the committee reached during this process, the areas of improved services to libraries and patrons through this merger reflect the service areas the libraries in both systems indicate are most important to them.

Recommendation outcomes of services and topics addressed by the committee

The following are recommendations of service and system agreements, with additional details, the representatives from the two systems agreed on and used as a basis for determining its recommendation to the two system boards and four boards of county supervisors for the merger of the two systems. These form the basis of a system plan the committee recommends the new system board use for the operation of the system the first year, and beyond if the new board so chooses. The committee does recognize these are only recommendations to help the new board with its work of starting a newly merged system and that the new board will become the decision-making body for the operation of the new system.

System program budget, staffing, resource library agreement, library fees for shared services and merger expenses.

Agreement of service

- The committee agreed on a proposed system program budget that was developed for a merged system, both the structure and allocations (See Appendix A).

- Also, the committee accepted the recommended staffing structure for the new system (See Appendix B).
- As part of the service plan the system will contract with a Resource Library, Mead Public Library (Sheboygan). The committee agrees to funding of the contract and the services (see Appendix C) Mead will provide for the contract.
- The committee approved a member library fee formula for shared services. The breakdown of these fees by library can be seen on Appendix D.
- Lastly, there will be one-time costs to merge the systems. The two systems currently have a combined \$330,000 in available reserve funds to fund these expenses, which are estimated to cost approximately \$240,000. The committee accepts these cost estimates (see Appendix E) as an indication there is sufficient funds to fund this merger and that, especially after the MWFLS headquarters is sold, the new system will begin with adequate reserves.

Considerations:

- The budget reflects the plan for services in the new system and these services fulfill the statutory requirements (see Appendix F).
- An additional delivery truck will be purchased through the Commission of Public Land Loans if the new System Board approves the use of loaned funds. The proposed budget includes loan payments to cover both vehicles, this new one and another previously purchased with a loan.
- Grants to libraries will be evaluated at a later date following completion of the merger process.
- The Resource Library contract total is \$100,000 of which 70% will spent on content and 30% will fund the staff support for this collection work.
- As previously noted the total fees to libraries will be \$98,000 less than they currently total in each system. It needs to be noted that not every library will see their total share of system fees be reduced, either due to the recommended formula change or a change in funds going to the libraries through grants, etc.
- When the MWFLS headquarters is sold, not only will the funds from the sale go into the system reserve fund, the new system will save approximately \$25,000 per year in ongoing expenses that has been put into the budget to maintain the facility while it's on the market. The most recent audit lists the building value at \$299,000.00.

Impact:

- This budget results in overall less fees to libraries and the system fully funding delivery and IT support.
- The gain in staffing levels, particularly in IT, provides opportunities to improve service to libraries.

Governance

Agreement of service: The library director advisory council in the system will work on a consensus governance model. When it is not possible or feasible to reach consensus, the council of directors will use a weighted voting model based on a reverse of state librarian certification levels, which are based on population. A Grade 1 library will have 3 votes, a Grade 2 library will have 2 votes and a Grade 3

library will have 1 vote (see Appendix D) for vote distribution information). A threshold of 75% of total votes will need to be reached for approval of an item, which will require the support of more than 50% of the libraries in the new system.

- Grade 1 certification is required at libraries with populations of 6,000 or more.
- Grade II certification is required at libraries with populations of 3,000-5,999.
- Grade III certification at libraries with populations of up to 2,999 persons.

Considerations: A number of different ideas were proposed for a voting structure in the new system. The challenge was to find compromise in the development of a new fee formula when the two systems currently have significantly different models for determine cost shares of system fees. Due to the potential fiscal impact of decisions, libraries with a higher share of fees sought more weight in voting as a balance to the higher fee amount. Libraries with smaller populations, and often lower fees, wanted to ensure their voice is still equally heard and that just a few libraries would not be controlling decisions. This is certainly the area that all libraries had to compromise to find a solution most can support.

A new board will be selected for the new system. The representation will be allocated among the counties based on population:

- Washington County – 5
- Sheboygan County – 4
- Dodge County – 3
- Ozaukee County – 3

Per WI state statute Chapter 43, system board members shall be nominated by the county executive in each county in the system, or by the county board chairperson in a county without a county executive, and approved by each county board in the system. Each county board may appoint one county board member to the system board. The public library board governing the designated resource library shall have at least one member on the system board. The remaining system board members shall include such representatives of the library boards governing public libraries of participating municipalities and counties and public members appointed from the counties at large as the county board determines.

Impact: While both systems have typically been able to handle the majority of their decision-making through consensus, the switch to a weighted voting system with a 75% threshold for passing an item will be new for both systems. This will be something the new system will need to monitor to determine how it is working for them.

Integrated Library System (ILS – shared library catalog)

Agreement of service: Based on the information reviewed and the demonstration of the ILS platform to MWFLS libraries, the committee unanimously agreed that the shared catalog platform in the new system will be the Polaris system currently used in ESLS. This was agreed upon with the conditions that sufficient and timely training is provided to MWFLS libraries, including organizing it so MWFLS libraries can shadow ESLS libraries, and that the migration is completed by December 1, 2016.

Considerations

- While the determination has been made for the shared catalog in the new system to be Polaris, libraries in both systems indicated a desire for the new system to explore next generation platforms in the future.
- See Appendix G for information about cataloging in the new system.
- The two circulation committees met and identified that most libraries share similar circulation policies. It was agreed that in the new systems circulation policies would try to be standardized, but that current policies at libraries, including loan periods, will be allowed to exist as they currently are at member libraries.
- The system will use the local holds feature.

Impact: The biggest impact will be to the patrons in the four counties. As noted earlier in the report, the combination of the catalogs will provide patrons with significantly more resources at their disposal. The next biggest impact will be to the MWFLS libraries. MWFLS libraries and patrons have went through a couple of ILS and resources sharing changes the past few years. ILS changes are significant to libraries with a migration to a new platform.

Technology

Agreement of service: The system will provide technology services and support as detailed in Appendix H.

Considerations: The new system technology team will work with each library to determine additional technology products and services, such as virus protection, etc., each library will want and will provide libraries with alternatives and fees for their share of any coordinated technology product they choose to get from the system.

Impact: While there may be little impact for a handful of libraries, depending on how much technology support they handle themselves, this is an area of service where improvements could have a significant impact for libraries and the services they provide patrons.

- Currently MWFLS employs a full-time employee with duties split up between being the IT Director and ILS Administrator and ESLC employs a full-time employee that is a dedicated IT Specialist. In the proposed staffing model for the new system, these positions exist as two full-time staff dedicated to IT.
- In addition, the proposed model and budget also calls for a third IT staff person. This person may not be hired until needs are identified in the new system.
- Lastly, there is \$20,000 allocated through state aid for research and development for technology in the proposed 2017 budget.

Delivery

Agreement of service: The committee unanimously approved that delivery be a system run service with two routes providing delivery five days a week, daily sorting for the next day's deliveries, holds pulled by

each library at least once a day and arranged delivery for interlibrary loans through the Wisconsin Libraries' Delivery Network as currently provided by the South Central Library System. The system will perform a study of delivery after 18 months to determine if there is any potential need for a third route and to do a comparison of costs between system run services versus contracting with a private courier. Following this study, the service should be studied every 5 years or less.

Considerations:

- The system will need a second garage location for the second van and route. This will be located in the West Bend area. It was recommended that any lease for this space be short enough to allow flexibility should the system need to make changes after a service study.
- The two-route configuration will have one route run from the system headquarters in Sheboygan and will serve Ozaukee and Sheboygan libraries and the second route from the second garage serving Dodge and Washington counties.
- Due to the uncertainty regarding delivery volume after the catalogs are merged, the new board and staff will need to monitor route capacity to determine if a third route needs to be considered before a delivery service study is done at 18 months.
- Sorting of outgoing materials will be organized to be flexible to allow each library to sort within available library space.
- The system will work with the hold sequence to balance loads for libraries to best manage costs at the libraries for staff time handling incoming and outgoing delivery.

Impact: The result will be more access to resources through an expanded shared catalog. This will increase delivery volume; however, it is not possible to predict this with any certain accuracy. This increase in volume will be due to patrons finding more resources with the expanded catalog.

Headquarters

Agreement of service: This topic was originally discussed at the February 29th meeting. At the March 14, 2016 meeting of the Joint Merger Negotiation Committee, MWFLS presented that they recommend the headquarters for the new system be in Sheboygan at the current ESLS headquarters. They also recommended that the new system would use the remainder of the lease to do an in-depth study as to the future need for a headquarters including location, space needs, staffing, system services and delivery option. After more discussion at the March 28th meeting, the recommendation was unanimously approved by the committee at the April 13, 2016 meeting.

Considerations: The current ESLS headquarters lease has an exit clause that would require the system to pay the building owner all the rent owed through the remainder of the 7-year lease. This currently would cost approximately \$260,000. This exit clause is the main reason the committee determined the new system would need to be headquartered at ESLS's current location. The current MWFLS facility, which is owned and paid for in full by MWFLS, will be put up for sale upon the agreement to merge being completed. The funds from this sale will become part of the new system's reserve budget.

Impact: Sheboygan is not a central location for the four counties and will be located at the far northeast point of the new system. While this is not ideal, it is something that can be managed until it is feasible

for the new system to consider a more central location. A new, central location will have the positive impact of balancing out distances between member libraries and the system headquarters, allow for a search to seek a space with a larger meeting room to accommodate the larger system and increased attendance at meetings, and centralize delivery to be done out of one location, which will increase both service efficiency and service transit time within the system.

Continuing Education

Agreement of service: The new system will continue a relationship with Southeast Wisconsin Consortia for continuing education for library personnel and board members. The Bridges Library System, SEWI Consortia coordinators, will work with the new system to provide CE in our boundaries. This will allow more library personnel to take advantage of continuing education within a reasonable distance. Continuing Education and consulting has \$18,000 allocated for workshops and courses for system library members.

Consulting

Agreement of service: The committee did not discuss consulting as a key topic for determining the feasibility of a merger other than to discuss that consulting services will be provided by the new system to fulfill statutory requirements. Consulting services and expertise outside of those required will be provided according to the abilities of the new system staff and their area of expertise.

Implementation process and timeline

The Joint Merger Negotiation team recommends that the ESLS and MWFLS boards approve the creation of an implementation board to be established in July 2016. This board would be empowered by both system boards with decision-making authority to approve necessary actions for the formation of the new system, including, but not limited to, the creation of new system board bylaws, the creation of an employee handbook and other new system decisions. This implementation board would be in effect from July 2016, through December 31, 2016 or the formation of a new system board, whichever occurs sooner.

The following is a draft of timeline projections for completing the merger process

June

- June 27th - ESLS system board votes on committee recommendation to merge systems.
- June 28th - MWFLS system board votes on committee recommendation to merge systems.

July

- Begin presentations to county supervisors
- Meet with network vendor to plan the network changes
- Talk to Bob Fish about purchasing another truck
- Send Purchase order to Polaris. Schedule migration and Go Live date
- Create EasiCat agreement/fee structure out to all libraries and their boards for approval

- Create new system membership documents for member libraries to sign and approve
- Naming contest
- New System Board constructed.
- Contact South Central for arranging delivery in December

August

- Continue to meet with Supervisors for approval of merger
- Joint circulation committee created: circulation policy
- Member library Boards reviewing/voting to approve membership agreements
- Begin process of obtaining a new name
- Computers updated to handle Polaris, etc
- Migration work begins/ Authority Control upload
- Put building on the market (Once Dodge and Washington Counties have approved plan)

September

- Computers updated
- File paperwork with Commission of Public Lands for funds to purchase new delivery truck.?
- Member library Boards reviewing/voting to approve membership agreements
- Begin designing logo
- Begin Polaris training once training server is set up/established
- Order new truck due to system in November.
- Develop press release announcing the formation of the newly merged system.

October

- Board approves new member agreements with updates of additional county and new name
- Hiring of three delivery drivers for new route
- October 15, 2016 System Plan to DPI
- Board approves contract for Storage Bay for Delivery truck

November

- Purchase a new truck

December

- Go Live
- Begin Delivery
- Receive State payment for new system

January 2017

Network migration complete

Appendix A

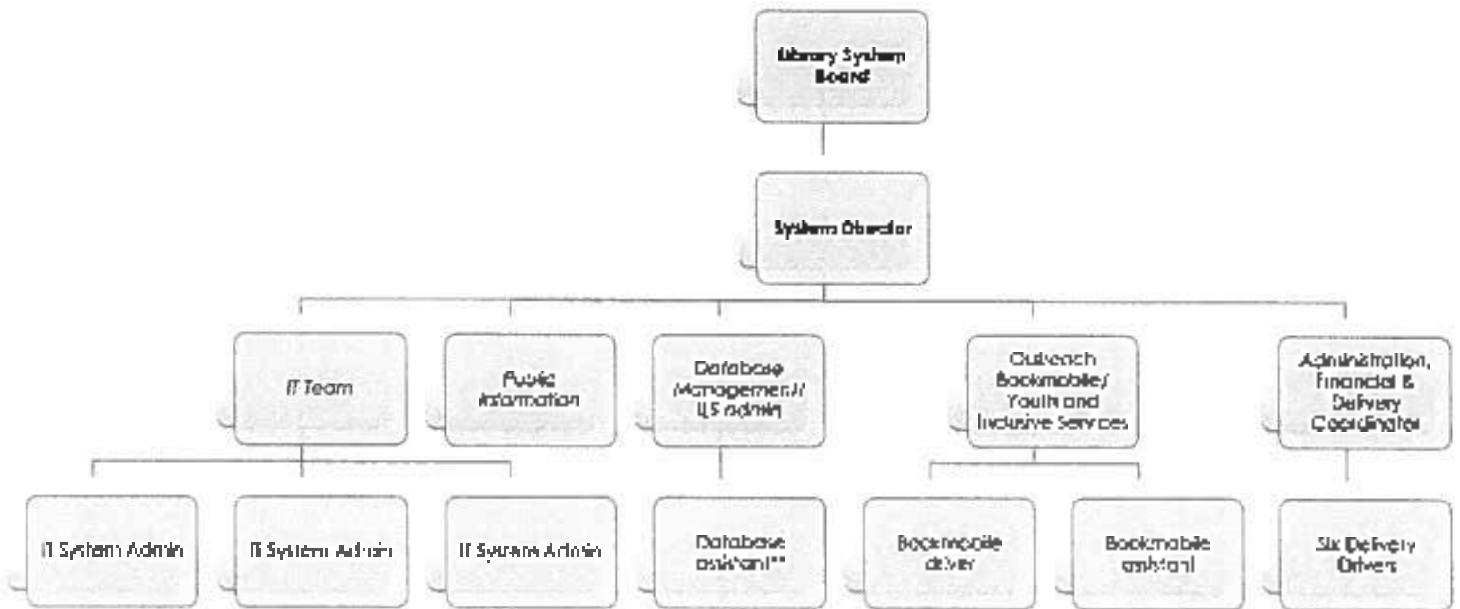
The following is the proposed 2017 program expenditure budget for the new system followed by the revenue budget.

ACCT #	DESCRIPTION	PROGRAM BUDGET FOR 2017		Budget Narrative
		Total		
0.01	ADMINISTRATIVE SALARY	\$ 67,936.00	1 FTE	
0.02	PROGRAM STAFF SALARIES	\$ 471,312.43	8.95 FTE	
0.03	SICK LEAVE	\$ 9,287.00	Sick leave	
0.06	FICA	\$ 32,362.00	FICA	
0.07	WRF	\$ 26,925.00	Wisconsin retirement	
0.08	LIFE	\$ 793.00	Life insurance	
0.09	HEALTH/DENTAL	\$ 131,711.00	Health/dental ins.	
0.10	WORKERS COMPENSATION	\$ 3,139.00	Worker's comp	
0.11	UNEMPLOYMENT	\$ 500.00	Unemployment	
0.12	LIBRARY MATERIALS	\$ 35,429.30	Delivery Bins/Cataloging materials/WPLC	
0.13	PAYMENTS TO MEMBERS	\$ -	See County funding spreadsheets	
0.14	CONTRACT SERVICES	\$ 200,400.00	WisCar Subscriptions/Resource Library/computer network licenses/Polaris	
0.15	ACCOUNTING/AUDIT	\$ 4,000.00	Audit expense	
0.16	PROFESSIONAL SERVICES	\$ 100,320.00	South Central Delivery/OCLC/Backstage Authority Control/WALS/Bluehost/EAP/ attorney/ODT	
0.17	BANK FEES	\$ 500.00	Wire fees	
0.18	OFFICE EQUIPMENT RENTAL	\$ 3,189.00	Postage machine/copier	
0.19	VEHICLE MAINTENANCE	\$ 6,000.00	Penske maintenance contract for two delivery trucks	
0.20	VEHICLE FUEL	\$ 20,000.00	Fuel for delivery trucks	
0.21	OFFICE EQUIPMENT MAINT.	\$ -		
0.22	COMPUTER EQUIPMENT MAINT.	\$ 28,855.09	System computer/network maintenance	
0.23	PROFESSIONAL DUES	\$ 3,000.00	Dues for system staff/SALARIALIC	
0.24	CONFERENCES AND CONT. ED.	\$ 18,500.00	C.E. for member libraries	
0.25	WORKSHOPS	\$ 5,000.00	C.E. for system staff	
0.26	TRAVEL	\$ 17,150.00	Mileage and travel expenses	
0.27	ADVERTISING/DISPLAYS	\$ -		
0.28	PRINTING SUPPLIES	\$ 1,000.00	Printing cost	
0.29	OFFICE SUPPLIES	\$ 3,900.00	Toilet paper, cases of paper, post-it notes, pens, pencils, etc.	
0.30	POSTAGE	\$ 585.00	Postage	
0.31	INSURANCE	\$ 5,575.48	Insurance for building and equipment/vehicles/Data equipment/leased auto	
0.32	OFFICE RENT	\$ 49,295.00	Lease of building and additional bay for delivery truck	
0.33	TELEPHONE	\$ 2,070.00	Telephones	
0.34	ELECTRICITY	\$ 8,819.00	Electricity	
0.35	GAS	\$ 2,678.00	Gas	
0.36	WATER/SEWER	\$ 298.00	Water/Sewer	
0.37	CLEANING/MAINTENANCE	\$ 2,326.00	Cleaning/maintenance	
0.38	GARBAGE/RECYCLING	\$ 1,008.00	Garbage/recycling	
0.39	MONTHS BUILDING UPKEEP	\$ 525,000		
0.40	CAPITAL EXPENSES			
0.41	OFFICE FURNITURE/EQUIP			
0.47	OFFICE AUTOMATION	\$ 20,000.00	ILS reserve fund	
0.48	BUILDING CAPITAL EXPENSE			
0.49	VEHICLE CAPITAL EXPENSE	\$ 25,000.00	Loan payment for two delivery trucks	
0.45	SYSTEM AUTOMATION PROJECTS			
0.46	TOTAL CAPITAL EXPENSES			
0.47	SPECIAL PROJECT EXPENSES-ISTA	\$ 25,000.00	ISTA	
0.48	SPECIAL PROJECT EXPENSES-Non-ISTA			
	TOTAL	\$ 1,406,695		

System Revenue for 2017		
Acct. #	Description	Total
401	LSTA Grants	\$ 25,000
402	State of Wisconsin System Aid	\$ 1,069,766
409	Library payments for shared services	
	OCLC	\$ 64,000
	Overdrive	\$ 83,929
	ILS admin	\$ 50,000
	ILS	\$ 94,000
	ILS Upgrade	\$ 20,000
		\$ 1,406,695

Appendix B

The following shows the recommended staffing organizational chart in the new system followed by brief position descriptions.



System Director

Responsible for the administration and management of the Library System subject to the policies of the System Board and State Statutes

Information Technology System Administration

Responsible for administration of the system's technology and ILS platform, and serve as the technical advisor and liaison with libraries within the system.

Database Management/ILS

Responsible for the administration of the shared library automation system for the participating libraries, monitors and manages the integrity of the shared library automation bibliographic database, catalogs, and classifies all types of library materials for the system, bookmobile and member libraries, monitors and manages the digitization program, and serves as interlibrary loan services coordinator for the system.

Database Assistant ***

Responsible for assisting in managing the integrity of the shared library automation bibliographic database for the system, bookmobile and member libraries.

Outreach Bookmobile Librarian and Inclusive Services Librarian

Responsible for serving Sheboygan and Ozaukee County residents by means of a bookmobile. Responsible for the administration of youth and special needs as required by the State Statutes for the system.

Admin/Delivery/Finance Coordinator

Responsible for the administration of the System office, management of System funds, and the coordination of business and personnel department functions. Responsible for operating delivery service among member libraries, maintains records of the service and maintains delivery vehicle.

Public Information Designer

Responsible for designing and producing art and copy layouts to promote the understanding and use of public library and system services. Utilize designs for visual communications media such as brochures, bookmarks, signs, electronic media and packaging.

Appendix C

The following information provides more details about the collection development being done as part of the Resource Library contract.

In-Demand Collection

Mead Public Library will implement an "in-demand" collection on behalf of the new system, contingent on agreement and implementation of "local holds first" policy. The amount of money allocated for the "In-demand" collection will be prorated based on the start date of local holds policy.

Process

The new system will allocate funds to Mead Public Library, its Resource Library, as part of their Resource Library contract to purchase In Demand items to be shared by all system libraries. Using ratio reports, Mead staff will select, order, catalog, link, and processes In Demand items. They are identifiable via a unique barcode range as well as a colored label-lock. Once there are no more holds on a title, the in demand copies are returned to Mead. Mead keeps some copies and distributes the rest to the system libraries.

Member libraries also agree to adhere to member purchasing obligations.

Monies will be divided by collection percentage (physical material accounts for 70% of the Resource Library Contracted amount):

Nonfiction: 30% (includes reference)

Fiction: 35%

E-content: 15%

Books on CD/Playaways: 2%

Music CD's 3%

DVD's: 15%

Current In Demand Purchasing Formulas

Print: Nonfiction 1 copy/6 holds; Fiction 1/7 holds

Not to exceed 30 copies

Books on CD/Playaways 1 copy/10 holds

Not to exceed 10 Copies

Music CD:1 copy/10 holds

Not to exceed 10 copies

DVD: 1 copy/20 holds

Not to exceed 5 copies

Exceptions may be made due to high demand titles.

Appendix D

Recommended 2017 system fees to libraries for shared services and voting allocations both for libraries and total votes for shared service.

Note: these fees are based on current prices provided to ESLs.

	Population	Pop %	ES&T	OC&C	ILS	ILS replace	ILS admin	Total	Paid 2015	Difference	Votes
Sheboygan	48,897	0.173	\$ 13,956.90	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 24,864.42	\$ 16,152.00	\$ 8,712.42	3
West Bend	31,531	0.112	\$ 9,000.04	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 19,907.56	\$ 24,188.00	\$ (4,220.44)	3
Beaver Dam	16,572	0.059	\$ 4,730.22	\$ 3,047.64				\$ 7,777.86	\$ 10,013.00	\$ 12,235.84	3
Menomonie	26,608	0.094	\$ 7,595.13	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 18,502.65	\$ 16,669.00	\$ 1,833.65	3
Gemnasium	19,851	0.071	\$ 5,677.58	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 16,585.10	\$ 22,362.00	\$ (5,776.90)	3
Grafton	15,992	0.055	\$ 4,450.50	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 15,358.02	\$ 14,945.00	\$ 413.02	3
Hartland	14,320	0.051	\$ 4,087.42	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 14,994.94	\$ 20,697.00	\$ (5,702.06)	3
Waupun	8,902	0.030	\$ 2,426.77	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 13,334.29	\$ 13,139.00	\$ 195.29	3
Cedarburg	11,479	0.041	\$ 3,276.50	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 14,284.02	\$ 15,576.00	\$ (1,291.98)	3
Pl. Washington	11,439	0.041	\$ 3,265.69	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 14,172.61	\$ 15,328.00	\$ (1,155.39)	3
Plymouth	8,428	0.030	\$ 2,405.61	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 13,312.15	\$ 14,045.00	\$ (,732.84)	3
Sheboygan Falls	7,961	0.028	\$ 2,243.80	\$ 3,047.64	\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 13,151.32	\$ 14,945.00	\$ (1,793.68)	3
Random Lake	5,423	0.019	\$ 1,547.91	\$ 2,031.76	\$ 3,015.12	\$ 634.80	\$ 1,590.00	\$ 8,619.59	\$ 13,997.00	\$ (4,777.41)	2
Stinger	5,140	0.018	\$ 1,467.13	\$ 2,031.76	\$ 3,015.12	\$ 634.80	\$ 1,590.00	\$ 8,738.81	\$ 10,234.00	\$ (1,495.19)	2
Mayville	5,109	0.018	\$ 1,458.29	\$ 2,031.76	\$ 3,015.12	\$ 634.80	\$ 1,590.00	\$ 8,729.97	\$ 9,162.00	\$ (432.03)	2
Saukville	4,465	0.016	\$ 1,274.75	\$ 2,031.76	\$ 3,015.12	\$ 634.80	\$ 1,590.00	\$ 8,546.43	\$ 13,997.00	\$ (5,050.57)	2
Kewaskum	4,015	0.014	\$ 1,146.02	\$ 2,031.76	\$ 3,015.12	\$ 634.80	\$ 1,590.00	\$ 8,417.70	\$ 8,264.00	\$ 153.70	2
Horicon	3,696	0.013	\$ 1,054.97	\$ 2,031.76	\$ 3,015.12	\$ 634.80	\$ 1,590.00	\$ 8,326.65	\$ 8,792.00	\$ (465.35)	2
Goett. rg	2,921	0.010	\$ 833.75	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 4,469.59	\$ 12,249.00	\$ (7,779.41)	1
Juneau	2,736	0.010	\$ 780.95	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 4,416.79	\$ 8,038.00	\$ (3,621.21)	1
Hushford	2,499	0.009	\$ 713.30	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 4,349.14	\$ 7,418.00	\$ (3,068.86)	1
Lomira	2,431	0.009	\$ 693.80	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 4,325.73	\$ 6,609.00	\$ (2,283.27)	1
Theresa	2,333	0.008	\$ 665.92	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 4,301.76	\$ 6,007.00	\$ (1,705.24)	1
Kohler	2,117	0.008	\$ 604.27	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 4,240.11	\$ 12,249.00	\$ (8,008.89)	1
Cedar Grove	2,102	0.007	\$ 599.98	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 4,235.82	\$ 12,249.00	\$ (8,013.18)	1
Fox Lake	1,907	0.006	\$ 430.15	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 4,085.99	\$ 5,897.00	\$ (1,811.01)	1
Elkhart Lake	956	0.003	\$ 272.59	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 3,908.43	\$ 12,249.00	\$ (8,340.57)	1
Iron Ridge	933	0.003	\$ 266.31	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 3,902.15	\$ 6,125.00	\$ (2,222.85)	1
Reeseville	708	0.002	\$ 202.09	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 3,837.93	\$ 5,342.00	\$ (1,504.07)	1
Brownsville	584	0.002	\$ 166.69	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 3,802.53	\$ 6,493.00	\$ (2,690.47)	1
Lowell	336	0.001	\$ 95.91	\$ 1,015.88	\$ 1,507.56	\$ 317.40	\$ 795.00	\$ 3,731.75	\$ 4,962.00	\$ (1,230.25)	1
Book Mobile	488	0.001	\$ 137.37	\$ 2,031.76	\$ 3,015.12	\$ 634.80	\$ 1,590.00	\$ 5,644.05	\$ 12,897.00	\$ (7,252.95)	2
LakeLand College	6016	0.021	\$ 1,717.17		\$ 4,522.68	\$ 952.20	\$ 2,385.00	\$ 3,577.05	\$ 14,166.00	\$ (10,588.95)	3
TOTALS	281965		\$ 80,480.00	\$ 64,000.44	\$ 94,976.28	\$ 19,996.20	\$ 50,085.00	\$ 309,537.32	\$ 407,899.00	\$ (98,361.68)	66

Appendix E

The following are the expected one-time estimated expenses to combine the two systems and the reserves available in each system to fund these costs.

Merger Budget - one time expenses to combine systems				
	ESLS		MWFLS	Total
Polaris - Data Services Migration		\$	58,975.00	\$ 58,975.00
Polaris Staff CALs - 120 licenses		\$	81,000.00	\$ 81,000.00
Microsoft CALs - 120 licenses		\$	1,080.00	\$ 1,080.00
Simply Reports - 7 licenses		\$	3,150.00	\$ 3,150.00
Training onsite & Polaris travel		\$	8,600.00	\$ 8,600.00
Backstage Authority Control		\$	15,000.00	\$ 15,000.00
Polaris Social	\$ 12,076.00	\$	10,299.64	\$ 22,375.64
Polaris Outreach	\$ 1,080.00	\$	921.00	\$ 2,001.00
Polaris Leap	\$ 13,607.00	\$	11,606.00	\$ 25,213.00
Relocation				
EnvisionWare Ecommerce	\$ 6,355.10	\$	5,984.90	\$ 12,340.00
Legal/Auditor	\$ 3,400.00	\$	3,200.00	\$ 6,600.00
Deposit on truck rental space	\$ 1,030.00	\$	970.00	\$ 2,000.00
Logo/new name	\$ 1,030.00	\$	970.00	\$ 2,000.00
Total	\$ 38,578	\$	201,756.54	\$ 240,334.64

Reserves for merged system			
	ESLS	MWFLS	
State Aid*	\$ 397,370.15		
Bookmobile Automation *	\$ 8,354.31		
Vehicle replacement*	\$ 7,795.47		
Automation Reserve	\$ 17,897.85		
Contingency Fund*	\$ 70,116.48		
Sick Leave*	\$ 29,285.86		
EasiCat Upgrade	\$ 47,700.74		
Bookmobile replacement reserve*	\$ 47,055.91		
General*		\$446,452.65	
Future ILS Purchase		\$90,611.79	
Library Replacement Fund		\$173,876.56	
Grand total	\$ 625,576.77	\$710,941.00	\$ 1,336,517.77
Available funds for merger expense	\$ 65,598.59	\$264,488.35	\$ 330,086.94
MWFLS as of 09/15/15			
* = ESLS Monies unavailable for merger expenses			
As of May 2016			

Appendix F

WI State Statute Chapter 43 requirements of library system services or agreements

- Backup reference, information and interlibrary loan services from the system resource library, including the development of and access to specialized collections, as evidenced by a written agreement with that library.
- Referral or routing of reference and interlibrary loan requests from libraries within the system to libraries within and outside the system.
- In-service training for participating public library personnel and trustees.
- Electronic delivery of information and physical delivery of library materials to participating libraries.
- Service agreements with all adjacent library systems.
- Professional consultant services to participating public libraries.
- Any other service programs designed to meet the needs of participating public libraries and the residents of the system area, as determined by the public library system board after consultation with participating public libraries.
- Promotion and facilitation of library service to users with special needs
- Cooperation and continuous planning with other types of libraries in the system area, which results in agreements with those libraries for the appropriate sharing of library resources to benefit the clientele of all libraries in the system area.
- Planning with the division and with participating public libraries and other types of libraries in the area in regard to library technology and the sharing of resources. By January 1, 2000, and by every 5th January 1 thereafter, the public library system shall submit to the division a written plan for library technology and the sharing of resources.

Appendix G

The following is information related to how cataloging will be handled in the new system.

1. How will be original and copy cataloging handled? Is this all centrally done or are libraries responsible?

Original cataloging will be handled by the system's cataloging/ILL librarian, though member library staff may enter a brief record by filling in a template, so they do not need to wait to start circulating the material.

Copy cataloging is a mix. Member libraries first search EasiCat and then search OCLC via a Z39.50 link within Polaris if there is no already existing match. If a match is found in OCLC, they click the save button, and the record is in EasiCat for their use. Member libraries are fully responsible for and in control of their holdings records.

Member libraries are more responsible for verifying initial copy catalog records information – checking titles and number of discs and whether applicable series are present. There will be at least one annual cataloging meeting and refresher training for member library cataloging staff. Final cleanup and overall database maintenance and standardization will continue to be centralized with the cataloging/ILL librarian.

2. Who works on authorities and cleanup efforts?

Backstage will be used for outsourced authority control. The system's cataloging/ILL librarian will be responsible for that processing as well as any other authority and cleanup efforts – though feedback and head's ups from member libraries of areas that need attention or priority will *always* be welcomed and encouraged.

Appendix H

The following covers the IT support that can be provided by the system.

Technology services from NEW-SYSTEM are provided by two full-time technology professionals.

NOTE: ** items that are being worked on and intend to provide in the new system.

PC Support

NEW-SYSTEM offers "cradle to grave" PC support, managing all aspects of both the staff and patron PCs located in member libraries

- ✓ **Purchasing**—NEW-SYSTEM coordinates the purchases of PCs through Dell and handles all aspects of the ordering and receiving process. **NEW-SYSTEM provides inventory reports of supported PCs which include PC age, model, windows version, etc.
- ✓ **Installation**—NEW-SYSTEM preps and installs each library computer for our member libraries, including a transfer of data from the old PC to the new one, saving significant library staff time.
- ✓ **Repair & Warranties**—NEW-SYSTEM coordinates warranty repair work for PCs under warranty, and repairs PCs for cost of parts for PCs out of warranty.
- ✓ **Peripherals**—NEW-SYSTEM researches network printers, spine label and receipt printers, as well as barcode scanners for member libraries, recommending optimal models. NEW-SYSTEM also installs the appropriate software on NEW-SYSTEM-supported PCs
- ✓ **Help Desk**—NEW-SYSTEM offers a Help Desk staffed 8:00 a.m. to 4:00 p.m. weekdays, with additional pager support provided during all other library hours. The Help Desk can remote into any NEW-SYSTEM network computer and fix most issues at the time of any call. If the problem cannot be rectified remotely, NEW-SYSTEM will arrange the transportation of the PC back to NEW-SYSTEM headquarters for repair.
- ✓ **Centralized antivirus service**—NEW-SYSTEM maintains a central antivirus service which automatically updates all network clients. The annual cost of the antivirus software is a pass through expense that is dependent on the number of PC's.
- ✓ **Microsoft Office**—Through our Microsoft Office 365 agreement, we're able to offer the full Microsoft Office Professional Suite on every patron and staff computer. NEW-SYSTEM maintains all aspects of the licensing, upgrade and maintenance of the software as well.
- ✓ **Software updates**—NEW-SYSTEM provides automatic updates for Staff and Patron PC software, including updates to the operating system, web browsers, applications specific to the shared ILS, and add-ons such as Flash, Java, Adobe Reader, and Silverlight. Firefox browser.
- ✓ **Patron PC expertise including PC locking software**—NEW-SYSTEM has extensive experience maintaining PCs for public (patron) use. Each PC is securely locked down, while making sure that all patron data is secure and removed after each use. NEW-SYSTEM also purchases proprietary PC locking software, that is a pass through expense that is dependent on the number of PC's.
- ✓ **PC Time Management software (optional service)**—NEW-SYSTEM provides installation, configuration, and support for PC Time Management software ("EnvisionWare") for public PCs. This is a purchase that the library is responsible for.

- ✓ **Technology planning and consulting**—NEW-SYSTEM staff can provide libraries assistance with a wide range of technology planning, from “What printer should I buy?” to “What will we need for cabling in our new building?”

Network Support

- ✓ **Subsidized TEACH lines and WiscNet membership**—Each library benefits from a BadgerNet TEACH Internet connection to their library (costs included in membership). In addition, NEW-SYSTEM and its member libraries have collective membership in the WiscNet consortium, our Internet Service Provider. NEW-SYSTEM Technology staff serve as the primary contacts for both BadgerNet and WiscNet and support the network technologies on the libraries’ behalf.
- ✓ **Firewall**— Outsource vendor (**NEW-SYSTEM) maintains and supports a firewall on behalf of member libraries and their supported PCs.
- ✓ ****Standardized network equipment**—Each library and branch supported by NEW-SYSTEM utilizes switches and routers maintained by outsourced vendor (**NEW-SYSTEM)
- ✓ ****Windows Active Directory environment**—NEW-SYSTEM maintains a complex Windows environment, connecting all member library PCs to a centralized network.
- ✓ ****Inventory of spare Network hardware**—NEW-SYSTEM maintains a complete inventory of all switches and routers, and can swap out any defective piece of equipment in a matter of hours.

Web Hosting

NEW-SYSTEM provides web hosting through a third party vendor and assist in support of libraries web pages. The costs of the third party hosting will be passed through to the libraries.

Email and mailing lists

NEW-SYSTEM provides the Office365 web-based e-mail and calendaring solution at no cost for all member libraries, along with a mailing list service for library staff.

Wireless support

NEW-SYSTEM supports an enterprise-grade wireless service for our members. Monthly statistical reports of wireless activity are delivered via email, and the service includes multiple signals for patrons, staff, and library owned devices.

Database Authentication

NEW-SYSTEM provides authentication for databases that libraries subscribe to through WILS. Vendor requirements and NEW-SYSTEM staff availability will determine authentication set up time and NEW-SYSTEM may reject databases with requirements that will cause technical difficulties.

Technology Lending

NEW-SYSTEM will lend technology devices as available. A listing of these devices will be sent out each year.

Appendix I

The following is an example of a potential resolution.

{INSERT COUNTY NAME} COUNTY RESOLUTION NO. _____ (2016/17)

Re: Approving Merger of {Eastern Shores Library System with Mid-Wisconsin Federated Library System OR Mid-Wisconsin Federated Library System with Eastern Shores Library System}

WHEREAS, {Sheboygan County and Ozaukee County OR Dodge County and Washington County} have partnered to establish a federated public library system known as the {Eastern Shores Library System or Mid-Wisconsin Federated Library System} pursuant to Wis. Stat. § 43.15(4), and

WHEREAS, Eastern Shores Library System board has been approached by the Mid-Wisconsin Federated Library System board, the federated library system serving Dodge and Washington Counties, which proposed a merger of the two systems, and

WHEREAS each system board appointed representatives to a Joint Merger Negotiation Committee which evaluated the potential benefits or pitfalls of a merger, and the Committee recommended a merger of the systems, and

WHEREAS, the {Eastern Shores Library System or Mid-Wisconsin Federated Library System} board has determined that a merger is in the best interests of both systems and is requesting County approval, a copy of which request is on file with the County Clerk, and

WHEREAS, approval is required of all County Boards impacted by the proposed merger;

NOW, THEREFORE, BE IT RESOLVED that the {INSERT COUNTY NAME} County Board gives its approval to the merger of the {Eastern Shores Library System with Mid-Wisconsin Federated Library System OR Mid-Wisconsin Federated Library System with Eastern Shores Library System} pursuant to the terms of the proposed Merger Agreement, a copy of which is on file with the Clerk.

BE IT FURTHER RESOLVED that the County Clerk is directed to submit certified copies of this Resolution to the Eastern Shores Library System and Mid-Wisconsin Federated Library System and such other entities as may be necessary to effectuate the merger.

Dated this {DATE} day of {MONTH}, 2016.

EXECUTIVE COMMITTEE

Opposed to Introduction:

FISCAL NOTE
July 2016

- Resolution No. 11 (2016/17) Re: Dissolving Loss Prevention Committee**
- Resolution No. 14 (2016/17) Re: Approving Merger of Eastern Shores Library System with Mid-Wisconsin Library System**
- Ordinance No. 03 (2016/17) Re: Changing Supervisory District Boundaries to Reflect Annexation**
- Ordinance No. 04 (2016/17) Re: Amending Shoreland Ordinance in Section 30, Town of Wilson (.15 Acres of Property – Replacement of Existing Three-span Bridge on Marine Drive Over Barr Creek)**

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Chamon, Finance Director
July 15, 2016



SHEBOYGAN COUNTY

William C. Goehring
County Board Supervisor

Date: July 19, 2016

To: Sheboygan County Board of Supervisors

From: Supervisor William Goehring

Re: Resolution No. 14 (2016/17) Approving Merger of Eastern Shores Library System with Mid-Wisconsin Library System

I am introducing Resolution No. 14 (2016/17) **Approving Merger of Eastern Shores Library System with Mid-Wisconsin Library System** as an individual County Board member rather than the standard procedure of a committee introducing the legislation. As you know, I am the County Board Supervisor currently assigned to represent Sheboygan County on the Eastern Shores Library Board. While this is not the usual method by which legislation is introduced to the County Board, due to the timing of events I have chosen this course of action.

Approval of the merger of the two library systems requires individual county approval by the four counties served by the two systems: Sheboygan, Ozaukee, Washington and Dodge. Based upon when the two library system boards approved the merger (Eastern Shores on June 27 and Mid-Wisconsin June 28) Dodge County will bring the legislation to their Board in July for final approval and Ozaukee and Washington counties will do the same in August. Without my introducing the legislation as an individual, final approval by the Sheboygan County Board would not take place until September if we wait for a committee to introduce the resolution. By State law, such library system mergers can only be effective the first of any year. Although a great deal of study has gone into the possible merger, some major decisions can only be made once all counties have approved the merger. Introducing this legislation as an individual provides the potential merged system an extra month in preparing for the 1/1/17 effective date.

Please feel free to contact me if you have any questions about the potential merger or why I am introducing the legislation myself.

1 SHEBOYGAN COUNTY ORDINANCE NO. 03 (2016/17)

2
3 Re: **Changing Supervisory District Boundaries to Reflect Annexation**

4
5
6 **WHEREAS**, the Sheboygan County Board established its current supervisory district
7 boundaries by enactment of Ordinance No. 3 (2011/12) on September 20, 2011, and which was
8 subsequently amended in part by Ordinance No. 12 (2015/16), and
9

10 **WHEREAS**, the boundaries as amended provided that the entire City of Plymouth as it
11 existed on September 20, 2012, plus that portion of former Town of Plymouth and annexed by
12 Plymouth City Ordinance No. 2 of 2015 was to be in Supervisory Districts 16 and 17, and the
13 entire Town of Plymouth was to be in Supervisory District No. 15, and
14

15 **WHEREAS**, on May 10, 2016, the City of Plymouth enacted Ordinance No. 13 of 2016 in
16 which it annexed certain additional territory from the Town of Plymouth into the City of
17 Plymouth, and
18

19 **WHEREAS**, on June 6, 2016, the City of Plymouth Clerk-Treasurer, on behalf of the
20 City, requested that the newly-annexed territory be included into Supervisory District No. 17 and
21 excluded from Supervisory District No. 15, and
22

23 **WHEREAS**, Wis. Stat. § 59.10(3)(c) authorizes county boards to amend their
24 supervisory district plans to reflect municipal annexations, and such an amendment to address
25 the City of Plymouth annexation would be in the best interests of Sheboygan County;
26

27 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan
28 does ordain as follows:
29

30 Section 1. **Amending Supervisory Districts No. 15 and 17.** Section 1.02
31 of the Sheboygan County Code of Ordinances is hereby amended as follows (additions
32 indicated by redlining):
33

34 **SUPERVISORY DISTRICT NO. 15:**

35
36 **Town of Lyndon Ward 1** – That portion of the Town of Lyndon North and
37 West of the line commencing at the Western boundary of the Town of
38 Lyndon and State Highway 28, Northeast on State Highway 28 to County
39 Road E, North on County Road E to County Road N, East on County
40 Road N to Blueberry Lane, North on Blueberry Lane to the Northern
41 boundary of the Town of Lyndon. The entire Town of Plymouth, less
42 that portion annexed to the City of Plymouth by City Ordinance No. 2 of
43 2015, and by City Ordinance No. 13 of 2016, and the entire Village of
44 Cascade.
45

46 **SUPERVISORY DISTRICT NO. 17:**

47
48 City of Plymouth Wards 7 through 12 – That portion of the City of
49 Plymouth South of the line commencing at the Western boundary of the

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City of Plymouth and Summit Street, East on Summit Street to North Pleasant Street, North on North Pleasant Street to West/East Mill Street, East on Mill Street to Eastern Avenue, East on Eastern Avenue to South Pleasantview Road, South on South Pleasantview Road to Valley Road, East on Valley Road to the Eastern boundary of the City of Plymouth, and including that portion annexed by City Ordinance No. 13 of 2016.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 19th day of July, 2016.

FINANCE COMMITTEE



Gregory Weggeman, Chairperson



George Wartenze, Vice-Chairperson



Mark S. Winkel, Secretary



William C. Goehring



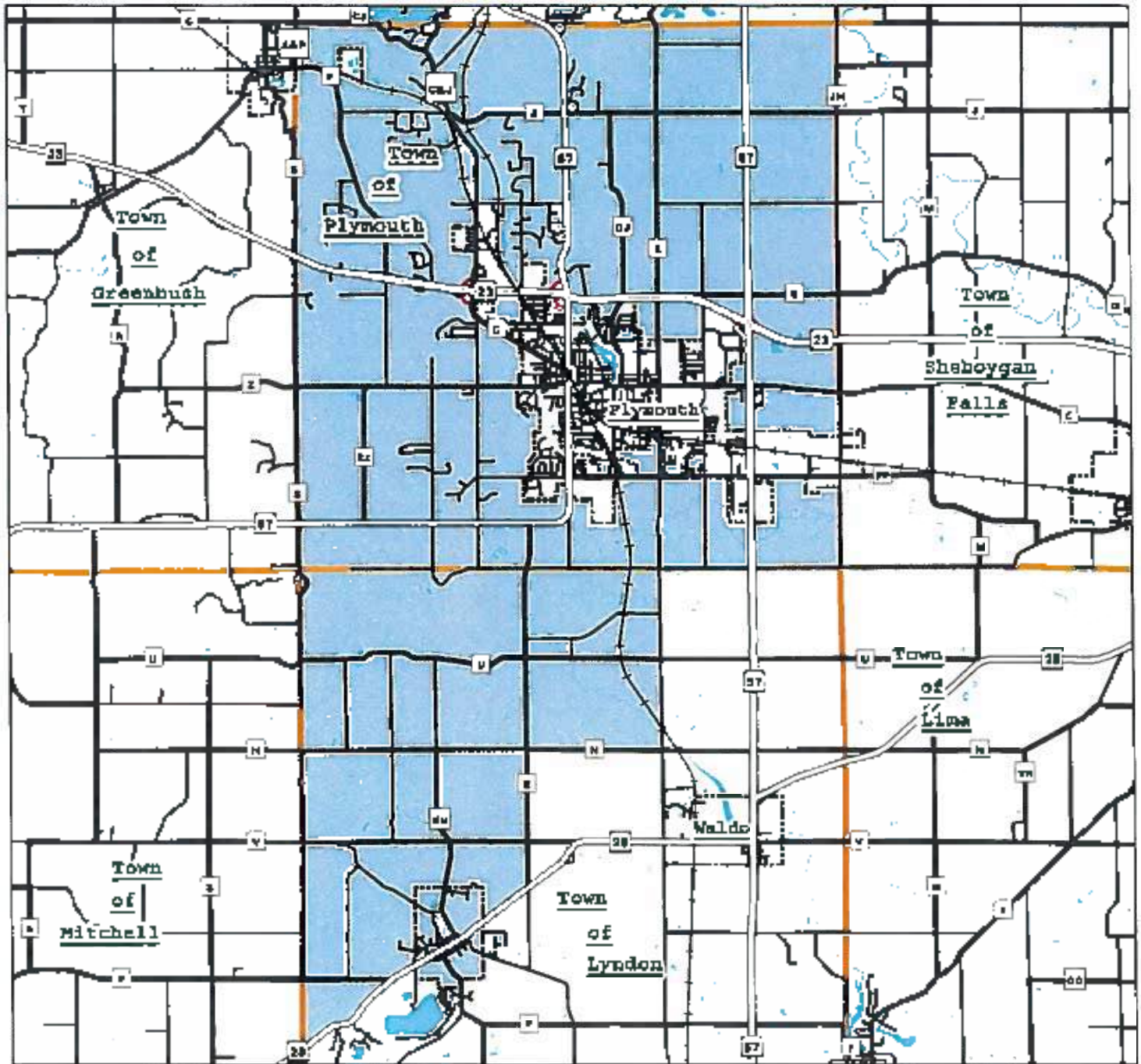
Roger Te Stroete

Opposed to Introduction:

Countersigned by:

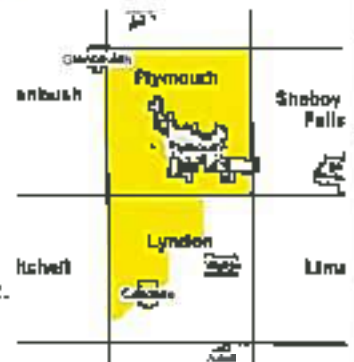
Thomas Wegner, Chairperson

Sheboygan County Supervisory District No 15



District Description :

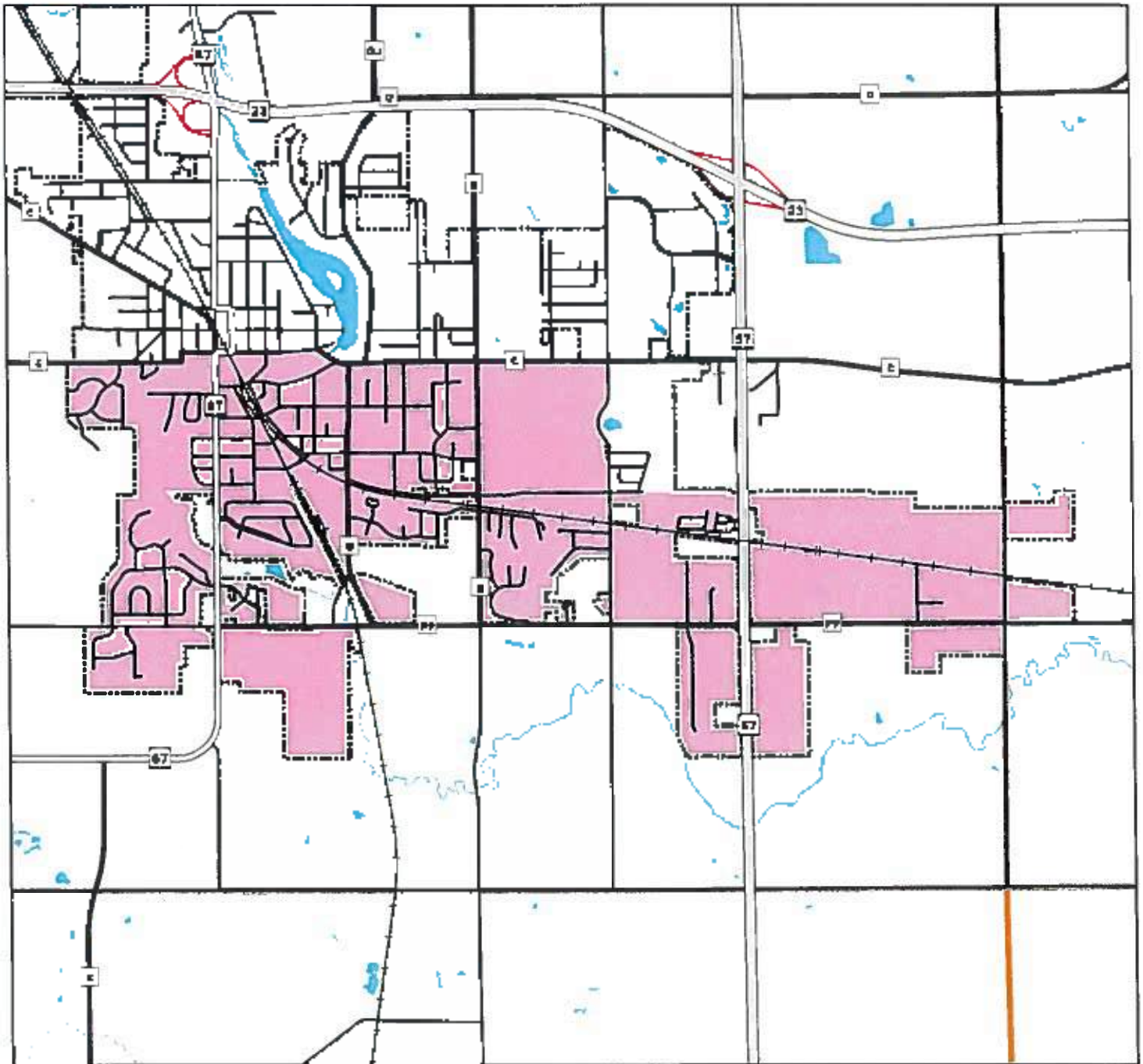
Town of Lyndon Ward 1 - That portion of the Town of Lyndon North and West of the line commencing at the Western boundary of the Town of Lyndon and State Highway 28, Northeast on State Highway 28 to County Road E, North on County Road E to County Road N, East on County Road N to Blueberry Lane, North on Blueberry Lane to the Northern boundary of the Town of Lyndon. The entire Town of Plymouth, less that portion annexed to the City of Plymouth by City Ordinance No. 2 of 2015, and by City Ordinance No. 13 of 2016, and the entire Village of Cascade.



All boundary lines are intended to follow the center of streets or highways, or lines unless otherwise specifically designated. All references to City or Village lines refer to the boundaries in effect as of August 15, 2011. Amendments taking place after this date, except for annexations of vacant land, may constitute new wards and as such will not affect the existing districts.

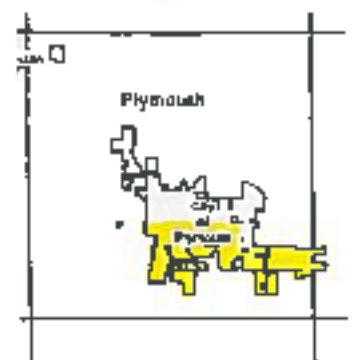


Sheboygan County Supervisory District No 17



District Description:

City of Plymouth Wards 7-12 - That portion of the City of Plymouth South of the line commencing at the Western boundary of the City of Plymouth and Summit Street, East on Summit Street to North Pleasant Street, North on North Pleasant Street to West / East Mill Street, East on Mill Street to Eastern Avenue, East on Eastern Avenue to South Pleasantview Road, South on South Pleasantview Road to Valley Road, East on Valley Road to the Eastern boundary of the City of Plymouth, and include that portion annexed by City Ordinance No. 13 of 2016.



All boundary lines are intended to follow the center of streets or highways of a road. Lines shown so specifically designated. All references to City or Village refer only to the descriptions in effect as of August 1st, 2011. A resolution taking place after that date, except for annexations of unincorporated areas, may constitute new wards and as such will not affect the districts described.



FISCAL NOTE
July 2016

Resolution No. 11 (2016/17) Re: Dissolving Loss Prevention Committee

Resolution No. 14 (2016/17) Re: Approving Merger of Eastern Shores Library System with Mid-Wisconsin Library System

Ordinance No. 03 (2016/17) Re: Changing Supervisory District Boundaries to Reflect Annexation

Ordinance No. 04 (2016/17) Re: Amending Shoreland Ordinance in Section 30, Town of Wilson (.15 Acres of Property – Replacement of Existing Three-span Bridge on Marine Drive Over Barr Creek)

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Chamon, Finance Director
July 15, 2016

COMMITTEE REPORT TO THE COUNTY BOARD

WE, THE EXECUTIVE COMMITTEE

TO WHOM WAS REFERRED ORDINANCE NO: 04

RE: **Amending Shoreland Ordinance in Section 30, Town of Wilson (.15 Acres of Property - Replacement of Existing Three-span Bridge on Marine Drive Over Barr Creek)**

HAVE CONSIDERED THE SAME AND RECOMMEND:

- ADDITIONAL TIME BE GRANTED TO CONSIDER THE MATTER
- THE ORDINANCE BE ENACTED**
- FILING WITH THE CLERK
- AMENDING THE ORDINANCE AS FOLLOWS:

Amend the title by replacing "Town of Wilson" with "Town of Holland"

And as so amended, recommend the ordinance be enacted

RESPECTFULLY SUBMITTED THIS 18th DAY OF August 2015

EXECUTIVE COMMITTEE

OPPOSED TO THE REPORT:

THOMAS WEGNER

GEORGE MARTHENZE

WILLIAM C. GOEHRING

VERNON KOCH

EDWARD J. PROCEK

CONCURRING IN THE REPORT:



THOMAS WEGNER




GEORGE MARTHENZE



WILLIAM C. GOEHRING



VERNON KOCH



EDWARD J. PROCEK

1 SHEBOYGAN COUNTY ORDINANCE NO. 04 (2016/17)
2

3 Re: **Amending Shoreland Ordinance in Section 30, Town of Wilson (.15**
4 **Acres of Property – Replacement of Existing Three-span Bridge on**
5 **Marine Drive Over Barr Creek)**
6
7

8 **WHEREAS**, Sheboygan County wishes to rezone 0.15 acres of wetlands in Section 30,
9 T13N-R23E, Town of Holland currently zoned "Shoreland-Wetland District" to be zoned in the
10 "Shoreland District" as described in the proposal on file in the office of the Planning and
11 Conservation Department to allow for replacement of the existing three-span bridge on Marine
12 Drive over Barr Creek, and
13

14 **WHEREAS**, in compliance with the Shoreland Ordinance (Chapter 72, Sheboygan
15 County Code), the required procedural steps have been properly completed and the public
16 hearing held on June 14, 2016, and
17

18 **WHEREAS**, this Committee concludes that the public interest will be served by
19 enactment of this Ordinance in that conservation and environmental protection interests will be
20 carefully honored and monitored;
21

22 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does
23 ordain as follows:
24

25 Section 1. **Amendment of Shoreland Zoning Map**. The "Shoreland Zoning
26 Map, Sheboygan County, Wisconsin" referred to in Section 72.07 of the Sheboygan
27 County Code of General Ordinances is hereby amended to reflect that the district use
28 classification (boundaries) of the above-described property be changed from the
29 "Shoreland-Wetland District" to the "Shoreland District."
30

31 Section 2. **Amending Section 72.07**. Section 72.07 of the Sheboygan County
32 Code is amended as follows (redlining indicates additions; strikeouts indicate deletions):
33

34 **SHORELAND DISTRICTS AND BOUNDARIES**. The areas of Sheboygan County
35 regulated by this Ordinance as described in Section 72.05 and 72.06 of this Code are
36 hereby divided into two (2) districts as defined and described in Sections 72.09 and
37 72.10.
38


39 The boundaries of the districts shall follow the boundaries illustrated on the following
40 maps which are hereby adopted and made a part of this Ordinance and which are on
41 file with the Department: "Shoreland Zoning Map, Sheboygan County, Wisconsin"
42 and the supporting Wisconsin Wetland Inventory Maps for Sheboygan County as
43 revised by the DNR and as amended through the enactment of Ordinance Nos. 2
44 and 3 (2013/14), Ordinance No. 12 (2013/14), and the revisions presented most
45

46 recently at the public hearing held by the Sheboygan County Planning, Resources,
47 Agriculture, and Extension Committee on ~~June 8, 2015~~ June 14, 2016 [this
48 Ordinance].


49
50 Section 3. Effective Date. The herein Ordinance shall take effect upon enactment
51 and publication.


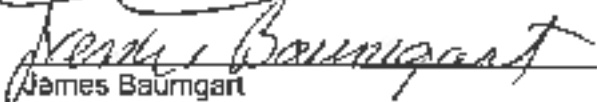
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53
54 Respectfully submitted this 19th day of July, 2016.

55
56
57 **PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE***

58 
59
60
61 Keith Abler, Chairperson


62
63
64 Fran Damp, Vice-Chairperson


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66
67 Libby Ogea, Secretary


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69
70 Steven Bauer

71 James Baumgart

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Opposed to Introduction:

*County Board members signing only

Countersigned by:

Thomas Wegner, Chairperson

FISCAL NOTE

July 2016

Resolution No. 11 (2016/17) Re: Dissolving Loss Prevention Committee

Resolution No. 14 (2016/17) Re: Approving Merger of Eastern Shores Library System with Mid-Wisconsin Library System

Ordinance No. 03 (2016/17) Re: Changing Supervisory District Boundaries to Reflect Annexation

Ordinance No. 04 (2016/17) Re: Amending Shoreland Ordinance in Section 30, Town of Wilson (.15 Acres of Property – Replacement of Existing Three-span Bridge on Marine Drive Over Barr Creek)

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charon, Finance Director
July 15, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 13 (2016/17)
2

3 Re: **Authorizing Sheboygan County to Become a Member of the Property**
4 **Assessed Clean Energy (PACE) Commission**
5

6
7 **WHEREAS**, pursuant to Wis. Stat. § 66.0301, two or more municipalities of the State of
8 Wisconsin may by contract create a commission for the joint exercise of any power or duty
9 required or authorized by law, and
10

11 **WHEREAS**, Sheboygan County is a "municipality" as that term is defined in Wis. Stat. §
12 66.0301, and a political subdivision located in the State of Wisconsin, and
13

14 **WHEREAS**, Sheboygan County is empowered by law to promote economic, cultural,
15 and community development including, without limitation, the promotion of opportunities for the
16 creation or retention of employment, the stimulation of economic activity, the increase of the tax
17 base, and the promotion of opportunities for education, cultural improvement, public health,
18 safety, and general welfare which may be accomplished by various means, and
19

20 **WHEREAS**, Wis. Stat. § 66.0627(8) authorizes a city, a village, a town, and a county in
21 this state to, among other things, make a loan to or otherwise arrange, participate in, or facilitate
22 the financing of an energy improvement, a water efficiency improvement, or a renewable
23 resource application to a real property within its jurisdiction and to provide for such financing
24 through the imposition of a special charge against the property benefitted by the energy or water
25 efficiency improvement or renewable resource project, and
26

27 **WHEREAS**, such financings are commonly referred to as "Property Assessed Clean
28 Energy" or PACE financings, and
29

30 **WHEREAS**, Sheboygan County has determined that it is in the public interest to provide
31 real property owners, lessees, lenders, and other transaction parties in Sheboygan County with
32 access to a uniformly-administered program for PACE financing, and
33

34 **WHEREAS**, the Wisconsin Counties Association, League of Wisconsin Municipalities,
35 Green Tier Legacy Communities, and other stakeholders have studied the possibility of creating
36 a commission pursuant to Wis. Stat. § 66.0301 to be known as the Wisconsin PACE
37 Commission (Commission), and
38

39 **WHEREAS**, Sheboygan County has evaluated joining the Commission and the benefits
40 of PACE financing and has determined that it is in the County's best interests to join the
41 Wisconsin PACE Commission and authorize the execution of the Commission Agreement; and
42

43 **WHEREAS**, the PACE Commission would be formed and operated in accordance with a
44 Joint Exercise of Powers Agreement Relating to Wisconsin PACE Commission, and
45

46 **WHEREAS**, it is the intent of this Resolution to authorize Sheboygan County to become
47 a member of the Commission and authorize the County Board Administrator and County Clerk
48 to execute a Commission Agreement;
49


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NOW, THEREFORE, BE IT RESOLVED that the Sheboygan County Board of Supervisors hereby supports the PACE program, authorizes entering into the PACE Commission Agreement, and authorizes the Sheboygan County Administrator and County Clerk to sign such document after receipt of preliminary approval from the other participating municipalities, approval from the official duly-appointed to approve the final form of the Commission Agreement, and approval of the Corporation Counsel.

BE IT FURTHER RESOLVED that the County Administrator is hereby directed to appoint the Planning & Conservation Director to act as Sheboygan County's official representative in relation to the final approval of the form of the Commission Agreement and to otherwise take all action necessary to effectuate the intent of this Resolution.

Respectfully submitted this 19th day of July, 2016.

**PLANNING, RESOURCES, AGRICULTURE,
AND EXTENSION COMMITTEE***



Keith Abler, Chairperson




Fran Damp, Vice-Chairperson



Libby Ogea, Secretary



Steven Bauer



James Baumgart

Opposed to Introduction:

*County Board Members signing only

FISCAL NOTE
July 2016

Resolution No. 13 (2016/17) Re: Authorizing Sheboygan County to Become a Member of the Property Assessed Clean Energy (PACE) Commission

This resolution is to provide authority to enter into a PACE Commission Agreement and authorizes the County Administrator to appoint the Planning and Conservation Director to act as the Sheboygan County's official representative in relation to the final approval of the form of the Commission Agreement.

How PACE Works. PACE is a voluntary program and stands for Property Assessed Clean Energy. It enables interested Cities or Counties to set up special Clean Energy Development Boards capable of issuing low-interest bonds, and the bond money is used to cover the costs of a loan program.

In the current drafted form of the PACE Commission Agreement on file with Corporation Counsel, loans to the property owner will be provided by the PACE Commission, with any defaults being collected by the County through special charges to the property owner.

Funding:

At this time, it is not defined if there is a financial obligation due from the members of the PACE Commission. What is also unclear is the administrative burden that would be associated with this program.

Respectfully Submitted,



Wendy A. Charon, Finance Director
July 15, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 11 (2016/17)

2
3 Re: Dissolving Loss Prevention Committee
4
5

6 WHEREAS, through the adoption of Resolution No. 47 (1990/91) and Resolution No. 10
7 (1992/93), the County Board created a County Loss Prevention Committee to provide
8 management and education for the purpose of preventing, reducing, and controlling claims
9 against Sheboygan County, and
10

11 WHEREAS, through the years, this Committee has become dormant in that the duties of
12 the Committee have been taken over by the Safety Committee that has been established at the
13 direction of the County Administrator and which has been led by the Human Resources Director
14 and the Director of Emergency Management, together with representatives of various County
15 Departments, and
16

17 WHEREAS, under the circumstances, it is in the best interests of the County that the
18 Loss Prevention Committee be dissolved;
19

20 NOW, THEREFORE, BE IT RESOLVED that the County's Loss Prevention Committee
21 adopted pursuant to Resolution No. 47 (1990/91) and Resolution No. 10 (1992/93) is hereby
22 dissolved.
23
24

25 Respectfully submitted this 19th day of July, 2016.
26
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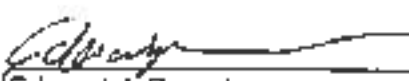
28 EXECUTIVE COMMITTEE

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30 
31 _____
32 Thomas Wegner, Chairperson

33 
34 _____
35 William C. Goehring, Secretary

36 
37 _____
38 George Marbenze, Vice-Chairperson

39 
40 _____
41 Vernon Koch

42 
43 _____
44 Edward J. Procek

45
46
47
48 Opposed to Introduction:

FISCAL NOTE
July 2016

- Resolution No. 11 (2016/17) Re: Dissolving Loss Prevention Committee**
- Resolution No. 14 (2016/17) Re: Approving Merger of Eastern Shores Library System with Mid-Wisconsin Library System**
- Ordinance No. 03 (2016/17) Re: Changing Supervisory District Boundaries to Reflect Annexation**
- Ordinance No. 04 (2016/17) Re: Amending Shoreland Ordinance in Section 30, Town of Wilson (.15 Acres of Property – Replacement of Existing Three-span Bridge on Marine Drive Over Barr Creek)**

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Chamon, Finance Director
July 15, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 15 (2016/17)

2
3 Re: 2017 Five-Year Capital Plan

4
5
6 WHEREAS, Section 5.06(b) of the County Code requires the Finance Committee to
7 propose a Five-Year Capital Plan for submission to the County Board at its August monthly
8 meeting, and

9
10 WHEREAS, the Finance Committee has considered the capital projects of \$100,000.00
11 or more included in the budget requests of the Liaison Committees and has placed each project
12 which it endorses into the upcoming budget year or into any budget year for the following four
13 (4) years of the Five-Year Capital Plan, and

14
15 WHEREAS, the attached Exhibit A is the proposed Five-Year Capital Plan of the
16 Finance Committee;

17
18 NOW, THEREFORE, BE IT RESOLVED, that the attached Exhibit A be adopted as the
19 Five-Year Capital Plan for Sheboygan County and that pursuant to Section 5.06(b)(6) of the
20 County Code of Ordinances, that portion of the Five-Year Capital Plan as adopted by the Board
21 at its September meeting which identifies the capital projects approved for the upcoming budget
22 year shall constitute the capital projects portion of the full budget for 2017.

23
24
25 Respectfully submitted this 16th day of August, 2016.

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28 FINANCE COMMITTEE

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31 _____
32 Greg Weggeman, Chairperson

George J. Marthenze, Vice-Chairperson

33
34
35 _____
36 Mark S. Winkel, Secretary

William C. Goehring

37
38 _____
39 Roger L. Te Stroete

40 Opposed to Introduction:

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42 _____

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1 SHEBOYGAN COUNTY RESOLUTION NO. 16 (2016/17)

2
3 Re Supporting Drug Treatment Court for Sheboygan County

4
5
6 WHEREAS, particularly since 2011, Sheboygan County has experienced a marked increase in
7 prosecutions for possession and delivery of heroin and other opiates, and

8
9 WHEREAS, Sheboygan County has also experienced a marked increase in property crimes
10 related to heroin and opiate addictions, including burglary, retail theft, robberies, prescription fraud, and
11 other crimes committed to obtain heroin and opiate drugs; and

12
13 WHEREAS, in addition to the toll that heroin and opiate abuse is putting on the criminal justice
14 system, the abuse of heroin and opiates has significant human costs as reflected by a marked increase in
15 heroin and opiate overdoses and deaths in Sheboygan County since 2011, and

16
17 WHEREAS, heroin and other opiates are highly addictive and require intensive and long-term
18 treatment;

19
20 WHEREAS, because of the particular challenges of heroin and opiate abuse, various Sheboygan
21 County entities including the Department of Health and Human Services, the District Attorney's Office, the
22 Public Defender's Office, the Department of Corrections (Probation & Parole), private counseling
23 providers, and our Circuit Judges have joined to establish a Sheboygan County Drug Treatment Court to
24 collaboratively and holistically apply the full power of the criminal justice system to address this powerful
25 addiction;

26
27 NOW, THEREFORE, BE IT RESOLVED that the Sheboygan County Board of Supervisors
28 hereby supports the Drug Treatment Court endeavor to provide a long-term and intensive treatment
29 program.

30
31
32 Respectfully submitted this 16th day of August, 2016.

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35 LAW COMMITTEE

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39 _____
Vernon Koch, Chairperson

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42 _____
Fay Uraynar, Secretary

43
44
45 _____
Mark S. Winkel

46
47
48 Opposed to Introduction:

49
50 _____

FISCAL NOTE
August 2016

Resolution No. 16 (2016/17) Re: Supporting Drug Treatment Court for Sheboygan County

Resolution No. 17 (2016/17) Re: Approving Land Swap at Amsterdam Dunes

Ordinance No. 05 (2016/17) Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession)

Ordinance No. 06 (2016/17) Re: Repealing and Re-creating Chapter 71, Shoreland Ordinance

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon, Finance Director
August 12, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 17 (2016/17)

2
3 Re: Approving Land Swap at Amsterdam Dunes

4
5
6 WHEREAS, within the Amsterdam Dunes Preservation and Wetland Mitigation Area
7 ("Amsterdam Dunes") is a small parcel of land of approximately 5.2 acres that is privately owned and
8 completely surrounded by Amsterdam Dunes, and
9

10 WHEREAS, the owners of a portion of the surrounded parcel comprising approximately .53
11 acres are willing to swap their .53-acre parcel in exchange for an 8.5-foot wide sliver of Amsterdam
12 Dunes totaling .1 acre along Lake Michigan adjacent to another parcel of land that they own to
13 merge title, and
14

15 WHEREAS, the 8.5-foot wide sliver is not subject to restrictive covenants that would
16 otherwise preclude its conveyance out of Amsterdam Dunes, and
17

18 WHEREAS, it is in the best interests of Sheboygan County and Amsterdam Dunes to make
19 this exchange;

20
21 NOW, THEREFORE, BE IT RESOLVED that Sheboygan County makes the exchange
22 described above based on the negotiated Offer to Purchase, a copy of which is on file with the
23 County Clerk.
24

25 BE IT FURTHER RESOLVED that the County Board Chairperson and the County Clerk are
26 authorized and directed to sign any documents necessary to close this exchange.
27

28
29 Respectfully submitted this 16th day of August, 2016.
30

31
32 **PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE***

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36 _____
37 Keith Abler, Chairperson

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39 Fran Damp, Vice-Chairperson

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48 Libby Ogea, Secretary

49 _____
50 Steven Bauer

51 _____
52 James Baumgart

Opposed to Introduction:

*County Board members signing only

FISCAL NOTE
August 2016

Resolution No. 16 (2016/17) Re: Supporting Drug Treatment Court for Sheboygan County

Resolution No. 17 (2016/17) Re: Approving Land Swap at Amsterdam Dunes

Ordinance No. 05 (2016/17) Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession)

Ordinance No. 06 (2016/17) Re: Repealing and Re-creating Chapter 72, Shoreland Ordinance

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Chamon, Finance Director
August 12, 2016

1 SHEBOYGAN COUNTY ORDINANCE NO. 05 (2016/17)

2
3 Re: Updating Portion of Peace and Good Order Ordinance
4 (Marijuana/Synthetic Cannabinoid Possession)

5
6
7 WHEREAS, the County Peace and Good Order Ordinance was last updated in a
8 comprehensive manner by the enactment of Ordinance No. 8 (2002/03) on September 17,
9 2002, and

10
11 WHEREAS, because of legislative changes, the Ordinance requires updating;

12
13 NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan
14 does ordain as follows:

15
16 Section 1. Updating Section 38.25(a). Section 38.25(a) of the Sheboygan
17 County Code of Ordinances is hereby amended as follows (deletions indicated by
18 strikeouts, additions by redlining):

19
20 (a) Pursuant to the authority granted to the County Board by Wis. Stat. §§
21 59.54(25) and (25g), ~~the statutory provisions of Wis. Stat. § 961.41(3g)(e)~~
22 ~~prohibiting the possession or attempted possession of~~
23 ~~tetrahydrocannabinols included under Wis. Stat. § 961.14(4)(t) or a~~
24 ~~controlled substance analog of tetrahydrocannabinols are hereby enacted~~
25 ~~by reference and made a part of this Ordinance~~ the possession of
26 marijuana as defined at Wis. Stat. § 961.01(14) or the possession of a
27 synthetic cannabinoid as defined at Wis. Stat. § 961.14(4)(b) is
28 prohibited, subject to the following limitations:

- 29
30 (1) This Ordinance is only applicable to circumstances where the
31 possession is in an amount of twenty-five (25) grams or less.
32
33 (2) This Ordinance is only applicable if the defendant has not
34 previously been convicted of a violation of Wis. Stat. §
35 961.41(3g)(a) or this Ordinance provision
36
37 (3) This Ordinance does not apply in any Sheboygan County
38 municipality that has enacted a similar Ordinance prohibiting the
39 possession of marijuana.
40
41 (4) This Ordinance does not apply where the person has obtained the
42 substance or the analog directly from or pursuant to a valid
43 prescription or order of a practitioner who is acting in the course of

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his or her professional practice, or unless the person is otherwise authorized by Wis. Stat. ch. 961 to possess the substance or analog.

Section 2. Effective Date. The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 16th day of August, 2016.

LAW COMMITTEE

Vernon Koch, Chairperson

Thomas V. Epping, Vice-Chairperson

Fay Uraynar, Secretary

Libby Ogea

Mark S. Winkel

Opposed to Introduction:

Countersigned by:

Thomas Wegner, Chairperson

FISCAL NOTE
August 2016

Resolution No. 16 (2016/17) Re: Supporting Drug Treatment Court for Sheboygan County

Resolution No. 17 (2016/17) Re: Approving Land Swap at Amsterdam Dunes

Ordinance No. 05 (2016/17) Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession)

Ordinance No. 06 (2016/17) Re: Repealing and Re-creating Chapter 72, Shoreland Ordinance

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon, Finance Director
August 12, 2016

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- (a) Preserving wetlands and other fish and aquatic habitat;
 - (b) Regulating pollution sources; and
 - (c) Controlling shoreline alterations, dredging and lagooning;
- (3) Controlling building sites, placement of structures, and land uses through:
- (a) Prohibiting certain uses detrimental to the shoreland-wetlands;
 - (b) Setting minimum lot sizes and widths;
 - (c) Setting minimum building setbacks from waterways, and
 - (d) Setting the maximum height of near shore structures;
- (4) Preserving and restoring shoreland vegetation and natural scenic beauty through:
- (a) Restricting the removal of natural shoreland cover;
 - (b) Preventing shoreline encroachment by structures;
 - (c) Controlling shoreland excavation and other earth-moving activities; and
 - (d) Regulating the use and placement of boathouses and other structures.

72.04 TITLE. This Ordinance shall be known, cited, and referenced to as: **CHAPTER 72, SHORELAND ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN**. As used herein, it may be referred to as "this Ordinance."

72.05 JURISDICTION. Areas regulated by this Ordinance shall include shorelands and wetlands of all navigable waters, as "navigable waters" is defined in Wis. Stat. § 281.31(2)(d) in the unincorporated areas of Sheboygan County which are:

- (1) Within one thousand feet (1,000') of the Ordinary High Water Mark (OHWM) of navigable lakes, ponds, or flowages.
- (2) Within three hundred feet (300') of the OHWM of navigable waterways, or to the landward side of a floodplain, whichever is greater.
- (3) The provisions of this Chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when Wis. Stat. § 13.48(13) applies, state agencies are required to comply with and obtain all necessary permits under local shoreland ordinances. The construction, reconstruction, maintenance, or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if Wis. Stat. § 30.2022(1) applies. Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stat. §§ 61.353 and 62.233.
- (4) Lakes, ponds, flowages, or waterways in Sheboygan County shall be presumed to be navigable if they are designated on the shoreland and wetland maps described in Section 72.07 of this Ordinance. If evidence to the contrary is presented (i.e. that they are navigable or that they are not navigable), the Department shall make the determination as to whether or not the waters in question are navigable under the laws of Wisconsin. The Department shall also make the determination of the location of the OHWM. The Department may contact the appropriate office of the DNR for assistance in the determination of navigability or the location of the OHWM.
- (5) Notwithstanding any other provision of law or administrative rule promulgated thereunder pursuant to Wis. Stat. § 281.31(2a), this Shoreland Zoning Ordinance does not apply to:

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- (a) Lands adjacent to farm drainage ditches if:
 - 1. Such lands are not adjacent to a natural stream or river;
 - 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and
- (b) Lands adjacent to artificially constructed drainage ditches, ponds, or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

72.06 COMPLIANCE.

- (1) The use of any land or water; the size, shape, and placement of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the cutting or removal of shoreland vegetation; and, the subdivision of lots on any area within the boundaries of the districts created and regulated by this Ordinance shall be in full compliance with the terms of this Ordinance and all other applicable local, state, or federal regulations. (See Section 72.20 of this Ordinance for standards applicable to pre-existing, non-conforming uses and structures.) Property owners, builders, and contractors are responsible for all Ordinance and code compliance and for reasonable care in construction or other development.
- (2) 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 Wis. Stat. § 13.48(13). Activities that are carried out under the direction and supervision of the Department of Transportation in connection with highway bridge or other transportation project design, location, construction, reconstruction, maintenance, and repair are not subject to the provisions of this Ordinance, provided the requirements of Wis. Stat. § 30.2022 are complied with. Activity where not exempt under Wis. Stat. § 30.2022 and the activity of County and local highways and bridges shall comply with this Ordinance and follow the procedure established in Wis. Admin. Code Ch. Trans 207, pursuant to an agreement with the DNR, and a Shoreland Zoning Permit shall not be required.

Notwithstanding the above, the permit and hearing fees set may be waived for such governmental applicants or agencies thereof, including special purpose units of government (e.g. sanitary and utility districts, lake management districts, school districts, housing authorities, public utilities).
- (3) Unless specifically exempted or prohibited by law, all maps, plats, or descriptions which are prepared by Sheboygan County or which are prepared by individuals or entities pursuant to this Chapter shall be oriented and referenced to the Sheboygan County Coordinate Grid as defined as the Sheboygan County Coordinate Monumentation System at Section 71.26 of the Sheboygan County Code of Ordinances.

72.07 SHORELAND DISTRICTS AND BOUNDARIES. The areas of Sheboygan County regulated by this Ordinance as described in Section 72.05 and 72.06 of this Code are hereby divided into two (2) districts as defined and described in Sections 72.09 and 72.10.

The boundaries of the districts shall follow the boundaries illustrated on the following maps which are hereby adopted and made a part of this Ordinance and which are on file with the Department:

161 "Shoreland Zoning Map, Sheboygan County, Wisconsin" and the supporting Wisconsin Wetland
162 Inventory Maps for Sheboygan County as found on the Wisconsin Department of Natural
163 Resources Surface Water Data Viewer as of the date of enactment.
164

165 72.08 LOCATING BOUNDARIES. Where an apparent discrepancy exists between the boundaries
166 shown on the maps described in Section 72.07 and actual field conditions at the time the maps
167 were adopted, the Department shall contact the appropriate office of the DNR to determine if the
168 boundaries as mapped are in error. If the DNR staff concur with the Department that a particular
169 area was incorrectly mapped, the Department shall have the authority to immediately grant or
170 deny a Shoreland Zoning Permit in accordance with the regulations applicable to the correct
171 zoning district. In order to correct wetland mapping errors on the zoning map described in
172 Section 72.07, the Department shall be responsible for initiating a map amendment within a
173 reasonable period of time, but not to exceed one (1) year following the determination.
174

175 72.09 SHORELAND-WETLAND DISTRICT. This District includes all shorelands subject to regulation
176 under Section 72.05 which are designated as wetlands on the wetland inventory maps referred to
177 in Section 72.07 or by application of Section 72.08.
178

179 (1) PURPOSE. The purpose of the Shoreland-Wetland District is to maintain safe and
180 healthful conditions, to prevent water pollution, to protect fish spawning grounds and
181 wildlife habitat, to preserve shore cover and natural beauty, and to control building and
182 development in wetlands whenever possible. Development in wetlands should be limited
183 and, when development is permitted, it shall occur in a manner that minimizes the
184 adverse impacts upon the wetland.
185

186 (a) Wetlands are seldom suitable as building sites for the following reasons:

- 187 1. On-site sewage disposal systems will not function because of high
188 ground water.
- 189 2. Water supplies are often polluted by septic tank wastes that have not
190 been adequately absorbed and purified by the soil.
- 191 3. Foundations, roads, and other pavements crack due to poor support
192 capabilities and frost action.
- 193 4. Flooding is common in spring and other times of high water.

194 (b) Wetlands provide fish spawning grounds and wildlife habitat, and the natural
195 plant and animal communities found in wetlands provide ecological balance to a
196 watercourse.

197 (c) Wetlands serve as water storage areas and, therefore, minimize flooding and
198 costly flooding damages.

199 (d) Wetlands biologically treat and purify water and, therefore, prevent water
200 pollution.

201 (2) PERMITTED USES. The following uses shall be allowed, subject to the other general
202 shoreland zoning regulations as applicable throughout this Ordinance, the provisions of
203 Wis Stat. chs 30 and 31, Wis. Stat. §§ 281.35 and 281.37, and the provisions of other
204 local, state, and federal laws, if applicable.
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- (a) Activities and uses which do not require the issuance of a Shoreland Zoning Permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling, or excavating:
 - 1. Hiking, fishing, trapping, swimming, boating, and hunting, including the construction and maintenance of blinds for water fowling.
 - 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
 - 3. The practice of silviculture, including the planting, thinning, and harvesting of timber.
 - 4. The pasturing of livestock.
 - 5. The cultivation of agricultural crops.

- (b) Uses which do not require the issuance of a Shoreland Zoning Permit and which may involve limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - 1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
 - 2. The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
 - 3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
 - 4. The construction or maintenance of fences for the pasturing of livestock including limited excavating and filling necessary for such construction or maintenance.
 - 5. The construction or maintenance of piers, docks or walkways built on pilings including limited excavating and filling necessary for such construction and maintenance.
 - 6. The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.

- (c) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, tiling, or excavating, but only to the extent specifically provided below:

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1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation provided that:
 - A. The road cannot, as a practical matter, be located outside the wetland
 - B. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland enumerated in Section 72.09(4)(b)1 through 7;
 - C. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - D. Road construction activities are carried out in the immediate area of the roadbed only.

2. The construction and maintenance of non-residential buildings provided that:
 - A. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or some other use permitted in the Shoreland-Wetland District;
 - B. The building cannot, as a practical matter, be located outside the wetland;
 - C. Such building is not designed for human habitation and does not exceed five hundred (500) square feet in floor area; and
 - D. Filling or excavating is authorized only to that which is necessary to provide structural support for the building.

3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 - A. Any private development is used exclusively for the permitted purpose and the applicant has received a permit or license under Wis. Stat. ch. 29, where applicable,
 - B. Filling or excavating necessary for the construction or maintenance of boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria of Section 72.09(2)(c); and
 - C. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor educational areas, historic and scientific areas, wildlife refuges, game, bird, and animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

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- 4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members, and the construction or maintenance of railroad lines, provided that:
 - A. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; and
 - B. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetlands enumerated in Section 72.09(4)(b) i through 7.
- (3) **PROHIBITED USES.** Any use not listed in Section 72.09(2), above, is prohibited, unless the wetland or a portion of the wetland is rezoned by an amendment of this Ordinance in accordance with the requirements of Wis. Stat. § 59.59(5)(e), Wis. Admin. Code Ch. NR 115, and Section 72.09(4)
- (4) **REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT.**
 - (a) For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate office of the DNR shall be provided with the following:
 - 1. A copy of every petition for a text or map amendment to the Shoreland-Wetland District within five (5) days of the filing of such petition with the County Clerk with a copy to the Department. Such petition shall include a copy of the Wisconsin Wetland Inventory Map adopted and referred to at Section 72.07 describing the proposed rezoning of a shoreland-wetland;
 - 2. Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
 - 3. A copy of the Department's findings and recommendations on each proposed amendment, within ten (10) days after the submission of those findings and recommendations to the County Board; and
 - 4. Written notice of the County Board's enactment or other action, within ten (10) days after it is issued.
 - (b) A wetland or a portion thereof in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - 1. Storm and flood water storage capacity;
 - 2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - 3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;

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- 4. Shoreline protection against soil erosion;
- 5. Fish spawning, breeding, nursery, or feeding grounds;
- 6. Wildlife habitat; or
- 7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in Wis. Admin. Code § NR 103.04 which can be accessed at the following web site:

<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

(c) If the DNR has notified the Department that a proposed text or map amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Subsection (b), above, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the DNR. During that thirty- (30-) day period, the DNR may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Wis. Stat. § 59.692(6). If the DNR does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under Wis. Stat. § 59.692(6) is completed or otherwise terminated. If the DNR does not so notify the County Board, the amendment shall take effect upon publication." The Department shall notify the property owner that the amendment has been stayed.

72.10 SHORELAND DISTRICT.

- (1) DESIGNATION. This District includes all shorelands subject to regulation under Section 72.05 which are not designated as wetlands on the "Shoreland Zoning Map" and wetland inventory maps cited in Section 72.07.
- (2) PURPOSE. The purpose of the Shoreland District is to protect waters by providing for safe and orderly shoreland development. In this District, residential, recreational, and conservancy uses are permitted and a limited number of commercial uses are allowed as conditional uses. All permitted uses or conditional uses are subject to the general provisions of this Ordinance and all other applicable laws and regulations.
- (3) PERMITTED USES.
 - (a) Any use permitted under Section 72.09(2), except that if the use requires the issuance of a Shoreland Zoning Permit under Section 72.09, it requires a Shoreland Zoning Permit under this Section as well.
 - (b) Single-family detached dwellings, including mobile homes that meet the definition and standards set forth in Section 72.31(35), provided a Shoreland Zoning Permit under Section 72.23 is issued.
 - (c) Parks and playgrounds, provided a Shoreland Zoning Permit under Section 72.23 is issued.

- 428 (d) Accessory uses, provided a Shoreland Zoning Permit under Section 72.23 is
- 429 issued.
- 430
- 431 (e) Bathhouses, provided they meet the standards of Section 72.15(2)(a), and
- 432 provided a Shoreland Zoning Permit under Section 72.23 is issued.
- 433
- 434 (f) Signs that meet the Shoreland setback requirement if approved by the Town in
- 435 which they are located.
- 436
- 437 (4) CONDITIONAL USES. The following uses, if permitted or approved pursuant to the
- 438 underlying municipal zoning and other land use ordinances, are permitted upon the
- 439 issuance of a Conditional Use Permit according to the procedure set forth in Section
- 440 72.24.
- 441
- 442 (a) Two- (2-) family dwellings.
- 443
- 444 (b) Multiple-family dwellings.
- 445
- 446 (c) Planned Unit Developments, planned, designed, and developed in conformance
- 447 with Section 71.24 of the Sheboygan County Code of Ordinances. The County
- 448 Board may, at its discretion, upon its own motion or upon petition, approve a
- 449 Planned Residential Unit Development Overlay District upon finding, after a
- 450 public hearing, that all of the following facts exist:
- 451
- 452 1. Area. The area proposed for the Planned Residential Unit Development
- 453 shall be at least two (2) acres in size or have a minimum of two hundred
- 454 (200) feet of frontage on navigable water
- 455
- 456 2. Lots. Any proposed lot in the Planned Residential Unit Development that
- 457 does not meet the minimum size standards of Section 72.14 and as
- 458 otherwise may be required shall be a non-riparian lot.
- 459
- 460 3. Vegetative buffer zone and preservation of ground cover. The location of
- 461 lots and the dedication of part of the land for use by the public or
- 462 residents of the Planned Residential Unit Development shall preserve
- 463 the vegetative buffer zone and ground cover of the shoreland to enhance
- 464 scenic beauty of the navigable water, prevent erosion, and provide
- 465 wildlife habitat. In cases where the vegetative buffer does not exist it
- 466 shall be re-established. All lands not used for lots and streets shall be
- 467 dedicated in perpetuity to remain in open space. This may be
- 468 accomplished by conveyance in common to each of the owners of lots in
- 469 the development or to a corporation formed by them, or by dedication to
- 470 the County, Town, or municipality. Lands dedicated to the public must
- 471 be accepted by action of the governing body of the accepting unit of
- 472 government. If the land is to be conveyed to owners of lots in the
- 473 development, a homeowner's association, or similar legally constituted
- 474 body shall be created to maintain the open space land. Any restriction
- 475 placed on platted land by covenant, grant of easement, or any other
- 476 manner which was required by a public body or which names a public
- 477 body as grantee, promisee, or beneficiary, shall vest in the public body
- 478 the right to enforce the restriction at law or in equity against anyone who
- 479 has or acquires an interest in the land subject to the restriction,
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4. Density. The number of platted lots shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision by the minimum lot size requirement by Section 72.14.
 5. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Residential Unit Development, the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions shall apply, except that maximum width of a lake frontage opening shall be one hundred (100) feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
 - (d) Public, parochial, and private schools.
 - (e) Churches and similar places of religious worship.
 - (f) Professional offices.
 - (g) Governmental and cultural uses such as fire and police stations, community centers, municipal buildings, libraries, cemeteries, and museums.
 - (h) Golf courses and country clubs.
 - (i) Hotels, resorts [including two (2) or more seasonal dwelling units on a single lot for rent or lease], motels, restaurants, dinner clubs, taverns, and other private or public clubs.
 - (j) Recreational camps and campgrounds. Recreational camps shall conform to Wis. Admin. Code Ch. H 75 and campgrounds shall conform to Wis. Admin. Code Ch. H 76.
 - (k) Individual gift and retail specialty shops.
 - (l) Marinas, boat liveries, boat shops, sports equipment stores, watercraft and marine motor sales and service stores, and fish farms.
 - (m) Agricultural uses, provided that the following conditions shall apply in addition to any other conditions that may be established by the Committee:
 1. New farm buildings housing animals, and all new barnyards or feedlots shall be located so that manure will not drain into any navigable water. (Waste collection and disposal systems may be required to prevent manure from draining into any navigable water.)
 2. The floodplain zoning standards set forth in Chapter 73 of the Sheboygan County Code of Ordinances shall apply hereto.

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- (n) Warehouses, provided that the underlying zoning is industrial or commercial and that the following conditions shall apply in addition to any other conditions that may be established by the Committee:
 - 1. Stormwater management and erosion control plans (prepared in accordance with Wis. Admin. Code Chs. NR 151 and NR 152 or Chapter 78 of the Sheboygan County Code of Ordinances regardless of whether a permit might otherwise be required, whichever is more restrictive) shall be submitted for developments in which parking lots, support and accessory facilities, and other impervious surfaces, in the aggregate, exceed ten thousand (10,000) square feet in area. Such plans shall discourage direct stormwater discharge to the navigable waters, or shall provide for adequate detention/retention or pretreatment.
 - 2. The storage, processing, or manufacture of any materials hazardous, explosive, or otherwise injurious to humans, animals, vegetation, ground, and surface waters shall be prohibited.
 - 3. Motor vehicle service and repair facilities shall be prohibited.

- (o) Light Industry, provided that the following conditions shall apply in addition to any other conditions that may be established by the Committee:
 - 1. The underlying municipal zoning is industrial or commercial.
 - 2. Stormwater management and erosion control plans for the site shall be required and implemented. The plans and implementation shall be reviewed and approved by the Department for existing developments in which parking lots, support and accessory facilities, and other impervious surfaces, in the aggregate, exceed ten thousand (10,000) square feet in area. The plans and their implementation shall be based on Best Management Practices (BMPs) and shall be designed and installed to handle the largest storm event possible considering the physical constraints of the existing property prior to the planning and construction of additional impervious surfaces. The plans shall discourage direct stormwater discharge to the navigable waters, or shall provide for adequate detention/retention or pretreatment. In addition, the plans shall include an "Operation and Maintenance Plan" that establishes monitoring and maintenance requirements for the BMPs to ensure the BMPs will operate as designed and thereby protect the waters of the state. BMPs shall be constructed prior to the start of the industrial/manufacturing operation pending soil and weather conditions.
 - 3. Outdoor storage of raw materials, finished products, and waste materials/process by-products shall be prohibited or otherwise screened from view and covered to prevent off-site migration via wind or water.
 - 4. The storage, processing, or manufacture of any materials which are hazardous, explosive, or otherwise injurious to humans,

588 animals, vegetation, ground, and surface waters shall be
589 prohibited

590
591 5. Motor vehicle service and repair facilities shall be prohibited.
592

593 (p) Non-metallic mining, provided all provisions of Chapter 78 of the Sheboygan
594 County Code of Ordinances are adhered to regardless of whether a permit is
595 required and provided that the activity has a set-back of three hundred (300') feet
596 from the OHWM.
597

598 72.11 LAND DIVISION REVIEW. In addition to the zoning provisions set forth herein, all land divisions
599 involving land in the Shoreland-Wetland District and/or in the Shoreland District are subject to the
600 requirements of Chapter 71 of the Sheboygan County Code of Ordinances, including Section
601 71.18 thereof.
602

603 72.12 RESERVED.
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605 72.13 SANITARY REGULATIONS. In addition to the zoning provisions set forth herein, all land in the
606 Shoreland-Wetland District and/or in the Shoreland District are subject to the sanitary regulations
607 of Chapter 70 of the Sheboygan County Code of Ordinances.
608

609 72.14 BUILDING SITES AND DIMENSIONS. Any Shoreland Zoning Permit or Conditional Use Permit
610 issued hereunder shall have as applicable these additional requirements:
611

612 (1) The dimensions of all building lots hereinafter created shall be subject to Chapter 71 of
613 the Sheboygan County Code of Ordinances, and in addition, in order to afford protection
614 against danger to health, safety, and welfare and protection against pollution of adjacent
615 bodies of water:
616

617 (a) "Sewered lots." Lots served by a public sanitary sewer shall have a minimum
618 width of sixty-five feet (65') and ten thousand (10,000) square feet of area. If
619 abutting a navigable waterway, it shall have at least sixty-five feet (65') of
620 frontage at the OHWM.
621

622 (b) "Unsewered lots." Lots not served by a public sanitary sewer shall have a
623 minimum width of one hundred feet (100'), and twenty thousand (20,000) square
624 feet of area. If abutting a navigable waterway, it shall also have at least one
625 hundred feet (100') of frontage at the OHWM.
626

627 (2) A legally-created lot or parcel that met minimum area and minimum average width
628 requirements when created but does not meet current lot size requirements may be used
629 as a building site if all of the following apply:
630

631 (a) The substandard lot or parcel was never reconfigured or combined with another
632 lot or parcel by plat, survey, or consolidation by the owner into one (1) parcel;
633

634 (b) The substandard lot or parcel has never been developed with one (1) or more of
635 its structures placed partly upon an adjacent lot or parcel; and
636

637 (c) The substandard lot or parcel is developed to comply with all other ordinance
638 requirements.
639

- 640 (3) Except for lots which meet the requirements of Section 72.14(1) and (2), a Shoreland
 641 Zoning Permit for the improvement of a lot having lesser dimensions than those stated
 642 herein shall be issued only if a variance is granted by the Board of Adjustments
 643
 644 (4) Only one (1) principal structure and one (1) principal use shall be permitted on a single
 645 parcel, lot, or tract of land unless expressly approved on an individual basis for such uses
 646 as Planned Unit Developments, condominiums, or other clustered projects, in
 647 accordance with the provisions of Sections 72.10, 72.11, and 72.13.
 648
 649 (5) Accessory structures shall not be constructed or placed until their principal structure is
 650 present or under construction.
 651

652 **72.15 SETBACKS.** In order to conform to health and safety concerns, preserve natural beauty, reduce
 653 flood hazards, and avoid water pollution, any use of property within a Shoreland-Wetland District
 654 or a Shoreland District shall have as applicable these additional requirements:
 655

656 (1) **SETBACKS FROM THE OHWM.** [NOTE: Setbacks hereunder are to be measured at
 657 right angles from lot lines or the OHWM, horizontally, to the closest projection of the
 658 structure or integral part thereof, including attached decks, porches, balconies, attached
 659 covered stairs and landings, chimneys, such architectural projections as sills, eaves, and
 660 belt courses, and attached garages.]
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662 (a) Inland Navigable Waters, except if exempt or reduced as hereafter provided.

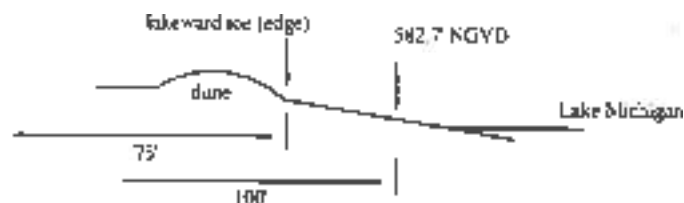
- 663
 664 1. Required Setbacks. All structures shall require a setback of at least
 665 seventy-five feet (75') from the OHWM although a greater setback may
 666 be required where otherwise regulated by the floodplain provisions of
 667 Chapter 73 of the County Code of Ordinances or other more restrictive
 668 ordinances.
 669

670 (b) Lake Michigan.

- 671
 672 1. Findings of Fact. Lake Michigan possesses unique ecological
 673 characteristics, water level fluctuations, and erosion hazards, not found
 674 on other surface waters in Sheboygan County.
 675
 676 2. Required Setbacks. All structures shall be set back at least one hundred
 677 feet (100') from the OHWM elevation of 582.7' National Geodetic Vertical
 678 Datum (NGVD) or Mean Sea Level (MSL) or 75' from the lakeward toe of
 679 the natural primary dune, whichever is less.

Toe: The lowest point on the slope of a dune
 or bluff.

Lakeward toe: The toe or edge on the lake
 side of the dune.



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(c) **Reduced Setback for New Principal Structures.** A setback less than the seventy-five foot (75') required setback from the OHWM shall be permitted for a proposed principal structure and shall be determined as follows:

1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the OHWM provided all of the following are met:
 - A. Both of the existing principal structures are located on an adjacent lot to the proposed principal structure;
 - B. Both of the existing principal structures are located within two hundred fifty feet (250') of the proposed principal structure;
 - C. Both of the existing principal structures are located less than seventy-five feet (75') from the OHWM, and
 - D. The average setback shall not be reduced to less than thirty-five feet (35') from the OHWM of any navigable water.

Functional appurtenances such as decks or porches that are attached to the proposed principal structure must comply with the reduced principal structure setback but shall not be used in the calculation of the reduced principal structure setback

(2) **EXEMPT STRUCTURES.** All of the following structures are exempt from the setback standards in Subsection (1), above:

- (a) **Boathouses** located entirely above the OHWM and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation, subject to the following:
 1. Boathouses shall be designed and constructed solely for the storage of watercraft and related equipment.
 2. Only one boathouse is permitted on a lot as an accessory structure.
 3. Boathouses shall not exceed one (1) story in height.
 4. Boathouses shall not extend below the OHWM or more than thirty feet (30') landward of the OHWM and shall be constructed in conformity with all floodplain zoning standards.
 5. The sidewall height of boathouses shall not exceed ten feet (10')
 6. The main door must face or open towards the lake.
 7. The roof of a boathouse may be used as a deck provided that:
 - A. The boathouse has a flat roof.
 - B. The roof has no side walls or screens; and

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- C. The roof may have a railing that meets the Department of Safety and Professional Services standards.

- (b) Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in Wis. Stat. § 59.692(1v).
 - 1. The part of the structure that is nearest to the water is located at least thirty-five feet (35') landward from the OHWM.
 - 2. The floor area of all the structures in the shoreland setback area will not exceed two hundred (200) square feet excepting stairways, walkways, and boathouses.
 - 3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 - 4. The Department must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least seventy percent (70%) of the half of the shoreland setback area that is nearest to the water.
 - 5. A Department-approved affidavit must be filed by the property owner with the Register of Deeds prior to construction acknowledging the limitations on the vegetation required above which shall run with the land.
 - 6. The structure must be free-standing and more than five feet (5') from a principal structure.

- (c) Broadcast signal receivers, including satellite dishes or antennas that are one (1) meter or less in diameter and satellite earth station antennas that are two (2) meters or less in diameter, and small, moveable structures at the discretion of Department staff.

- (d) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code Ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

- (e) Walkways, stairways, or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of sixty (60) inches in width. One (1) walkway is allowed per single-family residential property; two (2) walkways are allowed for a two-family residence. For all other uses, one (1) walkway is allowed per one hundred feet (100') of frontage.

- (f) Devices or systems used to treat runoff from impervious surfaces.

- (3) EXISTING EXEMPT STRUCTURES. Existing exempt structures that were legally constructed may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure without permit fee, or

788 mitigation. Expansion of a structure beyond the existing footprint is allowed if the
789 expansion is necessary to comply with applicable state or federal requirements

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791 (4) **FLOODPLAIN STRUCTURES** Buildings and structures to be constructed or placed in a
792 floodplain shall be required to comply with Chapter 73 of the Sheboygan County Code of
793 Ordinances.

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795 (5) **BLUFF SETBACKS.** From the north City of Sheboygan limit to the north County line the
796 coast of Lake Michigan consists almost entirely of steep bluffs ± 50 feet in height; long-
797 term recession (erosion) rates of ± 2 feet per year have been recorded along this coastal
798 reach. To protect property and life and minimize costly damage, the structure setback in
799 this area is based upon the long-term recession rate of two feet (2') per year and a fifty-
800 (50-) year period as the useful life of the structure. As such, all new principal structures
801 must be setback at least one hundred feet (100') from the edge of the bluff. New
802 accessory structures must meet the setback found in Section 72.15 (1)(a)1.

803
804 The Board of Adjustment may approve, as a variance under the provisions of Section
805 72.25, a reduction of the bluff setback upon presentation by the applicant of acceptable
806 engineering studies documenting:

- 807
808 A. Lower recession rates;
809 B. More stable slope conditions;
810 C. Plans for structural protection against wave attack; and
811 D. Plans for stabilization of the bluff or shoreline.

812
813 **72.16 VEGETATION**

814
815 (1) **Purpose.** To protect water quality, fish and wildlife habitat and natural scenic beauty, and
816 to promote preservation and restoration of native vegetation, owners of property in
817 shoreland-wetland zones and/or shoreland zones must consider sound forestry and soil
818 conservation practices and the effect of vegetation removal on water quality, including
819 soil erosion, and the flow of effluents, sediments and nutrients.

820
821 (2) **Limitations.** Land that extends from the ordinary high water mark to a minimum of
822 thirty-five feet (35') inland shall be designated as a vegetative buffer zone and removal of
823 vegetation in the vegetative buffer zone is prohibited except as follows:

824
825 (a) Routine maintenance of vegetation is allowed.

826
827 (b) Removal of trees and shrubs in the vegetative buffer zone is allowed to create
828 access and viewing corridors. The viewing corridor may be thirty-five feet (35')
829 wide for every one hundred feet (100') of shoreline frontage or a maximum of
830 thirty-five percent (35%) of the frontage. The viewing corridor may run
831 contiguously for the entire maximum width of shoreline frontage owned.

832
833 (c) Removal of trees and shrubs in the vegetative buffer zone on a parcel with ten
834 (10) or more acres of forested land consistent with "generally accepted forestry
835 management practices" as defined in Wis. Admin. Code \S NR 1.25(2)(b) and
836 described in DNR publication *Wisconsin Forest Management Guidelines*
837 (publication FR-226), provided that vegetation removal be consistent with these
838 practices.

839
840 (d) Removal of vegetation within the vegetative buffer zone is allowed to manage
841 exotic or invasive species, damaged vegetation vegetation that must be

842 removed to control disease, or vegetation creating an imminent safety hazard,
843 provided that any vegetation removed under the permit be replaced by replanting
844 in the same area as soon as practicable. The Department may require
845 documentation from a qualified professional supporting the need for removal of
846 the additional vegetation.
847

848 (e) Additional vegetation management activities in the vegetative buffer zone may be
849 authorized by permit. The permit shall require that all management activities
850 comply with detailed plans approved by the Department and designed to control
851 erosion by limiting sedimentation into the waterbody, to improve the plant
852 community by replanting in the same area, and to maintain and monitor the
853 newly-restored area. The permit also shall require an enforceable restriction to
854 preserve the newly-restored area. The Department may require documentation
855 from a qualified professional supporting the need for additional vegetation
856 management activities.
857

858 (3) Cutting More than Thirty-five Feet (35') Inland. From the inland edge of the thirty-five-foot
859 (35') area to the outer limits of the shoreland, the cutting of vegetation shall be allowed
860 when accomplished using accepted forest management and soil conservation practices
861 which protect water quality.
862

863 72.17 FILLING, DREDGING, LAGOONING, GRADING, DITCHING, AND EXCAVATING. Any filling,
864 grading, lagooning, dredging, ditching, and excavating on property within a Shoreland-Wetland
865 District or a Shoreland District shall be permitted only in accordance with the provisions of Wis.
866 Admin. Code § NR 115.04, the requirements of Wis. Stat. chs. 30 and 31 and only if done in a
867 manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat
868 and natural scenic beauty, and these additional requirements:
869

870 (1) GENERAL STANDARDS. Filling, dredging, lagooning, grading, ditching, or excavating
871 which does not require a Shoreland Zoning Permit is allowed, provided that
872

873 (a) It is done in a manner designed to minimize erosion, sedimentation, and
874 impairment of fish and wildlife habitat.
875

876 (b) Filling, dredging, lagooning, grading, ditching, or excavating in a
877 shoreland-wetland area meets the requirements of Section 72.09(2)(b)
878

879 (c) A local, state, or federal permit is obtained if local, state, or federal laws require
880 the issuance of a permit for the filling, dredging, lagooning, grading, ditching, or
881 excavating that is proposed.
882

883 (d) Any fill placed in the shoreland area is protected against erosion by the use of
884 riprapping, vegetative cover, or a bulkhead.
885

886 (2) PERMIT REQUIRED. Except as provided in Section 72.17(4), a Shoreland Zoning
887 Permit is required:
888

889 (a) For development anywhere in a mapped floodplain under the jurisdiction of
890 Chapter 73 of the Sheboygan County Code of Ordinances.
891

892 (b) For any filling or grading of any area which is within three hundred feet (300') of
893 the OHWM of a navigable waterway and which has surface drainage toward the
894 water and on which there is either:
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1. Any filling or grading on slopes of twenty percent (20%) or more; or
 2. Filling or grading of more than one thousand (1,000) square feet on slopes of twelve percent (12%) to twenty percent (20%); or
 3. Filling or grading of more than two thousand (2,000) square feet on slopes of twelve percent (12%) or less.
- (c) For construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway which is within three hundred feet (300') of the OHWM of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.
- (3) PERMIT CONDITIONS. In granting a permit under Subsection (2), above, the Department shall attach the following conditions, where appropriate, in addition to those provisions specified in Sections 72.23.
- (a) The smallest amount of bare ground shall be exposed for as short a time as feasible.
 - (b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
 - (c) Diversion berms or bales, silted basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
 - (d) Lagoons shall be constructed to avoid fish trap conditions.
 - (e) Fill shall be stabilized according to accepted engineering standards.
 - (f) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
 - (g) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.
- (4) SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE.
- (a) Soil conservation practices such as tilled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit when designed and constructed to Natural Resources Conservation Service technical standards.
 - (b) The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
 1. The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a permit under Section 72.17(2) is obtained.
 2. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.

- 950 3 Ditch banks shall be maintained in a sod cover and free of woody
951 vegetation.
952
953 4. A minimum thirty-five- (35-) foot wide buffer strip of untilled, ungrazed
954 sod cover shall be maintained adjacent to the ditch bank.
955

956 72.18 IMPERVIOUS SURFACE STANDARDS.
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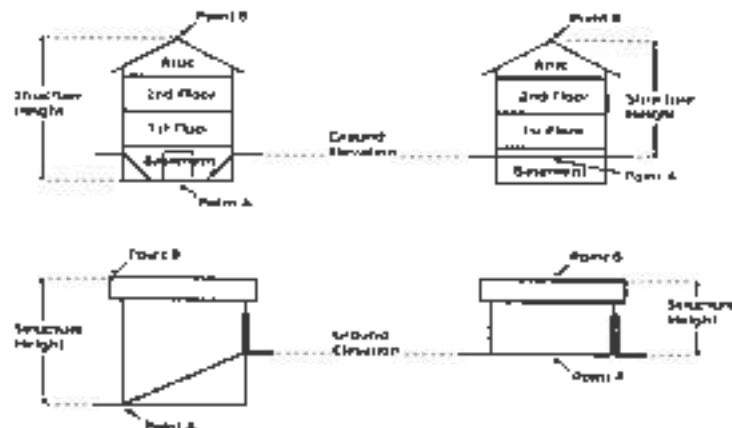
- 958 (1) PURPOSE. To protect water quality and fish and wildlife habitat and to protect against
959 pollution of navigable waters, these impervious surface standards are established and
960 shall apply to the construction, reconstruction, expansion, replacement, or relocation of
961 any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is
962 located entirely within three hundred feet (300') of the OHWM of any navigable waterway.
963 These standards are in addition to and do not supersede any other applicable provisions
964 of this Ordinance.
965
966 (2) CALCULATION OF IMPERVIOUS SURFACE. The percentage of impervious surface
967 shall be calculated by dividing the surface area of existing and proposed impervious
968 surfaces on the portion of a lot or parcel that is within three hundred feet (300') of the
969 OHWM by the total surface area of the lot or parcel and multiplying by one hundred
970 (100). The Department may require a survey of existing impervious surfaces to be
971 included as part of the permit application.
972
973 (3) IMPERVIOUS SURFACE STANDARD. Up to fifteen percent (15%) impervious surface
974 can be permitted on the portion of a lot or parcel that is within three hundred feet (300') of
975 the OHWM.
976
977 (4) MAXIMUM IMPERVIOUS SURFACE. More than fifteen percent (15%) but not more than
978 thirty percent (30%) impervious surface can be permitted on the portion of a lot or parcel
979 that is within three hundred feet (300') of the OHWM, but for that portion of the
980 development that exceeds fifteen percent (15%) impervious surface but not more than
981 thirty (30%) impervious surface, a permit shall be required which includes a mitigation
982 plan that meets the standards found in Section 72.21.
983
984 (5) TREATED IMPERVIOUS SURFACES. Impervious surfaces that can be documented to
985 show they must meet either of the following standards shall be excluded from the
986 impervious surface calculations under Section 72.18(2) of this Code.
987
988 (a) The impervious surface is treated by devices such as stormwater ponds,
989 constructed wetlands, infiltration basins, rain gardens, bio-swales, or other
990 engineered systems and a maintenance plan is signed by the property owner
991 and recorded with the Register of Deeds.
992
993 (b) The runoff from the impervious surface discharges to an internally drained
994 pervious area that retains the runoff on or off the parcel and allows infiltration into
995 the soil. If the internally drained area is located off the parcel, written permission
996 must be granted from owner of the property to receive the runoff and submitted
997 to the Department.
998
999 (6) EXISTING IMPERVIOUS SURFACES. For existing impervious surfaces that were
1000 lawfully placed when constructed but that do not comply with the impervious surface
1001 standards provided herein, the property owner may do any of the following:
1002
1003 (a) maintain and repair the existing impervious surfaces,

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- (b) replace existing impervious surfaces with similar surfaces within the existing impervious surface footprint;
- (c) relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this Ordinance, and the impervious surface meets the applicable setback requirements in Section 72.15.

(7) **CONSTRUCTION.** This Section of the Ordinance shall not be construed to supersede the other provisions in this Ordinance. Maintenance, reconstruction, relocation, and expansion of existing structures must comply with other provisions in this Ordinance, including the shoreland setback and non-conforming structures provisions.

72.19 **HEIGHT.** To protect and preserve wildlife habitat and natural scenic beauty, construction shall not be permitted that results in a structure taller than thirty-five feet (35') within seventy-five feet (75') of the OHWM of any navigable waters. Structure height shall be measured as follows: The measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram) unless specified under other Sections of this Ordinance.



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72.20 **NONCONFORMING USES AND STRUCTURES AND STRUCTURES AUTHORIZED BY VARIANCE.**

- (1) **DISCONTINUED NONCONFORMING USE.** If a nonconforming use is discontinued for a period of twelve (12) months, any future use of the building, structure, or property shall conform to this Ordinance.
- (2) **MAINTENANCE, REPAIR, REPLACEMENT, OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES.** An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the nonconforming structure without permit, fee, or mitigation. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded without permit fee or mitigation unless the vertical expansion would extend more than thirty-five feet

- 1045 (35') above grade level. The expansion of a structure beyond the existing footprint may
 1046 be allowed if the expansion is necessary to comply with applicable state or federal
 1047 requirements.
- 1048
- 1049 (3) **LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN**
 1050 **THE SETBACK.** An existing principal structure that was lawfully placed when
 1051 constructed but that does not comply with the required building setback pursuant to
 1052 Section 72.15 of this Code may be expanded laterally, provided that all of the following
 1053 requirements are met:
- 1054
- 1055 (a) The use of the structure has not been discontinued for a period of twelve (12)
 1056 months or more if a nonconforming use.
- 1057
- 1058 (b) The existing principal structure is at least thirty-five feet (35') from the OHWM.
- 1059
- 1060 (c) Lateral expansions are limited to a maximum of two hundred (200) square feet
 1061 over the life of the structure.
- 1062
- 1063 (d) No portion of the expansion may be any closer to the OHWM than the closest
 1064 point of the existing principal structure.
- 1065
- 1066 (e) The County shall issue a permit that requires a mitigation plan that shall be
 1067 approved by the County and implemented by the property owner by the date
 1068 specified in the permit. The mitigation plan shall meet the standards found in
 1069 Section 72.21 of this Code
- 1070
- 1071 (f) All other provisions of this Ordinance shall be met.
- 1072
- 1073 (4) **EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND**
 1074 **SETBACK.** An existing principal structure that was lawfully placed when constructed but
 1075 that does not comply with the required building setback under Section 72.15, may be
 1076 expanded horizontally, landward, or vertically provided that the expanded area meets the
 1077 building setback requirements of Section 72.15 and that all other provisions of this
 1078 Ordinance are met. A mitigation plan is not required solely for expansion under this
 1079 Subsection but may be required under Section 72.18.
- 1080
- 1081 (5) **RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE.** An existing principal
 1082 structure that was lawfully placed when constructed but that does not comply with the
 1083 required building setback per Section 72.15 may be relocated on the property provided all
 1084 of the following requirements are met:
- 1085
- 1086 (a) The use of the structure has not been discontinued for a period of twelve (12)
 1087 months or more if a nonconforming use.
- 1088
- 1089 (b) The existing principal structure is at least thirty-five feet (35') from the OHWM.
- 1090
- 1091 (c) No portion of the relocated structure is located any closer to the OHWM than the
 1092 closest point of the existing principal structure.
- 1093
- 1094 (d) The Department determines that no other location is available on the property
 1095 taking into consideration other site constraints such as vegetation, lot line and
 1096 road setbacks, and topography and utilities to build a principal structure of a
 1097 comparable size to the structure proposed for relocation that will result in
 1098 compliance with the shoreland setback requirement per Section 72.15.

1099
1100 (e) The Department shall issue a permit that requires an approved mitigation plan
1101 which shall be implemented by the property owner by the date specified in the
1102 permit. The mitigation plan shall meet the standards found in Section 72.21 and
1103 shall include enforceable obligations of the property owner to establish or
1104 maintain measures that the Department determines are adequate to offset the
1105 impacts of the permitted construction on water quality, near-shore aquatic
1106 habitat, upland wildlife habitat, and natural scenic beauty. The mitigation
1107 measures shall be proportional to the amount and impacts of the replaced or
1108 relocated structure being permitted. The obligations of the property owner under
1109 the mitigation plan shall be evidenced by an instrument approved by the
1110 Department and recorded by the owner in the office of the Register of Deeds.
1111
1112 (f) All other provisions of this Ordinance shall be met.
1113
1114 (6) WET BOATHOUSES. The maintenance and repair of nonconforming boathouses which
1115 extend landward of the OHWM of any navigable waters shall comply with Wis. Stat. §
1116 30.121.
1117
1118 72.21 MAINTENANCE, REPAIR, REPLACEMENT, OR VERTICAL EXPANSION OF STRUCTURES
1119 THAT WERE AUTHORIZED BY VARIANCE. A structure of which any part has been authorized
1120 to be located within the shoreland setback area by a variance granted before July 15, 2015, may
1121 be maintained, repaired, replaced, restored, rebuilt, or remodeled without permit, fee, or
1122 mitigation if the activity does not expand the footprint of the authorized structure. Additionally, the
1123 structure may be vertically expanded without permit, fee, or mitigation unless the vertical
1124 expansion would extend more than thirty-five feet (35') above grade level. Expansion of a
1125 structure beyond the existing footprint may be allowed if the expansion is necessary to comply
1126 with applicable state or federal requirements.
1127
1128 72.22 MITIGATION. Before the Department issues a permit requiring mitigation under Sections 72.18
1129 and 72.20, the property owner must submit, along with the application, a complete mitigation plan
1130 that complies with the Sheboygan County Shoreland Mitigation Handbook as has been adopted
1131 by the Committee and which may be modified from time to time. The mitigation plan shall include
1132 the following:
1133
1134 (1) A site plan that describes the proposed mitigation measures.
1135
1136 (a) The site plan shall be designed and implemented to restore natural functions lost
1137 through development and human activities.
1138
1139 (b) The mitigation measures shall be proportional in scope to the impacts on water
1140 quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic
1141 beauty.
1142
1143 (2) An implementation schedule and enforceable obligation on the property owner to
1144 establish and maintain the mitigation measures. The enforceable obligations shall be
1145 evidenced by an instrument approved by the Department and recorded by the owner in
1146 the office of the Register of Deeds prior to issuance of the permit.
1147
1148 72.23 ADMINISTRATION.
1149
1150 (1) This Ordinance shall be administered in accordance with Wis. Stat. §§ 59.69, 59.692,
1151 and 87.30, as amended, and in conformance with Wis. Admin. Code Ch. NR 115 and NR
1152 116, as amended.

- 1153
 1154 (2) The duties of administering this Ordinance are assigned to the Planning and
 1155 Conservation Department (called "Department") employing a full-time professional
 1156 planner and his/her duly appointed professional planning and zoning administration staff.
 1157
 1158 (3) The Department shall have the authority and power to:
 1159
 1160 (a) Advise applicants and answer any question about the provisions of this
 1161 Ordinance.
 1162
 1163 (b) At all times during reasonable hours, enter upon and inspect any private or public
 1164 premises for compliance, being clearly in the performance of their duty. If entry
 1165 is refused after presentation of proper identification, a special inspection warrant
 1166 may be procured in accordance with Wis. Stat. § 66.0119.
 1167
 1168 (c) Issue permits and approvals where appropriate unless prohibited by Wis. Stat. §
 1169 59.692(1k).
 1170
 1171 (d) Keep the official records of all water surface profiles, documentations of certified
 1172 elevation, shoreland, wetland, or floodplain zoning maps and ordinances, permits
 1173 and permit applications, appeals, variances, and amendments related to this
 1174 Ordinance.
 1175
 1176 (e) Report uncorrected violations of this Ordinance or other applicable regulations to
 1177 the Sheboygan County Corporation Counsel for appropriate enforcement action.
 1178
 1179 (f) Submit copies of any required data, variances, amendments, case-by-case
 1180 analyses, annual reports, and any other requested information to the DNR.
 1181
 1182 (4) The construction and maintenance of a facility is considered to satisfy the requirements
 1183 of this Ordinance if the DNR has issued all required permits or approvals authorizing
 1184 construction or maintenance under Wis. Stat. chs. 30, 31, 281, or 283.
 1185

1186 72.24 PERMITS.

- 1187
 1188 (1) WHEN REQUIRED. Except where another Section of this Ordinance specifically
 1189 exempts certain types of development from this requirement, a Shoreland Zoning Permit
 1190 shall be obtained from the Department to engage in activities requiring a permit, except
 1191 that a Demolition Permit is required prior to the removal of any principal or accessory
 1192 structures if a Shoreland Zoning Permit is not required.
 1193
 1194 (2) APPLICATION. An application for a permit shall be made to the Department upon forms
 1195 furnished by the Department and shall include for the purpose of proper enforcement of
 1196 these regulations, the following information:
 1197
 1198 (a) Name and address of applicant and property owner.
 1199
 1200 (b) Legal description of the property and type of proposed use.
 1201
 1202 (c) A to scale drawing of the dimensions of the lot and location of all existing and
 1203 proposed structures and impervious surfaces relative to the lot lines, center line
 1204 of abutting highways and the OHWM of any abutting waterways.
 1205

- 1206 (d) Location and description of any existing private water supply or sewage system
 1207 or notification of plans for any such installation.
 1208
 1209 (e) Plans for appropriate mitigation when required.
 1210
 1211 (f) Payment of the appropriate fee.
 1212
 1213 (g) Additional information that may be required by the Department.
 1214
 1215 (3) EXPIRATION OF PERMIT. Shoreland Zoning Permits and Demolition Permits shall
 1216 expire one (1) year from the date of issue unless substantial work has commenced. If
 1217 substantial work has commenced and a request for renewal is received by the
 1218 Department prior to the expiration date, the permit can be renewed for an additional
 1219 one- (1-) year period. If substantial work has not commenced prior to the expiration date,
 1220 the permit will not be renewed and a new permit must be issued before work can
 1221 commence. A permit will not be issued if the proposed development does not comply
 1222 with the Ordinance in effect at the time of permit application.
 1223
- 1224 72.25 CONDITIONAL USE PERMITS.
 1225
- 1226 (1) APPLICATION. Permission for conditional uses specified in this Ordinance shall be
 1227 allowed only application the Department, on forms furnished by the Department, and
 1228 issuance of a Conditional Use Permit by the Department's County Board liaison
 1229 committee (called "Committee" throughout this Ordinance) following the same notice,
 1230 hearing, and other procedures set forth for the Board of Adjustments in Wis. Stat.
 1231 § 59.694 and Chapter 76 of the Sheboygan County Code of Ordinances.
 1232
- 1233 (2) EVALUATION. In passing upon a proposed conditional use application, the Committee
 1234 shall evaluate the effect of the proposed use upon:
 1235
 1236 (a) Maintenance of safe and healthful conditions.
 1237 (b) Prevention and control of water pollution, including erosion and sedimentation.
 1238 (c) Existing topography, drainage, and vegetative cover.
 1239 (d) Location to floodways and floodplains.
 1240 (e) Erosion potential based on percent slope, soil type, and vegetative cover.
 1241 (f) Existing and future access roads
 1242 (g) Existing and future traffic and parking needs.
 1243 (h) Degree of site disturbance and its impact upon adjoining natural resource areas
 1244 (e.g. wetlands, archaeological features, preserves, wildlife habitat).
 1245 (i) Compatibility with adjacent uses.
 1246 (j) Suitability for waste disposal and potable water supply.
 1247 (k) Natural scenic beauty.
 1248 (l) Conformance with other applicable codes and ordinances.
 1249
- 1250 (3) OTHER CONDITIONS. The Committee may attach such conditions, in addition to those
 1251 required elsewhere in this Ordinance as it deems necessary in furthering the purpose of
 1252 this Ordinance. Violation of any such established conditions shall be deemed a violation
 1253 of this Ordinance. Such conditions may include specifications for, without limitation
 1254 because of specific enumeration:
 1255
 1256 (a) Type and extent of shore cover.
 1257 (b) Increased setbacks and yards.
 1258 (c) Specific sewage disposal and water supply facilities
 1259 (d) Landscaping, planting screens, and buffer yards.

- 1260 (e) Period of operation.
 1261 (f) Extent and duration of site disturbance.
 1262 (g) Operational control.
 1263 (h) Access and parking
 1264 (i) Surety bonding.
 1265 (j) Deed restrictions.
 1266 (k) Location of structures.
 1267 (l) Type of construction.
 1268 (m) Floodproofing measures.
 1269
- 1270 (4) **REQUIRED INFORMATION.** As a basis for its determination, the Committee may
 1271 require the applicant to furnish, in addition to the information required for a permit, the
 1272 following data:
- 1273
 1274 (a) A plan map drawn to a reasonable scale showing contours and elevations, soil
 1275 types, ground water conditions, bedrock, OHWM, slopes, and vegetative cover.
 1276
 1277 (b) Location of existing and proposed buildings, parking areas, access roads,
 1278 walkways, piers, open spaces, and landscaping.
 1279
 1280 (c) Specifications for areas of proposed filling, dredging, lagooning, or grading.
 1281
 1282 (d) Plans of sewage disposal and water supply facilities.
 1283
 1284 (e) Floodproofing measures.
 1285
 1286 (f) Any of the floodplain data described in Chapter 73 of the Sheboygan County
 1287 Code of Ordinances deemed necessary by the Committee.
 1288
- 1289 (5) **DEVIATION FROM PERMIT** When a Committee-approved conditional use is not carried
 1290 out or does not continue in conformance with the conditions of the original approval, the
 1291 conditional use shall be terminated and the permit revoked by action of the Committee.
 1292 Revisions or amendments must be approved by the Committee using the same
 1293 procedure as was used to obtain the initial conditional use approval.
 1294
- 1295 (6) **STATE REVIEW.** Written notice must be made to the appropriate office of the DNR at
 1296 least ten (10) days prior to hearings on proposed conditional uses, and copies of
 1297 decisions thereon shall be provided to that office within ten (10) days after they are
 1298 granted or denied.
 1299
- 1300 72.28 **BOARD OF ADJUSTMENT.** The Sheboygan County Building, Zoning, and Sanitation Board of
 1301 Adjustment, as established in Chapter 76 of the Sheboygan County Code of Ordinances,
 1302 pursuant to Wis. Stat. § 59.694 is hereby authorized to administer the appropriate judicial
 1303 functions set forth in this Ordinance. The said Board shall be referred to as the Board of
 1304 Adjustment (Board) in this Ordinance.
- 1305
 1306 (1) **POWERS.** The Board may exercise all of the powers conferred on such Board by Wis.
 1307 Stat. § 59.694.
 1308
 1309 (a) It shall hear and decide appeals where it is alleged there is an error in any order,
 1310 requirements, decision, or determination made by the Department or by the
 1311 Committee.
 1312

1313 (b) Upon application, it may grant a variance from the standards of this Ordinance.
1314 To grant a variance from the standards of this Ordinance, an applicant must
1315 convincingly demonstrate that:
1316

- 1317 1. Literal enforcement of the provisions of the Ordinance will result in
1318 unnecessary hardship on the applicant;
1319
1320 2. The hardship is due to special conditions unique to the property; and
1321
1322 3. Is not contrary to the public interest.
1323

1324 (c) To interpret upon appeal the meaning or intent of a particular provision of this
1325 Ordinance or other ordinances of Sheboygan County.
1326

1327 (2) APPEAL TIME. Appeals to the Board of Adjustment may be made by a person
1328 aggrieved or by any officer, department, board, or bureau of Sheboygan County or the
1329 municipality affected by any decision of the Department. Such appeal shall be made by
1330 filing within thirty (30) days after the date of written notice of the decision or order of the
1331 Department or by the Committee, a notice of appeal specifying the reasons for appeal.
1332 The notice of appeal shall conform with the rules of the Board
1333

1334 (3) HEARING APPEALS AND ACTIONS UPON VARIANCE APPLICATION.
1335

1336 (a) The Board of Adjustment (Board) shall fix a reasonable time for a hearing on the
1337 appeal or application. The Board shall give public notice thereof by publishing a
1338 Class 2 notice under Wis. Stat. § 985 specifying the date, time, and place of the
1339 hearing and the matters to come before the Board. Notice shall be mailed to the
1340 parties in interest. Written notice shall be given to the appropriate office of the
1341 DNR at least ten (10) days prior to hearings on proposed shoreland variances
1342 and appeals for map or text interpretations.
1343

1344 (b) A decision shall be made as soon as practical. Copies of all decisions on
1345 shoreland variances and appeals for map or text interpretations shall be
1346 submitted to the appropriate office of the DNR within ten (10) days after they are
1347 granted or denied.
1348

1349 (c) In granting a variance, the Board may impose restrictions including the
1350 requirement that the applicant obtain a permit, but the Board may not impose
1351 restrictions which are more restrictive than any of the specific standards in this
1352 Ordinance. Where the Ordinance is silent as to the extent of the restriction, the
1353 Board may impose any reasonable permit conditions to effect the purposes of
1354 this Ordinance. The applicant has one (1) year from the date of the written
1355 decision to obtain any necessary permit or the variance relief shall expire.
1356

1357 (d) At the public hearing, any party may appear in person or by agent or by attorney.
1358

1359 72.27 FEES. All persons, upon filing an application for permits, changes, and amendments, or Board of
1360 Adjustment reviews required pursuant to this Ordinance, shall pay a fee to the Department
1361 according to the fee schedule on file in the Planning and Conservation Department.
1362

1363 If in the determination of the Department a permit applicant contemplates construction in an
1364 amount of no more than Two Thousand Dollars (\$2,000.00) and the Department determines that
1365 the expense related to the issuance of the permit does not require the full fee, the Department, in
1366 its discretion, may waive all but Seventy-five Dollars (\$75.00) of the fee.

1367
1368 A double fee may be charged if work is started before a permit is applied for and issued
1369
1370 72.28 VIOLATIONS AND PENALTIES. Any person, firm, association, corporation, or agents thereof
1371 who violates, disobeys, neglects, omits, or refuses to comply with any of the provisions of this
1372 Ordinance shall be deemed in violation. The Department shall refer violations to the Corporation
1373 Counsel who shall expeditiously prosecute violations.
1374
1375 Any person firm, association, or corporation who violates or refuses to comply with any of the
1376 provisions of this Ordinance shall, upon conviction, forfeit to the County not less than Twenty
1377 Dollars (\$20.00) nor more than Two Thousand Dollars (\$2,000.00), plus the costs of prosecution,
1378 for each offense. Each day during which such violation exists shall constitute a separate offense.
1379
1380 Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined
1381 and the maintenance thereof may be abated by action at the suit of the County, the State of
1382 Wisconsin, or any citizen thereof pursuant to Wis. Stat. § 59.69(11).
1383
1384 72.29 STATUTE OF LIMITATIONS.
1385
1386 (1) As required by Wis. Stat. § 59.692(1t) where a building or structure violates the
1387 dimensional or use standards of this Ordinance, and the violating building or structure
1388 has been in place more than ten (10) years before an enforcement action is initiated,
1389 such building or structure shall be treated as a legal non-conforming structure. All
1390 provisions of Section 72.20 of this Ordinance shall apply to such non-conforming
1391 buildings or structures.
1392
1393 (2) Any property owner asserting as a defense to a charge of violating this Ordinance that
1394 the alleged violation has been in place more than ten (10) years before enforcement
1395 action was initiated has the burden of proving that:
1396
1397 (a) The building or structure that is in violation has been in place more than ten (10)
1398 years before enforcement action was initiated;
1399
1400 (b) That the building or structure (and its use, if the use is non-conforming) has
1401 remained essentially unchanged for at least ten (10) years;
1402
1403 (c) That the use of the building or structure has been active and continual for ten
1404 (10) years or more. If the use was discontinued for more than twelve (12)
1405 months, that use shall not be considered active and continual.
1406
1407 72.30 ABROGATION AND GREATER RESTRICTIONS
1408
1409 (1) This Ordinance supersedes all provisions of any prior Ordinance enacted under Wis.
1410 Stat. §§ 59.69, 59.692, and 87.30 which relate solely to shorelands. However, where
1411 another County Ordinance that does not relate solely to shorelands is more restrictive
1412 than the provisions contained in this Ordinance, that ordinance shall control to the extent
1413 of the greater restrictions and not otherwise
1414
1415 (2) This Ordinance shall not require approval or be subject to disapproval by any town or
1416 town board.
1417
1418 (3) If an existing town ordinance relating to shorelands is more restrictive than this Ordinance
1419 or any amendments thereto, the town ordinance continues in all respects to the extent of
1420 the greater restrictions but not otherwise.

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- (4) It is not otherwise intended by this Ordinance to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements; however, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
- (5) In the administration of this Ordinance, the Department may establish standards to regulate matters that are not regulated in NR115 but that further the purpose of shoreland zoning as described in Section 72.03 of this Code.
- (6) Nothing contained herein shall be interpreted to require any of the following:
- (a) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.
- (b) Any inspection or upgrade of a structure before the sale or other transfer of the structure is made.
- (7) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if the Department has issued all required permits or approvals authorizing the construction or maintenance under Wis. Stat. ch 30, 31, 281, or 283.
- 72.31 **INTERPRETATION.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.
- Where a provision of this Ordinance is required by Wis. Admin. Code Chs. NR 115 or NR 116 and where the Ordinance provision is unclear, the provision shall be interpreted in light of the statute and Wis. Admin. Code Chs. NR 115 or NR 116 standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.
- 72.32 **DEFINITIONS.** Unless specifically defined below, words, terms, or phrases used in this Ordinance or in the administration of this Ordinance shall be as defined in Chapters 70, 71, and 73 of the Sheboygan County Code of Ordinances, Wis. Stat. chs. 29, 30, 31, 144, 236; Wis. Stat. § 59.69, 59.692, and 87.30; and Wis. Admin. Code Chs. NR 115, NR 116, and SPS 383, or, if not defined therein, shall be interpreted so as to give them the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, words in the singular number include the plural numbers. The word "shall" is mandatory, not permissive. All distances, unless specified otherwise, shall be measured horizontally.
- (1) **ACCESS AND VIEWING CORRIDOR.** A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
- (2) **ACCESSORY STRUCTURE.** A subordinate structure on the same lot as the principal STRUCTURE or use and devoted to a use incidental to the principal use or structure. (See PRINCIPAL STRUCTURE and PRINCIPAL USE.)
- (3) **ARBOR.** A frame structure consisting of vertical posts having beams attached to and connecting the posts at the top of the structure, supporting a roof composed of open joists. Roof or wall enclosures other than lattice or trellis are prohibited.

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- (4) **BASEMENT.** Any enclosed area of a building having its floor sub-grade, i.e., below ground level on all sides.
 - (5) **BEST MANAGEMENT PRACTICES (BMPs).** The Stormwater Management Technical Standards as defined by the Wisconsin Department of Natural Resources currently posted at <http://dnr.wi.gov/topic/stormwater/>, and any subsequent amendments thereto.
 - (6) **BOATHOUSE.** A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed and has a roof, walls, or any combination of these structural parts.
 - (7) **BUILDING.** See **STRUCTURE**.
 - (8) **BUILDING ENVELOPE.** The three-dimensional space within which a structure is built.
 - (9) **BULKHEAD.** An upright structure to dissipate wave energy or retard erosion which can be placed against the base of a dune or bluff or stand free to have fill placed behind it.
 - (10) **BULKHEAD LINE.** A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the DNR pursuant to Wis. Stat. § 30.11 and which allows limited filling between the OHWM and the bulkhead line, except where such filling is prohibited by the floodway and wetland provisions of this Ordinance.
 - (11) **CAMPGROUND.** Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units or which is advertised or represented as a camping area.
 - (12) **CAMPING UNIT.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle.
 - (13) **CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
 - (14) **CLASS II PUBLIC NOTICE.** Publication of a public hearing notice under Wis. Stat. ch. 985 in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing or event noticed.
 - (15) **CONDITIONAL USE.** A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use, as specified in this Ordinance and authorized by the Committee. (Also called "special exception.")
 - (16) **CRAWLWAYS or CRAWLSPACE.** An enclosed area below the first usable floor of a building, generally less than five feet (5') in height used for limited access to plumbing and electrical utilities.
 - (17) **DECK.** An unenclosed exterior structure that has no roof or sides.
 - (18) **DEPARTMENT.** The Sheboygan County Planning and Conservation Department.
 - (19) **DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including, but not limited to, construction of, or additions or substantial improvements to,

- 1529 buildings, other structures, or accessory uses, the placement of manufactured/mobile
 1530 homes; mining; dredging; filling; grading; excavating, ditching, lagooning; drilling
 1531 operations; storage, deposition, or extraction of materials; but excluding tiling for
 1532 agricultural purposes outside of the Shoreland-Wetland District.
 1533
- 1534 (20) **DNR.** Wisconsin Department of Natural Resources.
 1535
- 1536 (21) **DRAINAGE SYSTEM.** One (1) or more artificial ditches, tile drains, or similar devices
 1537 which collect surface runoff or ground water and convey it to a point of discharge.
 1538
- 1539 (22) **EXISTING MANUFACTURED/MOBILE HOME PARK OR SUBDIVISION.** A parcel (or
 1540 contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale
 1541 for which the construction of facilities for servicing the lot on which the mobile home is to
 1542 be affixed (including, at a maximum, the installation of utilities, either final site grading or
 1543 the pouring of concrete pads, and the construction of streets is completed before the
 1544 effective date of shoreland and floodplain management regulations adopted by
 1545 Sheboygan County).
 1546
- 1547 (23) **EXPANSION TO EXISTING MANUFACTURED/MOBILE HOME PARK.** The preparation
 1548 of additional sites by the construction of facilities for servicing the lots on which the
 1549 mobile homes are to be placed. This includes installation of utilities, either final site
 1550 grading or pouring of pads, or the construction of streets.
 1551
- 1552 (24) **FACILITY.** Any property or equipment of a public utility as defined in Wis. Stat. §
 1553 196.01(5) or a cooperative association organized under Wis. Stat. ch. 185 for the
 1554 purpose of producing or furnishing heat, light, or power to its members only, that is used
 1555 for the transmission, delivery, or furnishing of natural gas, heat, light, or power.
 1556 (25) **FLOODPLAIN.** Land which has been or may be hereafter covered by flood water during
 1557 the regional flood. It includes the floodway and the floodfringe as those terms are defined
 1558 in Wis. Admin. Code Ch. NR 116.
 1559
- 1560 (26) **GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES** Forestry
 1561 management practices that promote sound management of a forest. Generally accepted
 1562 forestry management practices include those practices contained in the most recent
 1563 version of the department publication known as Wisconsin Forest Management
 1564 Guidelines and identified as PUB FR-226.
 1565
- 1566 (27) **GUESTHOUSE.** An accessory structure comprised only of a bedroom, bathroom, and
 1567 sitting area but shall not be intended for more than occasional human occupancy.
 1568
- 1569 (28) **HABITABLE STRUCTURE.** Any structure or portion thereof used or designed for human
 1570 habitation.
 1571
- 1572 (29) **HEARING NOTICE.** Publication or posting meeting the requirements of Wis. Stat. ch.
 1573 985. For appeals, a Class 1 Notice published once, at least one (1) week [seven (7)
 1574 days] before the hearing is required. For all zoning ordinances and amendments, a
 1575 Class 2 Notice published twice, once each week consecutively the last of which at least
 1576 one (1) week [seven (7) days] before the hearing.
 1577
- 1578 (30) **HISTORIC STRUCTURE** Any structure that is:
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 1580 (a) Listed individually in the National Register of Historic Places or preliminarily
 1581 determined by the Secretary of the Interior as meeting the requirements for
 1582 individual listing on the National Register; or

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- (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; or
 - (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 directly by the Secretary of the Interior in states without approved programs.
- (31) **IMPERVIOUS SURFACE.** An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surfaces exclude frozen soil and structures, such as walkways and decks, which do not release, outside of their footprint, the majority of the precipitation that falls on them, but rather where the precipitation is absorbed by the soil below them. Impervious surfaces include rooftops, walkways, driveways, and parking lots unless specifically designed, constructed and maintained to be pervious. Gravel roads are impervious. Roads and sidewalks as defined in Wis. Stat. §§ 340.01(54) and 340.01(56) are not considered impervious surfaces.
- (32) **LAND USE.** Any development (see definition of)
- (33) **LIGHT INDUSTRY.** Manufacturing which uses predominantly previously prepared materials, finished products, or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. Light industry does not include basic industrial processing and manufacturing of raw or extracted material and storage of or manufacturing processes using flammable, explosive, offensive, or otherwise potentially hazardous materials.
- (34) **MAINTENANCE AND REPAIR.** Such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roof, and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.
- (35) **MANUFACTURED/MOBILE 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."
- (36) **MITIGATION.** Balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.
- (37) **MOBILE RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis four hundred (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

1636 parcel of land but do not remain capable of being towed or carried including park mobile
1637 homes do not fall within the definition of "mobile recreational vehicles."
1638
1639 (38) **NGVD or NATIONAL GEODETIC VERTICAL DATUM (MEAN SEA LEVEL).** Elevations
1640 referenced to mean sea level datum, 1929 adjustment.
1641
1642 (39) **NAVIGABLE WATERS.** Lake Michigan, all natural inland lakes within Sheboygan
1643 County, Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within
1644 the territorial limits of this County.
1645
1646 Under Wis. Stat. § 281.31(2)(d), notwithstanding any other provision of law or
1647 administrative rule promulgated thereunder, this Chapter does not apply to lands
1648 adjacent to:
1649
1650 (a) Farm drainage ditches where such lands are not adjacent to a natural navigable
1651 stream or river and such lands were not navigable streams before ditching; and
1652
1653 (b) Artificially-constructed drainage ditches, ponds, or stormwater retention basins
1654 that are not hydrologically connected to a natural navigable water body.
1655
1656 Wisconsin's Supreme Court has declared navigable bodies of water that have a bed
1657 differentiated from adjacent uplands and levels or flow sufficient, on an annually recurring
1658 basis, to support navigation by a recreational craft of the shallowest draft (*Muench v.*
1659 *Public Service Commission*, 281 Wis. 492 (1952) and *DeGayner & Co., v. Department of*
1660 *Natural Resources*, 70 Wis. 2d. 936 (1975)). For example, a stream which is navigable
1661 by skiff or canoe during normal spring high water is navigable in fact under laws of this
1662 State though it may be dry during other seasons.
1663
1664 (40) **NONCONFORMING LOT.** A lot, the area, dimensions, or location of which was lawful
1665 prior to the adoption, revision, or amendment of this Ordinance, but which falls thereafter
1666 to conform to the requirements of the zoning district. (NOTE: A legally granted
1667 "variance" pursuant to Section 72.25 of this Ordinance shall not be deemed to create a
1668 "nonconforming lot." When a variance is granted, it becomes a conforming lot.)
1669
1670 (41) **NONCONFORMING STRUCTURE.** Pursuant to Wis. Stat. § 59.69(2m), a dwelling or
1671 other building that existed lawfully before this Ordinance was enacted or amended but
1672 that does not conform to one or more of the setback, height, lot coverage, and side yard
1673 elements in this current version of this Ordinance. (NOTE: A legally granted "variance"
1674 pursuant to Section 72.25 of this Ordinance shall not be deemed to create a
1675 "nonconforming structure.")
1676
1677 (42) **NONCONFORMING USE.** A structure that existed lawfully before this Ordinance was
1678 enacted or amended but does not conform with the use restrictions in the current version
1679 of this Ordinance.
1680
1681 (43) **ORDINARY HIGH WATER MARK (OHWM).** The point on the bank or shore up to which
1682 the presence and action of water is so continuous as to leave a distinctive mark by
1683 erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic
1684 vegetation, or other easily recognized characteristics.
1685
1686 Erosion scars, transitions in vegetation from aquatic to terrestrial types, cobbled beaches
1687 below the current waterline, and evidence of even-aged stands of woody vegetation
1688 paralleling contours or below the existing water line may all be indicators of current or
1689 historic OHWM. Only one (1) OHWM indicator need be present to establish an OHWM,

- 1690 but a number of indicators may be interpreted together to locate it at a given site. When
 1691 the bank or shore is of such character that it is difficult or impossible to ascertain the point
 1692 of OHWM, recourse may be had to the opposite bank of a waterway or to similar places
 1693 on the shore of a lake or flowage to determine whether a given stage of water is above or
 1694 below the OHWM.
 1695
 1696 Notwithstanding the above, and for zoning purposes only, the OHWM for the coastal
 1697 reach of Lake Michigan extending from the City of Sheboygan south to the south County
 1698 line may be determined by an elevation at 582.7 feet NGVD (National Geodetic Vertical
 1699 Datum, also known as MSL, Mean Sea Level), an elevation equivalent to 581.4 feet IGLD
 1700 (International Great Lakes Datum), as determined by the Bureau of Water Regulation &
 1701 Zoning, Wisconsin Department of Natural Resources. Elevations shall be determined by
 1702 a registered professional surveyor, employing not less than five (5) uniformly distributed
 1703 points of elevation, tied to a fixed reference point. The OHWM shall be a line connecting
 1704 these points.
 1705
 1706 (44) **PERSON.** An individual, group of individuals, partnership, firm, corporation, association,
 1707 state, county, city, village, township, sanitary district, or other government corporation.
 1708
 1709 (45) **PIER.** A structure extending channelward, or more or less perpendicular out from the
 1710 shore, with water on both sides, built or maintained for the purpose of providing a berth
 1711 for watercraft or for loading or unloading cargo or passengers onto or from watercraft.
 1712 (Generally any construction whose dimensions and accessories go beyond what is
 1713 reasonably necessary to berth watercraft or load or unload cargo or passengers is not
 1714 authorized as a pier by statute; see Wis. Stat. ch. 30.)
 1715
 1716 (46) **PRINCIPAL STRUCTURE.** A structure in which the principal authorized use of the lot on
 1717 which it is located is conducted. (See **ACCESSORY STRUCTURE.**)
 1718
 1719 (47) **PRINCIPAL USE.** The primary or predominant use of any lot (e.g. residential,
 1720 commercial, industrial, conservation, institutional, etc.).
 1721
 1722 (48) **PRIVATE SEWAGE SYSTEM.** A sewage treatment and disposal system serving a
 1723 single structure with a septic tank and soil absorption field located on the same parcel as
 1724 the structure. This term also means an alternative sewage system approved by the
 1725 Wisconsin Department of Safety and Professional Services, Safety and Buildings
 1726 Division, including a substitute for the septic tank or soil absorption field, a holding tank, a
 1727 system serving more than one (1) structure, or a system located on a different parcel
 1728 than the structure.
 1729
 1730 (49) **PUBLIC UTILITIES.** Those utilities using underground or overhead transmission lines
 1731 such as electric, telephone and telegraph, and distribution and collection systems such
 1732 as water, sanitary sewer, storm sewer, and natural gas.
 1733
 1734 (50) **RECREATIONAL VEHICLE.** A vehicular-type portable structure without permanent
 1735 foundation, which can be towed, hauled, or driven and primarily designed as temporary
 1736 living accommodation for recreational, camping, and travel use and including but not
 1737 limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.
 1738
 1739 (51) **RESERVED**
 1740
 1741 (52) **ROUTINE MAINTENANCE OF VEGETATION.** Normally-accepted horticultural practices
 1742 that do not result in the loss of any layer of existing vegetation and do not require earth
 1743 disturbance.

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- (53) **SHORELAND DISTRICT** Lands within the following distances from the OHWM of navigable waters: One thousand feet (1,000') from a lake, pond, or flowage, or, where approved, to the outer perimeter of contiguous mapped wetlands, whichever distance is greater; and, three hundred feet (300') from a river or stream, or to the landward side of the floodplain, or, where approved, to the outer perimeter of contiguous mapped wetlands, whichever distance is greater.
- (54) **SHORELAND-WETLAND DISTRICT.** The zoning district, created as a part of this Ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this Ordinance.
- (55) **SIDEWALK.** Pursuant to Wis. Stat. § 340.01(56), that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property lines, constructed for use of pedestrians.
- (56) **SIGN.** Any device, display, or structure which is used to inform, advertise, identify, display, or direct attention to an object, person, institution, organization, business, product, service, event, or location by means of words, letters, numbers, figures, design, symbols, fixtures, colors, illumination, or projected images.
- (57) **START OF CONSTRUCTION.** The date the building permit was issued provided the actual start of construction, repair, reconstruction, habilitation, addition, placement, or other improvement was within one hundred (100) days of the permit date. The actual start means either the first placement of permanent construction on a site such as the pouring of the 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.
- (58) **STRUCTURE.** A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or firepit. Such small, movable items as birdhouses, bird feeders, planter boxes, picnic tables, lawn furniture, portable grills, open agricultural fences, and flagpoles shall not be considered a structure subject to setback requirements.
- (59) **SUBDIVISION.** Has the meaning given in Wis. Stat. § 236.02(12).
- (60) **UNNECESSARY HARDSHIP.** That circumstance where special conditions, which were not self-created affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.
- (61) **UTILITIES.** Any public or private facilities, such as water wells, water and sewage pumping stations, waste water collection and/or treatment/disposal systems, and any facilities owned or operated by a public utility as defined by Wis. Stat. § 106.01.

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- (62) **VIOLATION.** The failure of a structure or other development to be fully compliant with the Shoreland Zoning Ordinance, a structure or other development without required permits.
 - (63) **WALKWAY.** An improved path contained within the boundaries of a property.
 - (64) **WATERSHED.** The entire region contributing runoff or surface water to a watercourse or body of water.
 - (65) **WELL.** Means an excavation opening in the ground made by digging, boring, drilling, driving, or other methods to obtain groundwater regardless of its intended use.
 - (66) **WETLANDS.** Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
 - (67) **WHARF.** A structure extending along, and more or less parallel to, the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. (Generally any construction whose dimensions or accessories go beyond what is reasonably necessary to berth watercraft or load or unload cargo or passengers is not authorized as a wharf by statute; see Wis. Stat. ch. 30.)
 - (68) **WISCONSIN ADMINISTRATIVE CODE.** The rules of administrative agencies having rule-making authority in Wisconsin published as directed by Wis. Stat. §§ 35.93 and Wis. Stat. ch. 227 including subsequent amendments to those rules.

1825 72.33 **CHANGES AND AMENDMENTS.**

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- (1) The County Board of Supervisors may, from time to time, alter, supplement, or change the boundaries of use districts and the regulations contained in this Ordinance in the manner provided by law.
 - (2) Amendments to this Ordinance may be made upon petition of any interested party in accordance with the provisions of Wis. Stat. § 59.69(5). Such petitions shall include any necessary data which may be required by Chapter 73 of the Sheboygan County Code of Ordinances.
 - (3) Written notice to the appropriate office of the DNR shall be made at least ten (10) days prior to hearings on map or text amendments, and copies of such decisions shall be provided to that office within ten (10) days after they are granted or denied. For floodplain amendments only, no map or text amendment may take effect until approved by the DNR.

1842 72.34 **SEVERABILITY.** Should any part of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

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Section 2. Effective Date. The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of August, 2016.

**PLANNING, RESOURCES, AGRICULTURE,
AND EXTENSION COMMITTEE***

Keith Abler, Chairperson

Fran Damp, Vice-Chairperson

Libby Ogea, Secretary

Steven Bauer

James Baumgart

Opposed to Introduction:

*County Board Members signing only

Countersigned by:

Thomas Wegner, Chairperson

FISCAL NOTE
August 2016

Resolution No. 16 (2016/17) Re: Supporting Drug Treatment Court for Sheboygan County

Resolution No. 17 (2016/17) Re: Approving Land Swap at Amsterdam Dunes

Ordinance No. 05 (2016/17) Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession)

Ordinance No. 06 (2016/17) Re: Repealing and Re-creating Chapter 72, Shoreland Ordinance

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Chamon, Finance Director
August 12, 2016