

NOTICE OF MEETING
SHEBOYGAN COUNTY BOARD OF SUPERVISORS

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

TUESDAY, November 7, 2017 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 OCTOBER 24, 2017 AND OCTOBER 31, 2017 JOURNALS

PRESENTATIONS – NONE

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.

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 monthly report by the Administrator in which noteworthy activities of County government are highlighted. In addition, the Administrator's Report presents the Administrator's perspective on the Resolutions and Ordinances being considered or introduced at this meeting. The Administrator's Report is not an action item, and no debate or deliberation arises from the Report.

Posted 11/03/2017 2:30 PM

CONSIDERATION OF COMMITTEE REPORTS - EXECUTIVE COMMITTEE

Resolution No. 14 (2017/18) Re: Approving Restated Sewage Treatment Agreement with City of Plymouth

Committee Recommendation: Adopt
Signed in Opposition: None

Ordinance No. 07 (2017/18) Re: Amending Provisions of the Floodplain Zoning Ordinance

Committee Recommendation: Enact
Signed in Opposition: None

CONSIDERATION OF COMMITTEE REPORTS - HEALTH & HUMAN SERVICES COMMITTEE

Ordinance No. 06 (2017/18) Re: Repealing Prohibition on Feeding Deer

Committee Recommendation: File with the Clerk
Signed in Opposition: (2) Supervisors Hoffmann and Epping

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. 16 (2017/18) (From Finance Committee)
Re: Approving Borrowing in Excess of Budget Control Policy

CONTEMPLATED ACTION: Pursuant to Sheboygan County Code of Ordinances Section 5.07(b) Resolution No. 16 will be considered for immediate action.

Resolution No. 17 (2017/18) (From Finance Committee)
Re: Approving 2018 Budget

CONTEMPLATED ACTION: Pursuant to Sheboygan County Code of Ordinances Section 5.06(a)(6) & (9) Resolution No. 17 will be considered for immediate action.

Resolution No. 18 (2017/18) (From Finance Committee)
Re: Levying and Apportioning the Tax

CONTEMPLATED ACTION: Pursuant to Sheboygan County Code of Ordinances Section 5.06(a)(6) & (9) Resolution No. 18 will be considered for immediate action.

RESOLUTIONS INTRODUCED - Continued

Resolution No. 19 (2017/18) (From Finance Committee)

Re: Authorizing the Issuance and Sale of \$7,180,000 General
Obligation Promissory Notes

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. 08 (2017/18) (From Planning, Resources, Agriculture and Extension
Committee)

Re: Amending Sections 72.15 and 72.32(43) of the
Sheboygan County Shoreland Ordinance regarding Lake
Michigan Setback

ADJOURNMENT

Respectfully submitted this 3rd day of November, 2017.



JON DOLSON, COUNTY CLERK

NOTES:

Reminder: Expense sheets for the period ending November 15, 2017 are due in the County Clerk's Office no later than **Friday, November 17, 2017.**

The next Legislative Breakfast will be held on November 13, 2017 at 8:00 A.M. at the Fountain Park Family Restaurant. The December Legislative Breakfast will be held on December 11, 2017 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 920.459.3003 prior to the meeting so that accommodations may be arranged.

JOURNAL OF THE MEETING OF THE SHEBOYGAN COUNTY BOARD OF SUPERVISORS

October 24, 2017

Pursuant to Wis. Stat. § 59.11, the October 24, 2017 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 October 20, 2017 at 2:45 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 23 Supervisors present; Absent: 2, Supervisors Epping and Nelson.

Supervisor Epping arrived at 6:03 p.m.

Supervisor Bemis moved for approval of the September 19, 2017 Journal, which was distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor Winkel and carried on unanimous roll call vote of the board.

APPOINTMENTS

The Chairperson announced that the next order of business was the consideration of the appointment by the Chairperson of **Curt Brauer** to the Planning, Resources, Agriculture & Extension Committee (PRAECOM).

Supervisor Damp moved to suspend the rules to allow the appointment to be made by the Chairperson to be confirmed by the board of Supervisor Brauer to the Planning, Resources, Agriculture & Extension Committee (PRAECOM). Supervisor Glavan seconded the motion which carried on unanimous roll call vote of the board.

Supervisor Baumgart moved to confirm the Chairperson's appointment of Supervisor Brauer to the Planning, Resources, Agriculture & Extension Committee (PRAECOM). The motion was seconded by Supervisor Uraynar and carried on unanimous roll call vote of the board.

The Chairperson announced that the next order of business was the consideration of the following appointments by the County Administrator.

Emergency Medical Services (EMS) Council (Re-appointments)

Shalon Edson, 3100 Superior Avenue, Sheboygan (*Hospital Administration*)
Steve Cobb, 1315 North 23rd Street, Sheboygan (*City Law Enforcement*)
Robert Kulhanek, 2422 North 7th Street, Sheboygan (*Interested Consumer*)
Allen Wrubbel, 408 Zuider Lane, Oostburg (*Village Government*)
Randy Narbatovics, N1656 County Road A, Adell (*Town Government*)
Steve Steinhardt, 525 North 6th Street, Sheboygan (*Emergency Management*)
Darrel Kasuboski, 201 E. Water Street, Cascade (*First Responder*)
Craig Schicker, W8212 County Road F, Cascade (*Nursing*)
Suzanne Martens, 38 Lake Breeze Lane, Random Lake (*County Medical Society*)
Thomas Bahr, 2122 South 7th Street, Sheboygan (*Member-at-Large*)

Local Emergency Planning Committee (LEPC) (Re-appointments)

Gregory Bierman, 1026 Logan Avenue, Sheboygan (*Local Environmental*)
Thomas Bahr, 2122 South 7th Street, Sheboygan (*Hospital*)
Phillip Ditter, 11275 Mineral Springs Dr., Port Washington (*Transportation*)
Peter Madden, P.O. Box 758, Sheboygan (*Facility Owner/Operator*)

Local Emergency Planning Committee (LEPC)

Bob Mayer, 121 Bader Street, Green Bay *(Representing Community Groups)*

Supervisor Winkel moved to confirm the appointments from the County Administrator. The motion was seconded by Supervisor Glavan and carried on unanimous roll call vote of the board.

PRESENTATIONS - NONE

PUBLIC ADDRESS

Jay Hoogstra, N6133 Resource Drive, Sheboygan Falls – Five-Year Capital Plan.

LETTERS AND COMMUNICATIONS

The Clerk presented a resolution from the Portage County Board of Supervisors regarding revoking probation of persons charged with crimes. By Chairperson received for information.

The Clerk presented a resolution from the Village of Sister Bay Board of Trustees opposing the Aquila Resources Back Forty Mine Project in Michigan. By Chairperson received for information.

The Clerk presented resolutions from the Sauk, Trempealeau and Vernon County Boards of Supervisors regarding legislative redistricting. By Chairperson received for information.

The Clerk presented a resolution from the St. Croix County Board of Supervisors regarding vehicle registration fees. By Chairperson received for information.

The Clerk presented a letter Burrows Aviation in regards to the new terminal building at the Sheboygan airport. By Chairperson referred to the Transportation Committee.

Supervisor Uraynar inquired about a letter from Windway Capital Corporation that was sent to Chairperson Wegner. Chairperson Wegner advised that the letter was shared for information with the full board on October 5, 2017.

COUNTY ADMINISTRATOR'S REPORT

County Administrator Adam Payne referenced the proposed 2018 budget document that was placed on the Supervisors desks. It will be officially presented and reviewed during the October 31, 2017 meeting, along with holding a public hearing. Mr. Payne provided an update on the status of the new Transportation Complex and presented photos. In addition, he briefly reviewed the Opioid Litigation and Highway 23 Safety Enhancements resolutions that were anticipated to be pulled for immediate action, referenced the associated letters from Chairman Wegner and encouraged the County Board to support both.

COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding **Resolution No. 10 (2017/18) Approving Standard Intergovernmental Agreement for 2018 County Sales Tax Revenue-Sharing** recommending adoption.

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

The Clerk read the report of the Finance Committee regarding **Resolution No. 11 (2017/18) Authorizing Application for Fiscal Year 2017 Justice Assistance Grant Program Award (Local Solicitation) and Entering into Memorandum of Understanding with City of Sheboygan** recommending adoption.

Supervisor Goehring moved to adopt the resolution. Supervisor Weggeman seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding **Resolution No. 12 (2017/18) Authorizing County Aid for Bridge/Culvert Construction in the Towns of Herman, Holland, Lima, and Sheboygan Falls** recommending adoption.

Supervisor Te Stroete 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 **Ordinance No. 05 (2017/18) Increasing Medical Examiner Fees to Match Increasing Costs** recommending enactment.

Supervisor Uraynar moved to enact the ordinance. Supervisor Koch seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding the **2017 Dog Listing Claims Payment.**

Supervisor Uraynar moved to concur with the committee report. The motion was seconded by Supervisor Koch and carried on unanimous roll call vote of the board.

The County Board received for information correspondence from Ed Procek, Human Resources Committee Chairperson and Jean Gallimore, Human Resources Director to fulfill Section 2.12(5) of the County Code regarding Annual Report on Health Insurance.

(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. 13 (2017/18) Re: Authorizing County to Enter into Engagement Letter to Pursue Legal Claims Against Certain Opioid Manufacturers referred to the Health & Human Services Committee.

Supervisor Uraynar moved to pull Resolution No. 13 from committee for immediate action. Supervisor Goehring seconded the motion and carried on roll call vote of the board of Ayes: 22; Noes: 2, Supervisors Bemis, and Epping; Absent: 1, Supervisor Nelson.

Supervisor Uraynar moved to adopt the resolution. The motion was seconded by Supervisor Goehring.

Supervisor Goehring moved to amend the resolution by deleting lines 30-31 and replacing it with: "WHEREAS, County has spent millions for programs and services related to the Opioid Epidemic, and", and as so amended recommend adoption. Supervisor Uraynar seconded the motion and the amendment carried on roll call vote of the board of Ayes: 20; Noes: 4, Supervisors Bauer, Bemis, Epping, and Winkel; Absent: 1, Supervisor Nelson.

Resolution No. 13 was adopted as amended on roll call vote of the board of Ayes: 16; Noes: 8, Supervisors Abler, Bauer, Bemis, Bosman, Epping, Hilbelink, Weggeman, and Winkel.

Resolution No. 14 (2017/18) Re: Approving Restated Sewage Treatment Agreement with City of Plymouth referred to the Executive Committee.

Resolution No. 15 (2017/18) Re: Supporting Reconstruction and Improvement of State Highway 23 referred to the Executive Committee.

Supervisor Winkel moved to pull Resolution No. 15 from committee for immediate action. Supervisor Glavan seconded the motion and carried on unanimous roll call vote of the board.

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

Ordinance No. 06 (2017/18) Re: Repealing Prohibition on Feeding Deer referred to the Health & Human Services Committee.

Supervisor Bemis moved to refer Ordinance No. 06 to the Executive Committee. Supervisor Epping seconded the motion which failed on roll call vote of the board of Ayes: 5, Supervisors Bemis, Epping, Procek, Te Stroete, and Weggeman; Noes: 19; Absent: 1, Supervisor Nelson.

Ordinance No. 06 was referred to the Health & Human Services Committee.

Ordinance No. 07 (2017/18) Re: Amending Provisions of the Floodplain Zoning Ordinance 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 7:17 p.m. **The next scheduled meeting is Tuesday, October 31, 2017 at 6:00 p.m.**

RESOLUTION NO. 177-2016-2018

TO: THE HONORABLE CHAIRMAN AND MEMBERS OF THE PORTAGE COUNTY BOARD OF SUPERVISORS:

RE: SENSE OF THE BOARD; OPPOSING THE PASSAGE OF 2017 SENATE BILL 54 AND 2017 ASSEMBLY BILL 94

WHEREAS, legislation has been introduced, in the form of 2017 Senate Bill 54 and 2017 Assembly Bill 94, to amend the Wisconsin state statutes to require the Department of Corrections to recommend revoking a person's extended supervision, probation, or parole if the person is charged with a crime while on extended supervision, probation, or parole; and

WHEREAS, the Department of Corrections estimates that this legislation could result in an increase of 5,570 revocations cases each year. This means that 5,570 more individuals would be occupying county jails without proper reimbursement from the State; and

WHEREAS, this legislation, as drafted, is an unfunded mandate to Wisconsin's counties and their jails; and

WHEREAS, it is estimated that this bill could result in increased operating and construction costs for the Department of Corrections, exceeding \$51,000,000 during the first year of enactment, and ongoing and permanent increased operational costs of over \$149,000,000 after the population is annualized during the second year of enactment.; and

FISCAL NOTE: There are no fiscal obligations for the county associated with this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Portage County Board of Supervisors does hereby oppose the passage of 2017 Senate Bill 54 and 2017 Assembly Bill 94, urge our elected representatives of the legislature to vote against these bills, and further urge Governor Walker to veto and resulting act created by the passing of these bills.

BE IT FURTHER RESOLVED, that the Portage County Clerk be directed to forward a copy of this resolution to the Portage County Executive, all Wisconsin counties, the Wisconsin Counties Association, the Wisconsin Legislature, and the Governor.

DATED THIS 10TH DAY OF OCTOBER, 2017.

RESPECTFULLY SUBMITTED,

PORTAGE COUNTY PUBLIC SAFETY/EMERGENCY MANAGEMENT COMMITTEE:



Dan Dobratz, Chair



Don Jankowski, Vice Chair



Dale O'Brien



James Zdroik



Stan Potocki

RESOLUTION № 363-091917
OPPOSING THE AQUILA RESOURCES, INC.
PROPOSED BACK FORTY MINE PROJECT

WHEREAS, the Aquila Resources, Inc. Back Forty Project, a proposed open pit metallic sulfide mine, would be located on the banks of the Menominee River, which empties into Lake Michigan and is one of the largest watersheds in Northern Wisconsin and Michigan's Upper Peninsula; and,

WHEREAS, the Menominee River provides a unique habitat for species of special concern such as Lake Sturgeon and Freshwater Mussels, which would be negatively impacted by discharges into the water, and;

WHEREAS, the potential impacts of the mine include long term leaching of acid-producing wastes into the groundwater and the river, and;

WHEREAS, the hazardous wastes generated by the mine would potentially degrade water quality and present risks to human health and the environment in Wisconsin as well as Michigan, and;

WHEREAS, potential economic losses including reduction in property values and loss of tourism revenue are not factored into the permitting review process, and;

WHEREAS, the approval of this mine will result in the irreversible loss of significant cultural resources of the Menominee Tribe of Indians of Wisconsin, including Native American gravesites and other areas of historical significance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Sister Bay, Wisconsin does hereby go on record as opposing Aquila Resources, Inc. Back Forty Mine Project and urges the Michigan Department of Environmental Quality to deny a mining permit for the project.

BE IT FURTHER RESOLVED, that the Village Clerk is hereby directed to transmit a copy of this Resolution to the Governor of the State of Wisconsin, to the Department of Natural Resources Secretary Cathy Stepp, to legislators representing Door County constituents, to the Wisconsin Counties Association and all Wisconsin Counties, to the Wisconsin League of Municipalities, to the Governor of Michigan Rick Snyder, to the Michigan Department of Environmental Quality and to the Michigan Department of Natural Resources.

INTRODUCED at a regular meeting of the Board of Trustees of the Village of Sister Bay held this 19th day of September, 2017.

Passed and adopted this 19 day of Sept 2017.



David W. Lienau, President

ATTEST:

 Christy Sully, Village Clerk

VOTE: Ayes 5 Noes 0

RESOLUTION NO. 96 - 2017

**RESOLUTION TO CREATE A NONPARTISAN PROCEDURE FOR THE
PREPARATION OF LEGISLATIVE AND CONGRESSIONAL
REDISTRICTING PLANS**

Background: This is a resolution brought forth by Supervisor Vedro that requests changes in the redistricting process.

Fiscal Note: ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted
Comments:

WHEREAS, currently under the state constitution, the legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following the decennial census by the majority party, and at the same intervals, the legislature also reapportions congressional districts pursuant to federal law; and,

WHEREAS, legislative and congressional redistricting plans enacted pursuant to this procedure are used to elect members of the legislature and members of Congress in the fall of the second year following the year of the census; and,

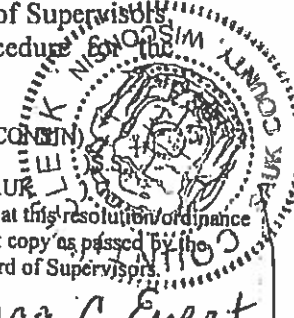
WHEREAS, historically legislative and congressional plans in Wisconsin have been subject to partisan influence that puts the desires of politicians ahead of the electoral prerogative of the people; and,

WHEREAS, the 2011 process to draw the maps and fight litigation contesting those maps cost taxpayers nearly \$1.9 million; and

WHEREAS, a panel of federal district court judges has ruled that the redistricting that was done in Wisconsin in 2011 was unconstitutional; and,

WHEREAS, redistricting to achieve partisan gains is improper, whether it is done by Republicans or Democrats; and,

NOW, THEREFORE, BE IT RESOLVED, by the Sauk County Board of Supervisors, met in regular session, does hereby urge the creation of a nonpartisan procedure for the preparation of legislative and congressional redistricting plans; and,

STATE OF WISCONSIN
COUNTY OF SAUK
I hereby certify that this resolution/ordinance
is a true & correct copy as passed by the
Sauk County Board of Supervisors.

Rebecca C. Evert
(Seal) Rebecca C. Evert, Sauk County Clerk

RESOLUTION NO. 86 - 2017

RESOLUTION TO CREATE A NONPARTISAN PROCEDURE FOR THE PREPARATION OF LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PLANS

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BE IT FURTHER RESOLVED, that the Board strongly support requiring the State Legislature to wait to create their districts until local governments produce and provide their numbers, wards and district information to the State; and require the State to use those local boundaries to create state districts, providing for more efficient election administration; and,

BE IT FURTHER RESOLVED, that the process promotes more accountability and transparency and prohibits the consideration of voting patterns, party information, and incumbents' residence information or demographic information in drawing the maps, except as necessary to ensure minority participation as required by the U.S. Constitution; and ,

BE IT FURTHER RESOLVED, that the County Clerk is directed to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all members of the state legislature, and to each Wisconsin County.

For consideration by the Sauk County Board of Supervisors on September 19, 2017.

Respectfully submitted:

EXECUTIVE & LEGISLATIVE COMMITTEE


MARTIN F. KRUEGER, chairperson


JOAN FORDHAM


DENNIS POLIVKA


WALLY CZUPRYNSKI


WILLIAM HAMBRECHT

Fiscal Note: No impact.

MIS Note: No information systems impact.

Motion to Adopt By: Tim Zeglin

Seconded By: Jeanne Nutter

Dist.	Supervisor	Y	N	A
1	Frey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Winters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	S. Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Sacia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Brandt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Killian	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	D. Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Haines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Aasen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Walek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Zeglin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Fimreite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Nelson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Nutter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Skoyen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Vold	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	TOTALS	17	0	0

First Reading: 9/18/2017

Second Reading: Waived

Vote Required: Simple Majority

Adopted ☒

Defeated ☐

STATE OF WISCONSIN)
)s.s.
CO. OF TREMPLEALEU)

I hereby certify that this resolution
/ordinance is a true and correct copy of a
resolution/ordinance adopted by the
Trempealeau County Board of
Supervisors on: 9/18/2017

_____/s/_____
Paul Syverson, County Clerk

Resolution Number: 2017-09-03

Creating a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans

WHEREAS, currently under the state constitution, the legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following the decennial federal census by the majority party; and at the same intervals, the legislature also reapportions congressional districts pursuant to federal law; and

WHEREAS, legislative and congressional redistricting plans enacted pursuant to this procedure are used to elect members of the legislature and members of Congress in the fall of the second year following the year of the census; and

WHEREAS, historically legislative and congressional plans in Wisconsin have been viewed by many to be subject to partisan influence; and

WHEREAS, the 2011 process to draw the maps and fight litigation contesting those maps cost taxpayers nearly \$1.9 million; and

WHEREAS, a panel of federal district court judges has ruled that the redistricting that was done in Wisconsin in 2011 was unconstitutional, and that case is now on appeal to the United States Supreme Court, and redistricting to achieve partisan gains is improper, whether it is done by Republicans or Democrats.

NOW, BE IT RESOLVED that the Trempealeau County Board of Supervisors insists upon the creation of a nonpartisan procedure for the preparation of legislative and congressional redistricting plans; and

BE IT FURTHER RESOLVED that the process chosen must promote accountability and transparency and prohibit the consideration of voting patterns, party information, and incumbents' residence information or demographic information in drawing the maps, except as necessary to ensure minority participation as required by the U. S. Constitution; and

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all members of the state legislature, and to each Wisconsin County.

Resolution # 2017-30

Fair Maps - Redistricting Resolution

WHEREAS, currently under the state constitution, the legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following the decennial federal census by the majority party; and at the same intervals, the legislature also reapportions congressional districts pursuant to federal law, and

WHEREAS, legislative and congressional redistricting plans enacted pursuant to this procedure are used to elect members of the legislature and members of Congress in the fall of the second year following the year of the census, and

WHEREAS, historically legislative and congressional plans in Wisconsin have been subject to partisan influence that put the desires of politicians ahead of the electoral prerogative of the people, and

WHEREAS, the 2011 process to draw the maps and fight litigation contesting those maps cost taxpayers nearly \$1.9 million, and

WHEREAS, a panel of federal district court judges has ruled that the redistricting that was done in Wisconsin in 2011 was unconstitutional, and

WHEREAS, redistricting to achieve partisan gains is improper, whether it is done by Republicans or Democrats,

NOW THEREFORE BE IT RESOLVED that the Vernon County Board of Supervisors insists upon the creation of a nonpartisan procedure for the preparation of legislative and congressional redistricting plans, and

BE IT FURTHER RESOLVED that the process promotes more accountability and transparency and prohibits the consideration of voting patterns, party information, and incumbents' residence information or demographic information in drawing the maps, except as necessary to ensure minority participation as required by the U.S. Constitution.

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all members of the state legislature, and to each Wisconsin County.

Recommended for consideration by the full County Board

Dated: September 19, 2017

Submitted by



Mike Leis, Legal Affairs Committee Chair

Yes 5 No 0 Absent/Abstain

Adopted by the Vernon County Board of Supervisors 9-9, 2017.

Attest:



Ron Hoff, County Clerk



Resolution No. 34 (2017)
RESOLUTION OPPOSING SECTIONS 52 AND 53 OF
ASSEMBLY BILL 456 AND SENATE BILL 374 RELATING TO
VEHICLE REGISTRATION FEES

1 **WHEREAS**, current federal and state funding for local transportation infrastructure is
2 inadequate; and

3 **WHEREAS**, the State has imposed levy limits on local governments, which impacts
4 local spending for transportation needs; and

5 **WHEREAS**, current State law allows local governments, including counties, to enact
6 ordinances imposing an annual municipal or county registration fee on all motor vehicles; and

7 **WHEREAS**, although State law has allowed local registration fees since 1967, few local
8 governments have imposed local registration fees until relatively recently when more local
9 governments adopted vehicle registration fees to offset shrinking state and federal transportation
10 dollars and to repair deteriorating roads; and

11 **WHEREAS**, the fees that are collected are required to be used for transportation-related
12 purposes only; and

13 **WHEREAS**, St. Croix County imposed a local registration fee in 2008 to supplement
14 state and federal transportation dollars for the maintenance of the county highway system; and

15 **WHEREAS**, Sections 52 and 53 of Assembly Bill 456 and Senate Bill 374 provide that a
16 county or municipal registration fee may be continued or imposed only if approved by a majority
17 of electors voting in a referendum at a regularly scheduled election; and

18 **WHEREAS**, Sections 52 and 53 of Assembly Bill 456 and Senate Bill 374, if passed,
19 would require St. Croix County to hold a referendum within 18 months to consider continuing
20 the local registration fee; and

21 **WHEREAS**, the registration fee may only continue if such a referendum is approved by
22 a majority of the electorate; and

23 **WHEREAS**, this is another attempt to eliminate or reduce local control.

24 **NOW, THEREFORE BE IT RESOLVED** that the St. Croix County Board of
25 Supervisors strongly opposes Sections 52 and 53 of Assembly Bill 456 and Senate Bill 374, and
26 recommends that Sections 52 and 53 be removed from Assembly Bill 456 and Senate Bill 374
27 prior to consideration by the Wisconsin State Legislature.

28 **BE IT FURTHER RESOLVED** that St. Croix County Board of Supervisors directs the
29 County Clerk to send a copy of this resolution to the Wisconsin Counties Association, State
30 Legislators, and Governor Scott Walker and all Wisconsin County Clerks.

Legal – Fiscal – Administrative Approvals:

Legal Note:

Fiscal Impact:

Elimination of this revenue source would reduce County funding by \$775,000 per year, based on 2017 budget estimates.


Scott L. Cox, Corporation Counsel 8/30/2017


Robert Mittet, Finance Director 8/31/2017


Patrick Thompson, County Administrator 8/31/2017

09/05/17 Transportation Committee RECOMMENDED

RESULT: RECOMMENDED [UNANIMOUS]
MOVER: David Peterson, Supervisor
SECONDER: Dave Ostness, Vice Chair
AYES: Scott Nelson, Dave Ostness, David Peterson, William Peavey
ABSENT: Ryan S. Sicard

Vote Confirmation.


William Peavey, Supervisor 9/5/2017

St. Croix County Board of Supervisors Action:

Roll Call - Vote Requirement – Majority of Supervisors Present

RESULT: ADOPTED AS AMENDED [15 TO 3]
MOVER: David Peterson, Supervisor
SECONDER: Dave Ostness, Vice Chair
AYES: Ring, Babbitt, Sjoberg, Moothedan, Nelson, Berke, Ostness, Larson, Hansen, Ard, Peterson, Anderson, Achlerhof, Leibfried, Peavey



Burrows Aviation, LLC
W3244 County Road O
Sheboygan Falls, WI 53085

October 17, 2017

Thomas Wegner, Chairperson
Sheboygan County Board of Supervisors
202 Daleview Drive
Plymouth, WI 53073

RE: Discussion for new terminal building at the Sheboygan airport

To the Board:

It has come to my attention that during the Tuesday, September 19, 2017 meeting of the Sheboygan County Board of Supervisors, the Supervisors were told the new terminal "would not be staffed by county personal. It would most likely be staffed by our FBO operator." The business I own, Burrows Aviation, is the county airport Fixed Base Operator. I am afraid my interest in space in a new terminal building has been misrepresented as it was misrepresented for Vollrath and Lakeland University interest. Please make it clear to the Board of Supervisors that I already have a building with all the amenities needed. It is the Sheboygan County Airport portal for arriving and departing passengers. It houses a restaurant, and rental car agency. I invite the supervisors to visit Burrows Aviation at the airport and draw their own conclusion on the quality of this privately funded, tax paying and land lease paying facility.

If my building can be found. I believe airport signage is the responsibility of the county and has been neglected and even discouraged by airport management for years. It is important to show case Sheboygan County Airport. Accurate and understandable signage pointing out the great services and features at the airport should have been completed long ago. At my own investment I am putting up additional signage on my property but it is not enough as passengers and transportation personnel get lost locating our building. Additional signage is desperately needed to clarify the airports tenants and businesses.

On another note if the County wants a terminal building solely for the purpose of attracting a customs area I would suggest a stand-alone hangar that is available for purchase which already has many of the amenities that customs is looking for and it can easily be modified for such a purpose. The purchase price is \$235,000 vs. the \$6,000,000 being suggested for a terminal building.

Thank you for your time and I appreciate your service to our community.

Sincerely,

Mindy M. Smith
Managing Member

JOURNAL OF THE MEETING OF THE SHEBOYGAN COUNTY BOARD OF SUPERVISORS

October 31, 2017

Pursuant to Section 59.11 of the Wisconsin Statutes, the October 31, 2017 session of the Sheboygan County Board was called to order by Chairperson Thomas G. Wegner at 6:00 p.m. Chairperson Wegner noted that the notice of meeting was posted on October 27, 2017 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 22 Supervisors present; Absent: 3, Supervisors Abler, Glavan, and Ogea.

INITIAL PRESENTATION OF THE 2018 PROPOSED BUDGET

County Administrator Adam Payne presented the 2018 Proposed Sheboygan County Budget. The proposed 2018 budget includes a modest property tax levy increase of 1.38% or \$660,097. The tax levy increase is a combination of an increase in Library aid, Bridge aid, and net new construction, and a decrease in debt service levy due to the sales tax revenue. The tax rate will decrease from \$5.65 to \$5.45, or twenty cents less than 2017. The proposed 2018 budget consists of a total property tax levy of \$48.5 million, and a total budget of \$149 million. The annual budget supports 19 departments and 825 employees implementing over 200 programs and services. Mr. Payne reviewed key components of the budget including funding to support the Drug Treatment Court, maintaining our Transportation System, construction of the new Transportation Complex, Courthouse Security Enhancements, new Sheriff's Department squads, and support for the new Emergency Management Dispatch System. Lastly, Mr. Payne said the budget reflects tremendous teamwork among County Board Supervisors, Department Heads, and staff to be fiscally responsible and continue to provide quality programs and services.

PUBLIC HEARING ON PROPOSED BUDGET

Chairperson Wegner noted that the Notice of Public Hearing was published on October 11, 2017 and declared the public hearing on the proposed 2018 budget open for anyone wishing to be heard. The following persons addressed the board:

Jodi Schoerner, N6107 River Heights Drive, Plymouth

There being no other persons wishing to be heard, Chairperson Wegner declared the public hearing closed at 6:26 p.m.

The Chairperson announced that the next order of business would be the review of the 2018 Proposed Budget and directed the County Clerk to go through the budget on a department by department basis. As each department was identified, the Chairperson requested that any amendments be offered.

Supervisor Hoffmann moved to amend the Non Departmental Budget for Account #533910 by removing \$100,000 from SCEDC. Supervisor Uraynar seconded the motion which defeated on roll call vote of the board Ayes: 6, Supervisors Bauer, Baumgart, Bemis, Damp, Epping, and Hoffmann; Noes: 16; Absent: 3, Supervisors Abler, Glavan, and Ogea.

When no further motions were offered, Chairperson Wegner declared the Budget Review Session concluded.

Pursuant to Sec. 5.06(a)(8), the 2018 Proposed Budget was referred back to the Finance Committee which will submit its final recommendation on the Budget at the November 7, 2017 board meeting

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 7:12 p.m. **The next scheduled meeting is Tuesday, November 7, 2017 at 6:00 p.m.**

SHEBOYGAN COUNTY RESOLUTION NO. 14 (2017/18)

Re: Approving Restated Sewage Treatment Agreement with City of Plymouth

WHEREAS, the County owns the Rocky Knoll Health Care Center (hereafter "Rocky Knoll") located in the Town of Plymouth and is in the process of constructing a Transportation Complex located at a nearby site in the Town of Plymouth and

WHEREAS, in 1969 Sheboygan County ("County") and the City of Plymouth ("City") entered into an Agreement for Sewage Treatment Services for Rocky Knoll (previously known as the Rocky Knoll Sanatorium and Hospital) and related buildings wherein the City agreed to provide sewage treatment services to Rocky Knoll, notwithstanding the fact that it was in the Town and not the City, and

WHEREAS, County would like to restate the terms of the 1969 Agreement to include the treatment of sewage from the Transportation Complex as well as from Rocky Knoll, and

WHEREAS, City is willing to do so under the terms and conditions as set forth in the proposed Restated Agreement on file with the Clerk, and

WHEREAS, it is in the best interests of Sheboygan County to enter into such a restated agreement;


NOW, THEREFORE, BE IT RESOLVED by the Sheboygan County Board that the County enter into the Restated Agreement with the City of Plymouth a copy of which is on file with the Clerk and to undertake all responsibilities and obligations required thereunder;

BE IT FURTHER RESOLVED, that the County Administrator is authorized and directed to sign the Restated Agreement on behalf of Sheboygan County.


Respectfully submitted this 24th day of October, 2017.

TRANSPORTATION COMMITTEE


Roger Te Stroete, Chairperson


Al Bosman, Secretary


James P. Glavan, Vice-Chairperson


Richard C. Bemis


Mark S. Winkel

Opposed to Introduction:

RESTATED AGREEMENT FOR SEWAGE TREATMENT SERVICES

THIS AGREEMENT, made this ____ day of _____, 2017, by and between the **CITY OF PLYMOUTH**, a municipal corporation (hereinafter "City") and **SHEBOYGAN COUNTY**, a Wisconsin governmental body corporate (hereinafter "County").

WHEREAS, County owns the Rocky Knoll Health Care Center located at N7135 Rocky Knoll Parkway, Plymouth, Wisconsin, and is in the process of constructing a Transportation Complex located at W5741 County Road J, Plymouth, Wisconsin, both of which are located in the Town of Plymouth, Sheboygan County, Wisconsin; and

WHEREAS, in 1969, County and City entered into an Agreement for Sewage Treatment Services for the Rocky Knoll Health Care Center (previously known as the Rocky Knoll Sanatorium and Hospital) and related buildings wherein County agreed to construct a sewerage system and City agreed to provide sewage treatment services to County; and

WHEREAS, in 1989, the parties hereto entered into an agreement with the Little Elkhart Lake Rehabilitation and Sanitary District No. 2 allowing the District to connect to County's sewerage system for treatment from City but no other connections have been made to County's sewerage system; and

WHEREAS, the parties hereto desire to restate the terms of the 1969 agreement to include the treatment of sewage from the Transportation Complex.

NOW, THEREFORE, to provide sewage treatment services for the premises commonly known as Rocky Knoll Health Care Center (hereafter "Rocky Knoll") and the Transportation Complex but intended to include all structures constructed and operated by Sheboygan County and used in connection with Rocky Knoll or the Transportation Complex, as further identified in the recitals, which have a need for such sewage treatment, and in consideration of the covenants and agreements contained herein, the parties hereby agree as follows:

1. **Construction of Facilities.** County shall construct and be responsible for all necessary facilities from the Transportation Complex to and including the connection to the existing County sewer main connecting Rocky Knoll to City's sewage system.

2. **Place of Connection.** At least five (5) days prior to making such connection, County shall contact City's Director of Public Works/City Engineer to coordinate the connection. County shall provide the as-built plans to City.

3. **Ownership and Maintenance.**

A. The ownership and maintenance of County's main and all appurtenances thereto shall at all times be the responsibility of County, except

the cost of maintenance arising out of the negligent or willful act of City or its employees or agents, shall be borne by City.

B. The necessary maintenance for the Rocky Knoll line and the Transportation Complex line and all appurtenances thereto shall be provided by County.

C. The parties agree that City is authorized to perform necessary repairs or maintenance without prior authorization from County in the event of an emergency.

4. No Additional Connections.

A. County shall at no time in the future allow additional connections to County's main except for such connections that are required from County facilities to be used in conjunction with Rocky Knoll or the Transportation Complex that may be constructed adjacent to the main. County shall coordinate any future Rocky Knoll or Transportation Complex connections with City.

B. City shall at no time in the future allow connections to County's main. If City shall annex territory along the route of County's main, County's main through such annexed territory shall continue to be the sole property of County and neither the public nor City shall gain rights therein.

5 Statutory Authority. This Agreement is made and executed under the authority of Wis. Stat. § 66.0301 and Wis. Stat. chs. 59 and 62 and is subject to the authority and limitations thereof and shall not be deemed to enlarge or extend the present public service area of City for utility purposes.

6. Metering and Expense. All sewage effluent entering County's main, including all water discharged, shall be metered, and such meter shall be read monthly by City. The expense of the metering equipment and the installation thereof shall be borne by County. The meter shall be owned by City. Any party hereto may at any time check the meters. In the event a party feels that the meters are not operating properly, the party may request their replacement.

7. Treatment Cost.

A. City agrees to treat such effluent for the rate in effect for other users of City's sanitary sewerage facilities. County may submit a complaint related to charges to the Public Service Commission pursuant to Wis. Stat. § 66.0821.

B. County shall receive billings for services on a monthly basis.

C. The parties agree that such maintenance shall be both of a routine and emergency nature and that City shall perform the same when necessary without the requirement of a prior authorization or work or purchase order.

8. **Consent to Assignment.** The County may assign or otherwise transfer its interests, rights and obligations in this Agreement only with the prior written consent of City.

IN WITNESS WHEREOF both parties hereto have caused these presents to be signed by their duly-authorized officers on the dates as indicated after their respective signatures.

CITY OF PLYMOUTH

SHEBOYGAN COUNTY

By: _____
Donald O. Polman, Mayor

Adam Payne, County Administrator

By: _____
Patricia Huberty, Clerk/Treasurer

Date Signed: _____

Date Signed: _____

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FISCAL NOTE
October 2017

**Resolution No. 14 (2017/18) RE: Approving Restated Sewage Treatment Agreement
with City of Plymouth**

This existing agreement with the City of Plymouth for sewage treatment services is being restated to include the Transportation Complex. The costs associated with connecting into the sewer main are included in the overall Transportation Complex Project approved in the Five Year Capital Plan.

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon, Finance Director
October 20, 2017

1 **SHEBOYGAN COUNTY ORDINANCE NO. 07 (2017/18)**

2
3 **Re: Amending Provisions of the Floodplain Zoning Ordinance**

4
5
6 **WHEREAS**, the Wisconsin Department of Natural Resources (DNR) requires all dams in
7 the state to undergo a "Dam Failure Analysis," and

8
9 **WHEREAS**, the most recent analysis of the Marsh Dam finds it to be a "high risk" dam
10 unless the County's Floodplain Zoning Ordinance is amended to confirm that there are no
11 structures that would be impacted if the dam were to fail, and

12
13 **WHEREAS**, since the last major revisions to the County's Floodplain Ordinance at
14 Chapter 73 of the County Code, various floodplain studies have been undertaken which support
15 that our current code does not comply with the most current best practices, and

16
17 **WHEREAS**, in addition thereto, the DNR has introduced a new model ordinance which
18 updates and clarifies the requirements of the floodplain law, and

19
20 **WHEREAS**, a public hearing was held on October 10, 2017, as required by Wis. Stat. §
21 59.69 in which a proposed revision to our current floodplain ordinance as set forth below was
22 presented for public review and comment, and

23
24 **WHEREAS**, based on the public comment, it is in the best interests of Sheboygan
25 County to amend its Floodplain Zoning Ordinance as set forth below;

26
27 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan
28 does ordain as follows:

29
30 Section 1. **Updating Provisions of Floodplain Zoning Ordinance.**
31 Chapter 73 of the Sheboygan County Code of Ordinances is hereby amended as
32 follows:

33
34 73.01 **STATUTORY AUTHORIZATION.** This Ordinance is adopted under the authority of Wis. Stat.
35 §§ 59.69, 59.692, and 59.694 and the requirements of § 87.30.

36
37 73.02 **FINDING OF FACT.** Uncontrolled development and use of the floodplains and rivers in
38 Sheboygan County would impair the public health, safety, convenience, general welfare, and tax
39 base.

40
41 73.03 **STATEMENT OF PURPOSE.** This Ordinance is intended to regulate floodplain development to:

- 42
43 (1) Protect life, health, and property;
44 (2) Minimize expenditures of public funds for flood control projects;
45 (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
46 (4) Minimize business interruptions and other economic disruptions;
47 (5) Minimize damage to public facilities in the floodplain;
48 (6) Minimize the occurrence of future flood blight areas in the floodplain;
49 (7) Discourage the victimization of unwary land and home buyers;
50 (8) Prevent increases in flood heights that could increase flood damage and result in
51 conflicts between property owners; and

- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain.

73.04 TITLE. This Ordinance shall be known as the **FLOODPLAIN ZONING ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN.**

73.05 GENERAL PROVISIONS.

- (1) AREAS TO BE REGULATED. This Ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by the Wisconsin Department of Natural Resources (DNR). Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
- (2) OFFICIAL MAPS & REVISIONS. The boundaries of all floodplain districts are designated as ~~floodplains or A-Zones~~ A, AE, AH, AO, or A1-30 on the maps based on the FIS listed below ~~and the revisions in the Sheboygan County Floodplain Appendix.~~ Any change to the Base Flood Elevations (BFE) in the Flood Insurance Study (FIS) or on the or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA) through the Letter of Map Changes process as set forth at Section 73.22 of this Code before it is effective. No changes to ~~Regional Flood Elevations (RFEs)~~ on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Sheboygan County Planning and Resources Conservation Department (the Department). If more than one map or revision is referenced, the most restrictive information shall apply.
- (a) OFFICIAL MAPS BASED ON THE FLOOD INSURANCE SURVEY. The boundary of the floodplain districts, including floodway, floodfringe, and other floodplain districts designated as ~~floodplains or A-Zones~~ A, AE, AH, AO, or A1-30 on the Flood Insurance Rate Maps (FIRMs) for Sheboygan County (Community Number 550424) prepared by the Federal Emergency Management Agency (FEMA) shall be as located on the following panels:

55117C0020F	55117C0040F	55117C0045F	55117C0063F*	55117C0064F
55117C0068F	55117C0069F*	55117C0090F	55117C0095F	55117C0115F
55117C0135F	55117C0145F	55117C0155F	55117C0160F	55117C0165F
55117C0167F	55117C0170F	55117C0180F	55117C0181F	55117C0182F
55117C0183F	55117C0184F	55117C0186F	55117C0188F	55117C0190F
55117C0191F	55117C0192F	55117C0193F	55117C0194F	55117C0201F
55117C0202F	55117C0203F	55117C0204F	55117C0210F	55117C0211F*
55117C0212F	55117C0213F	55117C0214F	55117C0216F	55117C0217F
55117C0218F	55117C0219F	55117C0230F	55117C0236F	55117C0237F
55117C0238F	55117C0260F	55117C0270F*	55117C0280F*	55117C0285F
55117C0290F	55117C0292F	55117C0294F	55117C0295F	55117C0301F
55117C0302F	55117C0305F	55117C0306F	55117C0307F	55117C0308F*

55117C0309F	55117C0311F*	55117C0313F	55117C0315F	55117C0320F
55117C0326F	55117C0327F	55117C0328F	55117C0329F	55117C0331F
55117C0332F	55117C0333F	55117C0334F	55117C0337F	55117C0339F
55117C0340F	55117C0341F	55117C0342F*	55117C0343F	55117C0344F
55117C0351F	55117C0353F	55117C0354F	55117C0362F	55117C0365F
55117C0385F	55117C0395F	55117C0405F	55117C0406F	55117C0407F
55117C0408F	55117C0409F	55117C0415F	55117C0416F	55117C0417F
55117C0430F	55117C0435F	55117C0440F	55117C0445F*	55117C0455F
55117C0456F*	55117C0458F	55117C0460F	55117C0465F	55117C0470F
55117C0480F				

Based on the Flood Insurance Study (FIS) No. 55117CV000A dated April 2, 2009, these panels have been approved by FEMA and the ~~Wisconsin Department of Natural Resources DNR~~ and are on file in at the ~~Office of the Planning and Resources Department~~. Asterisked panels have not been printed by FEMA.

- (b) OFFICIAL MAPS BASED ON OTHER STUDIES. In addition to the districts set forth in (a) above, any district shown on the following individual property studies from 1999 to the date of enactment which have been approved by the ~~Wisconsin Department of Natural Resources DNR~~ (and in some cases FEMA) and which are on file in the ~~office of~~ at the ~~Planning and Resources Department~~ are districts for purposes of this Ordinance. To the extent that boundaries shown on these individual property studies conflict with boundaries shown on the FIRMS set forth in (a) above, these individual studies shall be considered "best available information" in the approximate Zone A floodplains.

Individual property studies from 1999 to the date of enactment where floodplains were expressly identified and which take precedence over approximations shown on the maps set forth in (a), above.

PROPERTY OWNER	TOWN	PERMIT NUMBER
Greenlawn Memorial Park	Sheboygan	SHP-86-99
Study date is August 24, 1999; WDNR approval date is March 23, 2000		
Sunset Hills Golf Course	Sheboygan Falls	SHP-47-00
Study date is March 24, 2000; WDNR approval date is September 2000		
Joe Van Horn Chevrolet	Plymouth	SHP-117-00
Study date is September 8, 2000; WDNR approval date is October 12, 2000		
Kenneth and Amy Van Wyk	Lyndon	SHP-43-04
Study date is January 8, 2002; WDNR approval date is April 30, 2002		
Hidden Creek Subdivision	Sheboygan	SHP-25-03
Study date is August 2001; WDNR approval date is January 15, 2003		
Green Meadows Subdivision	Sheboygan	SHP-62-05
Study date is March 2004; WDNR approval date is April 23, 2004		
Justin Fink	Plymouth	SHP-44-06
Study date is date February 1, 2006; WDNR approval date is April 13, 2006		

Brett Hoffmann	Lima	SHP-82-06
Study date is July 14, 2006; WDNR approval date is August 17, 2006		
Dorothy Quasius	Rhine	SHP-29-07
Study date is February 28, 2007; WDNR approval date is April 19, 2007		
Mark Kleinhans	Plymouth	
Miller HEC-RAC study date is December 2007; WDNR approval date is December 4, 2007; FEMA approval date is April 24, 2008		
Cindy Borland	Scott	SHP-01-08
Study date September 2007; WDNR approval date is December 12, 2007		
Barr Creek culvert replacement under Sauk Trail Road	Holland (West)	
Study date is September 29, 2006; WDNR approval date is August 25, 2008; FEMA approval date is January 19, 2009		
Kohler Company	Wilson	
Study date is January 2008; DNR approval date is May 20, 2008		
Arno Pfeifer Feed Mill	Greenbush	SHP-49-10
Study date is February 4, 2009; DNR approval date is June 4, 2009		
Onion River Wastewater Treatment Commission	Lima	
Study date is May 14, 2009; DNR approval date is July 7, 2009		
Plymouth Snow Rangers	Plymouth	SHP-04-10
Study date is December 24, 2009; DNR approval date is January 14, 2010		
Steven and Janice Koepsell	Sheboygan Falls	SHP-81-10
Study date is September 20, 2010; DNR approval date is October 12, 2010		
DeSmidt Residence	Greenbush	SHP-02-11
Study date is December 16, 2010; DNR approval date is December 20, 2010		
Wade House Historical Site	Greenbush	SHP-45-11
Study date is March 2011; DNR approval date is April 12, 2011		
Carol Marshall-Horne	Lyndon	SHP-35-13
Study date is February 28, 2013; DNR approval date is March 3, 2013		
Kohler Company	Wilson	CUP-01-12
Study date is September 2013; DNR approval date is October 22, 2013		
Hermitage Conservation Club	Rhine	SHP-26-14
Study date is March 5, 2014; DNR approval date is April 23, 2014		
Village of Waldo	Lyndon	
Study date is October 18, 2010; DNR approval date is November 4, 2010; Dam failure analysis approval date is March 3, 2015		
Sheboygan County	Russell/Rhine	
Study date is December 14, 2015; DNR approval date is January 5, 2016; Dam failure analysis approval date is January 5, 2016		
Walter Vollrath	Rhine	SHP-50-17
Study date is February 27 2017; DNR approval date is April 24, 2017		

- (3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS. The regional floodplain areas are divided into three (3) districts as follows:

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
- (b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (c) The General Floodplain District (GFD) is those areas that have been or may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH, and AO zones on the FIRM.
- (4) LOCATING FLOODPLAIN BOUNDARIES. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in Subsections (a) or (b), below. If a significant difference exists, the map shall be amended according to Section 73.22 of this Code. The Department can rely on a boundary derived from a profile elevation to grant or deny a land use permit whether or not a map amendment is required. The Department shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Section. Disputes between the Department and an applicant over the district boundary line shall be settled according to Section 73.18(3) of this Code and the criteria in Subsections (a) and (b), below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Section 73.22 of this Code.
- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the DNR.
- ~~Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Section 73.22(1)(f) of this Code.~~
- (5) REMOVAL OF LANDS FROM FLOODPLAIN. Compliance with the provisions of this Ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet (2') above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Section 73.22 of this Code.
- ~~Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).~~
- (6) COMPLIANCE. Any development or use within the areas regulated by this Ordinance shall be in compliance with the terms of this Ordinance and other applicable local, state, and federal regulations.
- (7) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply subject to Wis. Stat. § 13.48(13). Activities that are carried out under the direction of the Department of

Transportation in connection with highways, bridges, 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. 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, and/or public utilities).

(8) **ABROGATION AND GREATER RESTRICTIONS.**

(a) This Ordinance supersedes all the provisions of any prior ordinance enacted under Wis. Stat. §§ 59.69, 59.692, or 59.694 which relate to floodplains. If another ordinance is more restrictive than this Ordinance, that Ordinance shall control to the extent of the greater restrictions and not otherwise.

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

(9) **INTERPRETATION.** In their interpretation and application, the provisions of this Ordinance are the minimum requirements liberally construed in favor of Sheboygan County and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Ordinance required by Wis. Admin. Code Ch. NR 116 is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

(10) **WARNING AND DISCLAIMER OF LIABILITY.** The flood protection standards in this Ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Ordinance create liability on the part of or a cause of action against Sheboygan County or any officer or employee thereof for any flood damage that may result from reliance on this Ordinance.

(11) **SEVERABILITY.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

(12) **ANNEXED AREAS FOR CITIES AND VILLAGES.** The Sheboygan County Floodplain Zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code Ch. NR 116 and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this Section and are to be on file in the office of the municipality's zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(13) **GENERAL DEVELOPMENT STANDARDS.** The Department shall review all permit applications to determine whether proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood

223 damage; be constructed by methods and practices that minimize flood damages; and be
224 constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment
225 and other service facilities designed and/or located so as to prevent water from entering
226 or accumulating with the components during conditions of flooding. Subdivisions shall be
227 reviewed for compliance with the above standards. All subdivision proposals (including
228 manufactured/mobile home parks) shall include regional flood elevation and floodway
229 data for any development that meets the subdivision definition of this Ordinance.
230 Adequate drainage shall be provided to reduce exposure to flood hazards and all public
231 utilities and facilities, such as sewer, gas, electrical, and water systems are located and
232 constructed to minimize or eliminate flood damages.
233

234 73.06 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

235

236 (1) HYDRAULIC AND HYDROLOGIC ANALYSES.

237

238 (a) ~~Except as allowed in Subsection (3), below,~~ No floodplain development shall:

- 240 1. Obstruct flow, defined as development which blocks the conveyance of
241 floodwaters by itself or with other development, increasing regional flood
242 height; or
- 243 2. ~~Increase regional flood height due to floodplain storage area lost which~~
244 ~~equals or exceeds 0.01 foot.~~ Cause any increase in the regional flood
245 height due to floodplain storage area lost.

246
247
248 (b) The Department shall deny permits if it is determined the proposed development
249 will obstruct flow or ~~increase regional flood heights 0.01 foot or more, based on~~
250 ~~the officially adopted FIRM unless the provisions of Subsection (3) are met.~~ cause
251 any increase in the regional flood height, based on the officially adopted FIRM or
252 other adopted map, unless the map is amended under the provisions of Section
253 73.22 of this Code.

254
255 (c) ~~Obstructions or increases equal to or greater than 0.01 foot may only be~~
256 ~~permitted if amendments are made to this Ordinance, the official floodplain~~
257 ~~zoning maps, floodway lines and water surface profiles in accordance with~~
258 ~~Section 73.22 of this Code.~~

259
260 ~~Note: This Section refers to obstructions or increases in base flood elevations as~~
261 ~~shown on the officially adopted FIRM or other adopted map. Any such~~
262 ~~alterations must be reviewed and approved by FEMA and the DNR.~~

263
264 (2) WATERCOURSE ALTERATIONS. No land use permit to alter or relocate a watercourse
265 in a mapped floodplain shall be issued until the Department has notified in writing all
266 adjacent municipalities, the DNR, and FEMA regional offices and required the applicant
267 to secure all necessary state and federal permits. The standards of Section 73.06(1) of
268 this Code must be met and the flood carrying capacity of any altered or relocated
269 watercourse shall be maintained. As soon as it is practicable, but not later than six (6)
270 months after the date of the watercourse alteration or relocation, the Department shall
271 ~~notify FEMA of the changes by submitting appropriate technical or scientific data in~~
272 ~~accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium~~
273 ~~rates, and floodplain management regulations as required~~ apply for a Letter of Map
274 Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by
275 FEMA and the DNR through the Letter of Map Change (LOMC) process.
276

- (3) WIS. STAT. § 30.31 DEVELOPMENT. Development which requires a permit from the DNR under Wis. Stat. chs. 30 and 31 such as docks, piers, wharves, bridges, culverts, dams, and navigational aids may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFEs established in the FIS, or other data from the officially adopted FIRM or other floodplain zoning maps or the Floodplain Zoning Ordinance are made according to Section 73.22 of this Code.
- (4) PUBLIC OR PRIVATE CAMPGROUNDS. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
- (a) The campground is approved by the ~~State Department of Health and Family Services~~ Wisconsin Department of Health Services (DHS);
 - (b) A Shoreland/Floodplain Zoning Permit for the campground is issued by the Planning Department;
 - (c) The character of the river system and the elevation of the campground is such that a seventy-two- (72-) hour warning of an impending flood can be given to all campground occupants.
 - (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, County Emergency Management, and the Sheriff which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
 - (e) This Agreement shall be for no more than one (1) calendar year, at which time the Agreement shall be reviewed and updated by the officials identified in Subsection (4), above, to remain in compliance with all applicable regulations including those of the ~~State Department of Health and Family Services-DHS~~ and all other applicable regulations.
 - (f) Only camping units that are fully licensed, if required, and ready for highway use are allowed.
 - (g) The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.
 - (h) All camping units that remain on-site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all the provisions of this Section.
 - (i) The Department shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this Section.
 - (j) All camping units that remain in place for more than one hundred eighty (180) days must meet the applicable requirements in either Sections 73.07 or 73.10 of this Code for the floodplain district in which the structure is located.

- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems, and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

73.07 FLOODWAY DISTRICT (FW).

- (1) **APPLICABILITY.** This Section applies to all floodway areas on the official floodplain zoning maps and those identified pursuant to Sections 73.05(2) and 73.11(4) of this Code.

- (2) **PERMITTED USES.** The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district if:

- they are not prohibited by any other ordinance;
- they meet the standards in Sections 73.08 and 73.09 of this Code; and
- all permits or certificates have been issued according to Section 73.15 of this Code:

- (a) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.

~~1. A buffer strip meeting the minimum standards as determined by the County Land & Water Conservation Department shall be established and maintained between the farmed area and the edge of the waterway; waterway crossings shall be permitted for livestock and shall be of a design deemed appropriate by the County Land & Water Conservation Department. An agricultural producer may be exempt from this Section if soil and water conservation practices are deemed sufficient and no pollution is occurring in the opinion of the County Land & Water Conservation Department.~~

~~2. If there is a pollution problem resulting from the grazing or pasturing of livestock, the agricultural producer will be required to erect a fence or otherwise abate the pollution in such a manner as may be determined by the County Land & Water Conservation Department and the Department. If a fence is erected, provision will be allowed for watering the livestock in the waterway.~~

- (b) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.

- (c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of Section 73.08(4) of this Code.

- (d) Uses or structures accessory to open space uses or classified as historic structures that comply with Sections 73.08 and 73.09 of this Code.

- (e) Extraction of sand, gravel, or other materials that comply with Section 73.08(4) of this Code, and Chapter 78, Non-Metallic Mining Reclamation Regulations, if applicable.
- (f) Functionally water-dependent uses, such as docks, piers, or wharves; dams; flowage areas; culverts; navigational aids and river crossings of transmission lines; and pipelines that comply with Wis. Stat. chs. 30 and 31.
- (g) Public utilities, streets, and bridges that comply with Section 73.08(3) of this Code.

73.08 STANDARDS FOR DEVELOPMENT IN FLOODWAY AREAS.

(1) GENERAL.

- (a) Any development in floodway areas shall comply with Section 73.06 of this Code and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to Section 73.06(1) of this Code:
 - 1. A cross-section elevation view of the proposal perpendicular to the watercourse showing if the proposed development will obstruct flow; or
 - 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The Department shall deny the permit application if the project will cause any increase in flood elevations upstream or downstream 0.01-foot or more based on the data submitted for Subsection (b), above.

(2) Structures accessory to permanent open space uses classified as historic structures or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) The structures are not designed for human habitation, and do not have a high flood damage potential, and are constructed to minimize flood damage;
- (b) ~~The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;~~ The structures shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
- (c) ~~The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and must be anchored to resist flotation, collapse, and lateral movement;~~
- (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

- (de) The structures ~~have all service facilities at or above the flood protection elevation~~ shall not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (3) Public utilities, streets, and bridges may be allowed by permit if:
- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of Section 73.06(1) of this Code.
- (4) Fills or deposition of materials may be allowed by permit if:
- (a) The requirements of Section 73.06(1) of this Code are met;
- (b) No material is deposited in the navigable channel unless a permit is issued by the DNR pursuant to Wis. Stat. ch. 30 and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this Section are met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and
- (d) The fill is not classified as a solid or hazardous waste material.
- 73.09 PROHIBITED USES. All uses not listed as permitted uses in Section 73.07(2) of this Code are prohibited, including the following uses:
- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems except portable latrines that are removed prior to flooding and systems associated with recreational areas and DNR-approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code Ch. Comm-83SPS 383.;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code Chs. NR 811 and NR 812.;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities except those permitted under Wis. Admin. Code § NR 110.15(3)(b).;

- (8) Any sanitary sewer or water supply lines except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

73.10 FLOODFRINGE DISTRICT (FF).

- (1) **APPLICABILITY.** This Section applies to all floodfringe areas shown on the official floodplain zoning maps described in Section 73.05(2)(a) and those identified pursuant to Section 73.11(4) of this Code.

- (2) **PERMITTED USES.** Any structure, land use, or development is allowed in the floodfringe district if the standards in Section 73.10(3) of this Code are met, the use is not prohibited by this or any other Ordinance or regulation, and all permits or certificates specified in Section 73.15 of this Code have been issued.

- (3) **STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS.**

- (a) All of the provisions of Section 73.06(1) of this Code shall apply. In addition, the following requirements shall apply according to the use requested. Any existing structure in the floodfringe must also meet the requirements of Section 73.12 of this Code.

- (b) **Residential Uses.** Any habitable structure including a manufactured/mobile home which is to be erected, newly constructed, reconstructed, altered, or moved into the floodfringe area shall meet or exceed the following standards: Any existing structure in the floodfringe must meet the requirements of Section 73.12 of this Code;

1. The elevation of the lowest floor, ~~excluding the basement or crawlway,~~ shall be at or above the flood protection elevation on fill unless the requirements of Section 73.10(3)(b)2 of this Code can be met. The fill shall be one foot (1') or more above the regional flood elevation extending at least fifteen feet- (15') beyond the limits of the structure. ~~The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Adjustments grants a variance;~~

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

3. Contiguous dryland access shall be provided from a structure to land outside of the floodplain except as provided in Subsection (d4), below.

4. In developments where existing street or sewer line elevations make compliance with Subsection (c3), ~~below,~~ impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation if:

- A. The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event, or

544 B. The municipality has a natural disaster plan approved by
545 Wisconsin Emergency Management and the DNR.
546

547 (c) Accessory Structures or Uses.
548

549 1. ~~Except as provided in Subsection 2, below, an a~~Accessory structures
550 ~~which is not connected to a principal structure may~~ shall be constructed
551 on fill with its the lowest floor at or above the regional flood elevation.
552

553 2. ~~An accessory structure which is not connected to the principal structure~~
554 ~~and which is less than six hundred (600) square feet in size and valued~~
555 ~~at less than Ten Thousand Dollars (\$10,000.00) may be constructed with~~
556 ~~its lowest floor no more than two feet (2') below the regional flood~~
557 ~~elevation if it is subject to flood velocities of no more than two feet (2')~~
558 ~~per second and it meets all the provisions of Sections 73.08(2)(a), (b),~~
559 ~~(c), (d), and 73.10(3)(f), below.~~
560

561 (d) Commercial Uses. Any commercial structure which is erected, altered, or moved
562 into the floodfringe area shall meet the requirements of Section 73.10(3)(b) of
563 this Code. Subject to the requirements of Subsection (3)(f), below, storage
564 yards, surface parking lots, and other such uses may be placed at lower
565 elevations if an adequate warning system exists to protect life and property.
566

567 (e) Manufacturing and Industrial Uses. Any manufacturing or industrial structure
568 which is erected, altered, or moved into the floodfringe area shall be protected to
569 the flood protection elevation using fill, leaves, floodwalls, or other flood proofing
570 measures in Section 73.20 of this Code. Subject to the requirements of
571 Subsection (3)(f), below, storage yards, surface parking lots, and other such uses
572 may be placed at lower elevations if an adequate warning system exists to
573 protect life and property.
574

575 (f) Storage of Materials. Materials that are buoyant, flammable, explosive, or
576 injurious to property, water quality, or human, animal, plant, fish, or aquatic life
577 shall be stored at or above the flood protection elevation or floodproofed in
578 compliance with Section 73.20 of this Code. Adequate measures shall be taken
579 to ensure that such materials will not enter the water body during flooding.
580

581 (g) Public Utilities, Streets, and Bridges. All utilities, streets, and bridges shall be
582 designed to be compatible with comprehensive floodplain development plans;
583 and
584

585 1. When failure of public utilities, streets, and bridges would endanger
586 public health or safety, or where such facilities are deemed essential,
587 construction of and substantial improvements to such facilities may only
588 be permitted if they are floodproofed in compliance with Section 73.20 of
589 this Code to the flood protection elevation;
590

591 2. Minor roads or nonessential utilities may be constructed at lower
592 elevations if they are designed to withstand flood forces to the regional
593 flood elevation.
594

595 (h) Sewage Systems. All on-site sewage disposal systems shall be floodproofed
596 pursuant to Section 73.20 of this Code to the flood protection elevation and shall

597 meet the provisions of all local ordinances and Wis. Admin. Code Ch. Comm
598 83SPS 383.

599
600 (i) Wells. All wells shall be floodproofed pursuant to Section 73.20 of this Code to
601 the flood protection elevation and shall meet the provisions of Wis. Admin. Code
602 Ch. NR 811 and NR 812.

603
604 (j) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in
605 floodfringe areas.

606
607 (k) Deposition of Materials. Any deposited material must meet all the provisions of
608 this Ordinance.

609
610 (l) Manufactured/Mobile Homes.

611
612 1. Owners or operators of all manufactured/mobile home parks and
613 subdivisions shall provide adequate surface drainage to minimize flood
614 damage and prepare, secure approval, and file an evacuation plan
615 indicating vehicular access and escape routes with local emergency
616 management authorities.

617
618 2. In existing manufactured/mobile home parks, all new homes,
619 replacement homes on existing pads, and substantially improved homes
620 shall:

621
622 A. have the lowest floor elevated to the flood protection elevation;
623 and

624
625 B. be anchored so they do not float, collapse, or move laterally
626 during a flood.

627
628 3. Outside of existing manufactured/mobile home parks, including new
629 manufactured home parks and all single units outside of existing parks,
630 all new, replacement, and substantially improved manufactured/mobile
631 homes shall meet the residential development standards for the
632 floodfringe in Section 73.10(3)(b) of this Code.

633
634 (m) Mobile Recreational Vehicles. All mobile recreational vehicles that are on site for
635 one hundred eighty (180) consecutive days or more or are not fully licensed and
636 ready for highway use shall meet the elevation and anchoring requirements in
637 Section 73.10(3)(l)2 and 3 of this Code. A mobile recreational vehicle is ready
638 for highway use if it is on its wheels or jacking system, is attached to the site only
639 by quick-disconnect utilities and security devices, and has no permanently
640 attached additions.

641
642 **73.11 GENERAL FLOODPLAIN DISTRICT (GFD).**

643
644 (1) **APPLICABILITY.** The provisions for this district shall apply to all floodplains ~~for which~~
645 ~~flood profiles are not available or where flood profiles are available but floodways have~~
646 ~~not been delineated. Floodway and floodfringe districts shall be delineated when~~
647 ~~adequate data is available mapped as A, AO, or AH zones.~~

648
649 (2) **PERMITTED USES.** Pursuant to Section 73.11(4) of this Code, it shall be determined
650 whether the proposed use is located within a floodway or floodfringe area. Those

areasuses permitted in floodway [Section 73.07(2) of this Code] and floodfringe areas [Section 73.10(2) of this Code] are allowed within the general floodplain district according to the standards of Section 73.11(3) of this Code provided that all permits or certificates required under Section 73.15 of this Code have been issued.

(3) **STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT.** Sections 73.07 through 73.09 of this Code applies to floodway areas; Section 73.10 of this Code applies to floodfringe areas. The rest of this Ordinance applies to either district.

(a) In AO/AH zones, the structure's lowest floor must meet one of the conditions listed below, whichever is higher;

1. At or above the flood protection elevation; or
2. Two feet (2') above the highest adjacent grade around the structure; or
3. The depth shown on the FIRM.

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

(4) **DETERMINING FLOODWAY AND FLOODFRINGE LIMITS.** Upon receiving an application for development within the general floodplain district, the Department shall:

(a) Require the applicant to submit two (2) copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and flood proofing measures and the flood zone as shown on the FIRM;

(b) Require the applicants to furnish any of the following information deemed necessary by the DNR to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine floodway boundaries:

1. ~~A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;~~ A Hydrologic and Hydraulic Study as specified in Section 73.16(3) of this Code;
2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevation of streets, water supply, and sanitary facilities, soil types, and other pertinent information;
3. ~~Profile showing the slope of the bottom of the channel or flow line of the stream;~~ Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

704 4. ~~Specifications for building construction and materials, floodproofing,~~
705 ~~filling, dredging, channel improvement, storage, water supply, and~~
706 ~~sanitary facilities.~~
707

708 (c) ~~Transmit one (1) copy of the information described in Subsections (4)(a) and (b),~~
709 ~~above, to the DNR district office along with a written request for technical~~
710 ~~assistance to establish regional flood elevations and, where applicable, floodway~~
711 ~~data. Where the provisions of Section 73.16(3) of this Code apply, the applicant~~
712 ~~shall provide all required information and computations to delineate floodway~~
713 ~~boundaries and the effects of the project on flood elevations.~~
714

715 73.12 GENERAL PROVISIONS FOR NONCONFORMING USES.
716

717 (1) APPLICABILITY. These standards conform with Wis. Stat. § 59.69(10) and apply to all
718 modifications or additions to any nonconforming use or structure and to the use of any
719 structure or premises which was lawful before the passage of this Ordinance or any
720 amendment thereto or a previous version thereof.
721

722 (2) The existing lawful use of the structure or its accessory use which is not in conformity
723 with the provisions of this Ordinance may continue subject to the following conditions:
724

725 (a) No modifications or additions to a nonconforming use or structure shall be
726 permitted unless they comply with this Ordinance. The words "modification" and
727 "addition" include but are not limited to any alteration, addition, modification,
728 structural repair, rebuilding or replacement of any such existing use, structure, or
729 accessory structure or use. Ordinary maintenance repairs are not considered an
730 extension, modification, or addition; these include painting, decorating, paneling,
731 and the replacement of doors, windows, and other nonstructural components and
732 the maintenance, repair, or replacement of existing private sewage or water
733 supply systems or connections to public utilities. ~~Ordinary maintenance repairs~~
734 ~~do not include any costs associated with the repair of a damaged structure. Any~~
735 ~~costs associated with the repair of a damaged structure and not considered~~
736 ~~ordinary maintenance.~~
737

738 The construction of a deck that does not exceed two hundred (200) square feet
739 and that is adjacent to the exterior wall of a principal structure is not an
740 extension, modification, or addition. The roof of the structure may extend over a
741 portion of the deck in order to provide safe ingress and egress to the principal
742 structure.
743

744 (b) If a nonconforming use or the use of a nonconforming structure is discontinued
745 for twelve (12) consecutive months, it is no longer permitted, and any future use
746 of the property and any structure or building thereon shall conform to the
747 applicable requirements of this Ordinance.
748

749 (c) The Department shall keep a record which lists all nonconforming uses and
750 nonconforming structures, their present equalized assessed value, the cost of all
751 modifications or additions which have been permitted, and the percentage of the
752 structure's total current value those modifications represent.
753

754 (d) No modification or addition to any nonconforming structure or any structure with
755 a nonconforming use which over the life of the structure would equal or exceed
756 fifty percent (50%) of its present equalized assessed value shall be allowed
757 unless the entire structure is permanently changed to a conforming structure with

a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 73.10(3)(b) of this Code. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this Subsection.

- (e) ~~Except as provided in the following paragraphs, if a nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current Ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.~~

~~For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60 or under the regulations promulgated thereunder.~~

- ~~Notwithstanding the foregoing, any non-conforming structure whose damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow mold, infestation or any whole damage or destruction occurring after March 1, 2006, may be restored to the size, location, and use that it had immediately before the damage or destruction occurred without limitation on the costs of the repair, reconstruction, or improvement. If applicable, State or federal requirements necessitate that the size of the structure be larger than the size it was immediately before the damage or destruction, such larger size shall be allowed. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 73.10(3)(b) of this Code.~~

- (f) ~~A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Section 73.08(1) of this Code, flood-resistant materials are used, and construction practices and floodproofing methods that comply with Section 73.20 of this Code are used. If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds fifty percent (50%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 73.10(3)(b) of this Code.~~

- (g) Except as provided in Subsection (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current Ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition

812 equals or exceeds fifty percent (50%) of the structure's present equalized
813 assessed value.

- 814
815 (h) For nonconforming buildings that are substantially damaged or destroyed by a
816 non-flood disaster, the repair or reconstruction of any such nonconforming
817 building shall be permitted in order to restore it to the size and use in effect prior
818 to the damage event, provided that the minimum federal code requirements
819 below are met and all required permits have been granted prior to the start of
820 construction.

821
822 1. Residential Structures

- 823
824 A. Shall have the lowest floor, including basement, elevated to or
825 above the base flood elevation using fill, pilings, columns, posts
826 or perimeter walls. Perimeter walls must meet the requirements
827 of Section 73.20(2) of this Code.
828
829 B. Shall be anchored to prevent flotation, collapse, or lateral
830 movement of the structure resulting from hydrodynamic and
831 hydrostatic loads, including the effects of buoyancy and shall be
832 constructed with methods and materials resistant to flood
833 damage.
834
835 C. Shall be constructed with electrical, heating, ventilation,
836 plumbing and air conditioning equipment and other service
837 facilities that are designed and/or elevated so as to prevent
838 water from entering or accumulating within the components
839 during conditions of flooding.
840
841 D. In A zones, obtain, review and utilize any flood data available
842 from a federal, state or other source.
843
844 E. In AO zones with no elevations specified, shall have the lowest
845 floor, including basement, meet the standards in Section
846 73.11(3)(a) of this Code.
847
848 F. In AO zones, shall have adequate drainage paths around
849 structures on slopes to guide floodwaters around and away from
850 the structure.

851
852 2. Nonresidential Structures

- 853
854 A. Shall meet the requirements of Section 73.12(2)(h)1.A-F of this
855 Code.
856
857 B. Shall either have the lowest floor, including basement, elevated
858 to or above the regional flood elevation; or, together with
859 attendant utility and sanitary facilities, shall meet the standards in
860 Section 73.20(1) or (2) of this Code.
861
862 C. In AO zones with no elevation specified, shall have the lowest
863 floor, including basement, meet the standards in Section
864 73.11(3)(a) of this Code.
865

- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Section 73.08(1) of this Code, flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 73.20 of this Code are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Section 73.12(2)(h)1 of this Code. If it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

73.13 SPECIAL PROVISIONS FOR NONCONFORMING USES IN FLOODWAY AREAS.

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area unless such modification or addition:
- (a) Has been granted a permit or variance which meets all Ordinance requirements;
 - (b) Meets the requirements of Section 73.12, above;
 - (c) Will not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be floodproofed pursuant to Section 73.20 of this Code by means other than the use of fill to the flood protection elevation;
 - (e) ~~Mechanical and utility equipment must be elevated or floodproofed to or above the regional flood elevation;~~ If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designated by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one (1) square inch for every one (1) square foot of enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;
 - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. The use must be limited to parking, building access, or limited storage.
 - ~~(f) It must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood; and~~
 - ~~(g) Its use must be limited to parking and/or limited storage.~~
- (2) No new on-site sewage disposal system or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement,

920 repair, or maintenance of an existing on-site sewage disposal system in a floodway area
921 shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code
922 Ch. Comm 83 SPS 383.
923

- 924 (3) No new well or modification to an existing well used to obtain potable water shall be
925 allowed in a floodway area. Any replacement, repair, or maintenance of an existing well
926 in a floodway area shall meet the applicable requirements of all municipal ordinances
927 Section 73.20(3) of this Code and Wis. Admin. Code Chs NR811 and NR 812.
928

929 73.14 FLOODFRINGE AREAS.
930

- 931 (1) No modification or addition shall be allowed to any nonconforming structure or any
932 structure with a nonconforming use unless such modification or addition has been
933 granted a permit or variance by the Department and the modification or addition shall be
934 placed on fill or floodproofed to the flood protection elevation in compliance with the
935 standards for that particular use in Section 73.10(3) of this Code except where Section
936 73.14(2) of this Code is applicable.
937

- 938 (2) Where compliance with the provisions of Subsection (1), above, would result in
939 unnecessary hardship and only where the structure will not be used for human habitation
940 or be associated with a high flood damage potential, the Board of Adjustments, using the
941 procedures established in Section 73.18 of this Code, may grant a variance from those
942 provisions of Subsection (1), above, for modifications or additions using the criteria listed
943 below. Modifications or additions which are protected to elevations lower than the flood
944 protection elevation may be permitted if:
945

946 (a) No floor is allowed below the regional flood elevation for residential or
947 commercial structures;
948

949 (b) Human lives are not endangered;
950

951 (c) Public facilities, such as water or sewer, will not be installed;
952

953 (d) Flood depths will not exceed two feet (2');
954

955 (e) Flood velocities will not exceed two feet (2') per second; and
956

957 (f) The structure will not be used for storage of materials as described in Subsection
958 73.10(3)(f) of this Code.
959

- 960 ~~(3) If neither the provisions of Subsections (1) or (2), above, can be met, one (1) addition to~~
961 ~~an existing room in a nonconforming building or a building with a nonconforming use may~~
962 ~~be allowed in a floodfringe, if the addition:~~
963

964 ~~(a) Meets all other regulations and will be granted by permit or variance;~~
965

966 ~~(b) Does not exceed sixty (60) square feet in area; and~~
967

968 ~~(c) In combination with other previous modifications or additions to the building does~~
969 ~~not equal or exceed fifty percent (50%) of the present equalized assessed value~~
970 ~~of the building.~~
971

- 972 (43) All new private sewage disposal systems or additions to, replacement, repair, or
973 maintenance of a private sewage disposal system shall meet all the applicable provisions

974 of all local ordinances, Section 73.20(3) of this Code and Wis. Admin. Code Ch. Comm
975 83SPS 383.

- 976
977 (54) All new wells or additions to, replacement, repair, or maintenance of a well shall meet the
978 applicable provisions of this Ordinance and Wis. Admin. Code Chs. NR 811 and NR 812.
979

980 73.15 ADMINISTRATION.

- 981
982 (1) The Department, through its zoning staff and under the supervision of the
983 Resources Planning, Resources, Agriculture, and Extension (PRAE) Committee, is
984 authorized to administer this Ordinance and shall have the following duties and powers
985 to:
986

987 (a) Advise applicants of the Ordinance provisions, assist in preparing permit
988 applications and appeals, and assure that the regional flood elevation for the
989 proposed development is shown on all permit applications.
990

991 (b) Issue permits and inspect properties for compliance with provisions of this
992 Ordinance and issue certificates of compliance where appropriate.
993

994 (bmc) Inspect all damaged floodplain structures and perform a substantial damage
995 assessment to determine if substantial damage to the structures has occurred.
996

997 (ed) Keep records of all official actions such as:
998

- 999 1. All permits issued, inspections made, and work approved;
1000
1001 2. Documentation of certified lowest floor and regional flood elevations for
1002 floodplain development;
1003
1004 3. Records of water surface profiles, floodplain zoning maps and
1005 ordinances, nonconforming uses and structures including changes,
1006 appeals, variances, and amendments.
1007
1008 4. All substantial damage assessment reports for floodplain structures.
1009
1010 5. Floodproofing certificates.
1011
1012 6. List of nonconforming structures and uses.
1013

1014 (de) Submit copies of the following items to the DNR district office:
1015

- 1016 1. Within ten (10) days of the decision, a copy of any decision on variances,
1017 appeals for map or text interpretations, and map or text amendments;
1018
1019 2. Copies of any case-by-case analyses and any other information required
1020 by the DNR including an annual summary of the number and types of
1021 floodplain zoning actions taken.
1022
1023 3. Copies of substantial damage assessments performed and all related
1024 correspondence concerning the assessments.
1025

1026 ~~Note: Information on conducting substantial~~
1027 ~~damage assessments is available on the DNR~~

website
<http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>

- (ef) Investigate, prepare reports, and report violations of this Ordinance to the ResourcesPRAE Committee and the Corporation Counsel for prosecution. Copies of the records shall also be sent to the DNR district office.
- (fg) Submit copies of text and map amendments ~~and biennial reports~~ to the FEMA regional office.

73.16 SHORELAND/FLOODPLAIN ZONING PERMIT. A Shoreland/Floodplain Zoning Permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. The application to the Department for the Shoreland/Floodplain Zoning Permit shall include:

(1) GENERAL INFORMATION.

- (a) Name and address of the applicant, property owner, and contractor;
- (b) Legal description, proposed use, and whether it is new construction or a modification;

(2) SITE DEVELOPMENT PLAN. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- (a) Location, dimensions, area, and elevation of the lot;
- (b) Location of the ordinary high water mark of any abutting navigable waterways;
- (c) Location of any structures with distances measured from the lot lines and street center lines;
- (d) Location of any existing or proposed on-site sewage systems or private water supply systems;
- (e) Location and elevation of existing or future access roads;
- (f) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- (g) The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
- (h) Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of Sections 73.07 through 73.10 of this Code are met;
- (i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 73.06(1) of this Code. This may include any of the information noted in Section 73.08(1) of this Code.

~~(3) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS.~~

(1) ~~The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities, and floodplain storage for all subdivision proposals, as "subdivision" is defined in Wis. Stat. ch. 236 and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred Twenty-five Thousand Dollars (\$125,000.00). The applicant shall provide:~~

(a) ~~An analysis of the effect of the development on the regional flood profile, velocity of flow, and floodplain storage capacity;~~

(b) ~~A map showing location and details of vehicular access to lands outside the floodplain; and~~

(c) ~~A surface drainage plan showing how flood damage will be minimized.~~

~~The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.~~

(3) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENTS

(a) All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the DNR.

1. Hydrology. The appropriate method shall be based on the standards in Wis. Admin. Code § Ch. NR 116.07(3), *Hydrologic Analysis: Determination of Regional Flood Discharge*, or any subsequent amendment.

2. Hydraulic Modeling. The regional flood elevation shall be based on the standards in Wis. Admin. Code § Ch. NR 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation*, or any subsequent amendment and the following:

A. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting Water Surface Elevation for the study.

B. Channel sections must be surveyed.

C. Minimum four (4) foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

D. A maximum distance of five hundred (500) feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

E. The most current version of Hydrologic Engineering Center's River Analysis System (HEC-RAS) software shall be used.

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

G. Additional cross-sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than five hundred (500) feet.

H. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients, or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

I. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

3. Mapping. A work map of the reach studied shall be provided showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development, and whether the proposed development is located in the floodway.

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

B. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model unless adequate justification based on standard accepted engineering practices is provided.

(b) Zone AE Floodplains.

1. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin. Code § Ch. NR 116.07(3), *Hydrologic Analysis: Determination of Regional Flood Discharge*, or any subsequent amendment.

2. Hydraulic Modeling. The regional flood elevation shall be based on the standards in Wis. Admin. Code § Ch. NR 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation*, or any subsequent amendment and the following:

A. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and

- 1190 to allow integration of the revised data to provide a continuous
1191 FIS model upstream and downstream of the revised reach. If
1192 data from the effective model is available, models shall be
1193 generated that duplicate the FIS profiles and the elevations
1194 shown in the Floodway Data Table in the FIS report to within 0.1
1195 foot.
- 1196
- 1197 B. Corrected Effective Model. The Corrected Effective Model shall
1198 not include any man-made physical changes since the effective
1199 model date, but shall import the model into the most current
1200 version of HEC-RAS for Department review.
- 1201
- 1202 C. Existing (Pre-Project Conditions) Model. The Existing Model
1203 shall be required to support conclusions about the actual impacts
1204 of the project associated with the Revised (Post-Project) Model
1205 or to establish more up-to-date models on which to base the
1206 Revised (Post-Project) Model.
- 1207
- 1208 D. Revised (Post-Project Conditions) Model. The Revised (Post-
1209 Project Conditions) Model shall incorporate the Existing Model
1210 and any proposed changes to the topography caused by the
1211 proposed development. This model shall reflect proposed
1212 conditions.
- 1213
- 1214 E. All changes to the Duplicate Effective Model and subsequent
1215 models must be supported by certified topographic information,
1216 bridge plans, construction plans and survey notes.
- 1217
- 1218 F. Changes to the hydraulic models shall be limited to the stream
1219 reach for which the revision is being requested. Cross-sections
1220 upstream and downstream of the revised reach shall be identical
1221 to those in the effective model and result in water surface
1222 elevations and top widths computed by the revised models
1223 matching those in the Effective Models upstream and
1224 downstream of the revised reach as required. The Effective
1225 Model shall not be truncated.
- 1226
- 1227 3. Mapping. Maps and associated engineering data shall be submitted to
1228 the DNR for review which meet the following conditions:
- 1229
- 1230 A. Consistency between the revised hydraulic models, the revised
1231 floodplain and floodway delineations, the revised flood profiles,
1232 topographic work map, annotated FIRMs and/or Flood Boundary
1233 Floodway Maps (FBFMs), construction plans, and bridge plans.
- 1234
- 1235 B. Certified topographic map of suitable scale, contour interval, and
1236 a planimetric map showing the applicable items. If a digital
1237 version of the map is available, it may be submitted in order that
1238 the FIRM may be more easily revised.
- 1239
- 1240 C. Annotated FIRM panel showing the revised 1% and .2% annual
1241 chance floodplains and floodway boundaries.
- 1242

- 1243 D. If an annotated FIRM and/or FBFM and digital mapping data
 1244 (Geographic Information System (GIS) or Computer Aided
 1245 Design and Drafting (CADD)) system are used then all
 1246 supporting documentation or metadata must be included with the
 1247 data submission along with the Universal Transverse Mercator
 1248 (UTM) projection and State Plan Coordinate System in
 1249 accordance with FEMA mapping specifications.
 1250
 1251 E. The revised floodplain boundaries shall tie into the effective
 1252 floodplain boundaries.
 1253
 1254 F. All cross-sections from the Effective Model shall be labeled in
 1255 accordance with the effective map and a cross-section lookup
 1256 table shall be included to relate to the model input numbering
 1257 scheme.
 1258
 1259 G. Both the current and proposed floodways shall be shown on the
 1260 map.
 1261
 1262 H. The stream centerline or profile baseline used to measure
 1263 stream distances in the model shall be visible on the map.
 1264

- 1265 (4) EXPIRATION. All permits issued under the authority of this Ordinance shall expire ~~one~~
 1266 ~~(1)-year-one~~ hundred eighty (180) days after the date of issue and the work permitted
 1267 shall be completed prior to the expiration date. ~~Extension for additional periods of up to~~
 1268 ~~one (1)-year-one~~ hundred eighty (180) days may be granted by the Department subject to
 1269 the following conditions:
 1270

- 1271 (a) Extension requests shall be made in writing to the Department at least
 1272 thirty (30) days prior to the expiration date.
 1273
 1274 (b) Permits shall be reviewed by the Department for compliance with current
 1275 local, county, state, and federal requirements. If not in compliance, the
 1276 extension shall be denied.
 1277

- 1278 (5) FEE. All persons, upon filing an application for permits, changes, or amendments, or
 1279 Board of Adjustments reviews required pursuant to this Ordinance shall pay a fee to the
 1280 Department according to the ~~following schedule:~~ fee schedule on file in the Department.
 1281

1282	Shoreland Zoning Permit - New Construction	\$250.00
1283	Shoreland Zoning Permit	\$150.00
1284	Conditional Use Permit	\$300.00
1285	Board of Adjustments Hearing Fee	\$500.00
1286	Zoning District Changes & Amendments Hearing Fee	\$300.00

1287
 1288 If in the determination of the Department a permit applicant contemplates construction in
 1289 an amount of no more than ~~Five Hundred dollars~~ Two Thousand Dollars
 1290 (\$500.00-2,000.00) and the Department determines that the expense related to the
 1291 issuance of the permit does not require the full fee, the Department, in its discretion, may
 1292 waive all but Seventy-five Dollars (\$75.00) of the fee.
 1293

1294 A double fee may be charged if work is started before a permit is applied for and issued.
 1295

- 1296 (6) CERTIFICATE OF COMPLIANCE. No land shall be occupied or used and no building
1297 which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced
1298 shall be occupied until a Certificate of Compliance is issued by the Department except
1299 where no permit is required subject to the following provisions:
1300
- 1301 (a) The Certificate of Compliance shall show that the building or premises or part
1302 thereof and the proposed use conform to the provisions of this Ordinance.
1303
- 1304 (b) Application for such Certificate shall be concurrent with the application for a
1305 permit.
1306
- 1307 (c) If all Ordinance provisions are met, the Certificate of Compliance shall be issued
1308 within ten (10) days after written notification that the permitted work is completed;
1309
- 1310 (d) The applicant shall submit a certification signed by a registered professional
1311 engineer or registered land surveyor that the fill, lowest floor, and floodproofing
1312 elevations are in compliance with the permit issued. Floodproofing measures
1313 also require certification by a registered professional engineer or registered
1314 architect that floodproofing measures meet the requirements of Section 73.20 of
1315 this Code.
1316
- 1317 (7) OTHER PERMITS. The applicant must secure all necessary permits from federal, state,
1318 and local agencies including those required by the U.S. Army Corps of Engineers under
1319 Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C.
1320 1344.
1321

1322 73.17 RESOURCESPRAE COMMITTEE.
1323

- 1324 (1) The County Board through its Resources-PRAE Committee, shall:
1325
- 1326 (a) Oversee the functions of the ~~Planning and Zoning~~ Department staff; and
1327
- 1328 (b) Review and advise the County Board on all proposed amendments to this
1329 Ordinance, maps, and text.
1330
- 1331 (2) ~~This Resources-~~The PRAE Committee shall not:
1332
- 1333 (a) Grant variances to the terms of the Ordinance in place of action by the Board of
1334 Adjustments; or
1335
- 1336 (b) Amend the text or zoning maps which may only be done by the County Board.
1337

1338 73.18 BOARD OF ADJUSTMENTS. The Board of Adjustments (or "Board") created under Wis. Stat.
1339 § 59.694 and pursuant to Chapter 76 of this Code is hereby authorized and shall be appointed to
1340 act for the purposes of this Ordinance. The Board shall exercise the powers conferred by
1341 Wisconsin Statutes and adopt rules for the conduct of business. Department staff shall provide
1342 secretarial services to the Board but shall not serve as an officer of the Board.
1343

- 1344 (1) POWERS AND DUTIES. The Board of Adjustments shall:
1345
- 1346 (a) Appeals. Hear and decide appeals where it is alleged there is an error in any
1347 order, requirement, decision, or determination made by an administrative official
1348 in the enforcement or administration of this Ordinance, including permit denials.
1349

(b) Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

(c) Variances. Hear and decide upon appeal variances from the Ordinance standards.

(2) APPEALS TO THE BOARD OF ADJUSTMENTS.

(a) Appeals to the Board of Adjustments may be taken by any person aggrieved or by any officer or department of a municipality affected by any decision of the Department. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Board by filing with the Department and with the Board a notice of appeal specifying the reasons for the appeal. The Department shall transmit to the Board all records regarding the matter appealed.

(b) Notice and Hearing for Appeals Including Variances.

1. Notice. The Board shall:

A. Fix a reasonable time for the hearing;

B. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing;

C. Assure that notice shall be mailed to the parties in interest and the DNR district office at least ten (10) days in advance of the hearing.

2. Hearing. Any party may appear in person or by agent or attorney. The Board shall:

A. Resolve boundary disputes according to Section 73.18(3) of this Code.

B. Decide variance applications according to Section 73.18(4) of this Code.

C. Decide appeals of permit denials according to Section 73.19 of this Code.

(c) Decision. The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;

2. Be sent to the DNR district office within ten (10) days of the decision;

3. Be a written determination signed by the chairperson or secretary of the Board.

4. State the specific facts which are the basis for the Board's decision;

5. Either affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application;

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6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) **BOUNDARY DISPUTES.** The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (b) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (c) If the boundary is incorrectly mapped, the Board should inform the Department or the person contesting the boundary location to petition the County Board for a map amendment according to Section 73.22 of this Code.

(4) **VARIANCE.**

- (a) The Board may upon appeal grant a variance from the standards of this Ordinance if an applicant convincingly demonstrates that:
 1. Literal enforcement of the Ordinance provisions will cause unnecessary hardship;
 2. The hardship is due to adoption of the Floodplain Ordinance and unique property conditions not common to adjacent lots or premise. In such case the Ordinance or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purposes of this Ordinance as stated in Section 73.03 of this Code.
- (b) In addition to the criteria in Subsection (a), above, to qualify for a variance under FEMA regulations, the following criteria must be met:
 1. The variance may not cause any increase in the regional flood elevation;
 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of the Ordinance.
- (c) A variance shall not:
 1. Grant, extend, or increase any use prohibited in the zoning district;

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2. Be granted for a hardship based solely on an economic gain or loss;
 3. Be granted for a hardship which is self-created;
 4. Damage the rights or property values of other person in the area;
 5. Allow actions without the amendments to this Ordinance or map(s) required in Section 73.22(1) of this Code.
 6. Allow any alteration of a historic structure including its use which would preclude its continued designation as a historic structure.
- (d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

1475 73.19 TO REVIEW APPEALS OF PERMIT DENIALS

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- 1477 (1) The Board of Adjustments shall review all data related to the appeal. This may include:
- 1478
- 1479 (a) Permit application data listed in Section 73.16 of this Code.
- 1480
- 1481 (b) Floodway/floodfringe determination data in Section 73.11(64).
- 1482
- 1483 (c) Data listed in Section 73.08(1)(b)2 of this Code where the applicant has not
- 1484 submitted this information to the Department.
- 1485
- 1486 (d) Other data submitted with the application or submitted to the Board with the
- 1487 appeal.
- 1488
- 1489 (2) For appeal of all denied permits the Board shall:
- 1490
- 1491 (a) Follow the procedures of Section 73.18 of this Code;
- 1492
- 1493 (b) Consider Department recommendations; and
- 1494
- 1495 (c) Either uphold the denial or grant the appeal.
- 1496
- 1497 (3) For appeals concerning increases in regional flood elevation the Board shall:
- 1498
- 1499 (a) Uphold the denial where the Board agrees with the data showing an increase in
- 1500 flood elevation. ~~Increases equal to or greater than 0.01 foot~~ may only be allowed
- 1501 after amending the flood profile and map and all appropriate legal arrangements
- 1502 are made with all adversely affected property owners.
- 1503
- 1504 (b) Grant the appeal where the Board agrees that the data properly demonstrates
- 1505 that the project does not cause an increase ~~equal to or greater than 0.01 foot~~
- 1506 provided no other reasons for denial exist.
- 1507

1508 73.20 FLOODPROOFING.

1509

- 1510 (1) ~~No permit or variance shall be issued until the applicant submits a plan certified by a~~
- 1511 ~~registered professional engineer or architect that the floodproofing measures will protect~~

1512 ~~the structure or development to the flood protection elevation~~ for a non-residential
1513 structure designed to be watertight below the regional flood elevation unless the applicant
1514 first submits a plan certified by a registered professional engineer or architect that the
1515 floodproofing measures will protect the structure or development to the flood protection
1516 elevation and submits a FEMA Floodproofing Certificate.

1517
1518 (2) For a structure designed to allow the entry of floodwater, no permit or variance shall be
1519 issued until the applicant submits a plan either:

1520
1521 (a) Certified by a registered professional engineer or architect; or

1522
1523 (b) Meets or exceed the following standards:

- 1524
1525 1. A minimum of two (2) openings having a total net area of not less than
1526 one (1) square inch for every one (1) square foot of enclosed area
1527 subject to flooding;
1528
1529 2. The bottom of all openings shall be no higher than one (1) foot above
1530 grade; and
1531
1532 3. Openings may be equipped with screens, louvers, valves, or other
1533 coverings or devices provided that they permit the automatic entry and
1534 exit of floodwaters.

1535
1536 (23) Floodproofing measures shall be designed to:

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1538 (a) Withstand flood pressures, depths, velocities, uplift and impact forces, and other
1539 regional flood factors;

1540
1541 (b) Protect structures to the flood protection elevation;

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1543 (c) Anchor structures to foundations to resist flotation and lateral movement; and

1544
1545 (d) ~~Ensure that structural walls and floors are watertight so the flood protection~~
1546 ~~elevation and the interior remains completely dry during flooding without human~~
1547 ~~intervention~~Minimize or eliminate infiltration of flood waters.

1548
1549 (e) Minimize or eliminate discharges into flood waters.

1550
1551 (3) ~~Floodproofing measures could include:~~

1552
1553 (a) ~~Reinforcing walls and floors to resist rupture or collapse caused by water~~
1554 ~~pressure or floating debris.~~

1555
1556 (b) ~~Adding mass or weight to prevent flotation.~~

1557
1558 (c) ~~Placing essential utilities above the flood protection elevation.~~

1559
1560 (d) ~~Installing surface or subsurface drainage systems to relieve foundation wall and~~
1561 ~~basement floor pressures.~~

1562
1563 (e) ~~Constructing water supply wells and waste treatment systems to prevent the~~
1564 ~~entry of flood waters.~~

1566 (f) ~~Putting cut-off valves on sewer lines or eliminating gravity flow basement drains.~~

1567
1568 73.21 PUBLIC INFORMATION. The Department shall endeavor to:

- 1569
1570 (1) Place marks on structures to show the depth of inundation during the regional flood.
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1572 (2) Make all maps, engineering data, and regulations available and widely distributed.
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1574 (3) Encourage all real estate transfers to show what floodplain zoning district any real
1575 property is in.
1576

1577 73.22 AMENDMENTS.

- 1578
1579 (1) Obstructions or increases may only be permitted if amendments are made to this
1580 Ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles,
1581 in accordance with Section 73.22(2) of this Code.
1582

1583 (a) In AE zones with a mapped floodway, no obstructions or increases shall be
1584 permitted unless the applicant receives a Conditional Letter of Map Revision from
1585 FEMA and amendments are made to this Ordinance, the official zoning maps,
1586 floodway lines, and water surface profiles, in accordance with Section 73.22(2) of
1587 this Code. Any such alterations must be reviewed and approved by FEMA and
1588 DNR.
1589

1590 (b) In A zones, increases equal to or greater than 1.0 foot may only been permitted if
1591 the applicant receives a Conditional Letter of Map Revision from FEMA and
1592 amendments are made to this Ordinance, the official floodplain maps, floodway
1593 lines, and water surface profiles, in accordance with Section 73.22(2) of this
1594 Code.
1595

- 1596 (42) GENERAL. The County Board may change or supplement the floodplain zoning district
1597 boundaries and this Ordinance in the manner provided by law. Actions which require an
1598 amendment include but are not limited to the following:
1599

1600 (a) ~~Any change to the official floodplain zoning map, including the floodway line or~~
1601 ~~boundary of any floodplain area.~~Any fill or floodway encroachment that obstructs
1602 flow causing any increase in the regional flood height;
1603

1604 (b) ~~Correction of discrepancies between the water surface profiles and floodplain~~
1605 ~~zoning maps.~~Any changes to any other officially adopted floodplain maps listed in
1606 Section 73.05(2)(b) of this Code;
1607

1608 (c) Any fill in the floodplain which raises the elevation of the filled area to a height at
1609 or above the flood protection elevation and is contiguous to land lying outside the
1610 floodplain.
1611

1612 (d) ~~Any fill or floodplain encroachment that obstructs flow, increasing regional flood~~
1613 ~~height 0.01 foot or more.~~Correction of discrepancies between the water surface
1614 profiles and floodplain maps;
1615

1616 (e) Any upgrade to a floodplain zoning ordinance text required by Wis. Admin. Code
1617 Ch. NR 116.05 or otherwise required by law or for changes by the municipality;
1618 and
1619

- (f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
- ~~Note: Consult the FEMA web site www.fema.gov for a current map change fee schedule.~~
- (23) PROCEDURES. Ordinance amendments may be made upon petition of any interested party according to the provisions of Wis. Stat. § 59.69. Such petitions shall include all necessary data required by Sections 73.11(4) and 73.16 of this Code.
- (a) The proposed amendment shall be referred to the Department for a public hearing and recommendation to the County Board. The amendment and notice of public hearing shall be submitted to the DNR district office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stat. § 59.69.
- (b) No amendments shall become effective until reviewed and approved by the DNR.
- (c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height ~~0.01 foot or more~~ shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the County Board.
- ~~(d) For amendments in areas with no water surface profiles, the Department or Board shall consider data submitted by the DNR, the Department's visual on-site inspections, and other available information. [See Section 73.05(4).]~~
- 73.23 ENFORCEMENT AND PENALTIES. Any violation of the provisions of this Ordinance by any person shall be unlawful and shall be referred to the Corporation Counsel for appropriate enforcement action. A violator shall upon conviction forfeit to the Sheboygan County a penalty of not less than Twenty Dollars (\$20.00) and not more than Two Thousand Dollars (\$2,000.00) together with the taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the County, the State, or any citizen thereof pursuant to Wis. Stat. § 87.30.
- 73.24 DEFINITIONS. Unless specifically defined below, words, terms, or phrases used in this Ordinance shall be as defined in Chapters 70, 71, and 73 of the 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, Comm 83, and Comm 85, 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) **A ZONES.** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles depending on the availability of data for a given area.

- (2) **ACCESSORY BUILDING.** A subordinate structure on the same lot as the principal building or use and devoted to a use incidental to the principal use or structure. (See **PRINCIPAL STRUCTURE** and **PRINCIPAL USE**.)
- (3) **ACCESSORY STRUCTURE or USE.** A facility, structure, building, or use which is accessory or incidental to the principal use of a property, structure, or building.
- (4) **ALTERATION.** An enhancement, upgrading, or substantial change or modification, other than an addition or repair, to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning, and other systems within a structure.
- (45) **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.
- (6) **AREA OF SHALLOW FLOODING.** A designated AO, AH, AR/AO, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- (57) **BASE FLOOD.** A flood having a one percent (1%) chance of being equaled or exceeded in any given year as published by FEMA as part of an FIS and depicted on a FIRM.
- (68) **BASE FLOOD ELEVATION (BFE).** An elevation equal to that which reflects the height of the base flood.
- (79) **BASEMENT.** Any enclosed area of a building having its floor sub-grade, i.e., below ground level on all sides.
- (810) **BUILDING.** See **STRUCTURE**.
- (911) **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.
- (4012) **BULKHEAD LINE.** A geographic line along a reach of navigable 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 this bulkhead line and the original ordinary high water mark except where such filling is prohibited by the floodway provisions of this Ordinance.
- (4413) **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.
- (4214) **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.
- (4315) **CERTIFICATE OF COMPLIANCE.** A certification that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the provisions of this Ordinance.

- (1416) **CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (14517) **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.
- (14618) **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 Resources Committee. (Also called "special exception.")
- (14719) **CRAWLWAYS or CRAWL SPACE.** 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.
- (14820) **CRITICAL USE FACILITY.** A facility used for an activity for which flooding may pose an unacceptable risk. For purposes of this Ordinance, the term "critical use facility" is limited to the following: hazardous waste disposal facilities as defined in Wis. Admin. Code Ch. NR 181.04(26) public water supply or public water treatment facilities, hospitals, group homes for the mentally or physically handicapped or impaired, prisons, nursing homes, and police, fire, and emergency service operations.
- (14921) **DECK.** An unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation.
- (2022) **DEPARTMENT.** The Sheboygan County Planning and Resources—Conservation Department, employing which employs a full-time professional planner, and -his/her duly appointed professional planning and zoning staff, charged with the duties of administering this Ordinance and other planning and zoning legislation, operating under the jurisdiction of the Resources—PRAE Committee of the Sheboygan County Board of Supervisors.
- (2123) **DEVELOPMENT.** Any artificial change to improved or unimproved real estate, including but not limited to the construction of buildings, structures, or accessory structures, the construction of additions or alterations to buildings, structures, or accessory structures; the repair of any damaged structure, or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation, or drilling operations; the storage, deposition, or extraction of materials or equipment; and the installation, repair, or removal of public or private sewage disposal systems or water supply facilities.
- (2224) **DNR.** The Wisconsin Department of Natural Resources.
- (2325) **DRAINAGE SYSTEM.** One (1) or more artificial ditches, tile drains, or similar devices which collect surface runoff or ground water and convey it to a point of discharge.
- (2426) **DRYLAND ACCESS.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

- 1779 (2527) **ENCROACHMENT.** Any fill, structure, equipment, building, use, or development in the
1780 floodway.
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- 1782 (2628) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel of land,
1783 divided into two (2) or more manufactured home lots for rent or sale on which the
1784 construction of facilities for servicing the lots is completed before the effective date of this
1785 Ordinance. At a minimum, this would include the installation of utilities, the construction
1786 of streets, and either final site grading or the pouring of concrete pads.
1787
- 1788 (2729) **EXPANSION TO EXISTING MANUFACTURED/MOBILE HOME PARK.** The
1789 preparation of additional sites by the construction of facilities for servicing the lots on
1790 which the manufactured/mobile homes are to be affixed. This includes installation of
1791 utilities, construction of streets, and either final site grading or the pouring of concrete
1792 pads.
1793
- 1794 (2830) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that
1795 administers the National Flood Insurance Program. This agency was previously known
1796 as the Federal Insurance Administration (FIA) or Department of Housing and Urban
1797 Development (HUD).
1798
- 1799 ~~(29) **FIVE HUNDRED YEAR (500 YEAR) FLOOD.** A flood which may be expected to occur~~
1800 ~~or be exceeded on a particular lake or waterway once in every five hundred (500) years.~~
1801
- 1802 ~~(30) **FIVE HUNDRED YEAR (500 YEAR) FLOOD PROTECTION ELEVATION.** An elevation~~
1803 ~~two (2) feet above the five hundred year (500 year) flood elevation.~~
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- 1805 (31) **FLOOD or FLOODING.** A general and temporary condition of partial or complete
1806 inundation of normally dry land areas caused by one of the following conditions:
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- 1808 (a) The overflow or rise of inland waters;
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- 1810 (b) The rapid accumulation or runoff of surface waters from any source;
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- 1812 (c) The inundation caused by waves or currents of water exceeding anticipated
1813 cyclical levels along the shore of Lake Michigan; or
1814
- 1815 (d) The sudden increase caused by an unusually high water level in a natural body
1816 of water accompanied by a severe storm or by an unanticipated force of nature,
1817 such as a seiche, or by some similarly unusual event.
1818
- 1819 (32) **FLOOD FREQUENCY.** The probability of a flood occurrence which is determined from
1820 statistical analyses. The frequency of a particular flood event is usually expressed as
1821 occurring on the average once in a specified number of years or as a percent chance of
1822 occurring in any given year.
1823
- 1824 (33) **FLOODFRINGE.** That portion of the floodplain outside of the floodway which is covered
1825 by flood waters during the regional flood and associated with standing water rather than
1826 flowing water.
1827
- 1828 (34) **FLOOD HAZARD BOUNDARY MAP.** A map designating approximate flood hazard
1829 areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain
1830 floodway lines or regional flood elevations. This map forms the basis for both the
1831 regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until
1832 superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

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- (35) **FLOOD INSURANCE RATE MAP (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (36) **FLOOD INSURANCE STUDY (FIS).** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps that accompany the Flood Insurance Study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (37) **FLOODPLAIN.** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
- (38) **FLOODPLAIN ISLAND.** A natural geologic land formation within the floodplain that is surrounded but not covered by floodwater during the regional flood.
- (39) **FLOODPLAIN MANAGEMENT.** Policy and procedures to ensure wise use of floodplains including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (40) **FLOOD PROFILE.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (41) **FLOODPROOFING.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding for the purpose of reducing or eliminating flood damage.
- (42) **FLOOD PROTECTION ELEVATION.** An elevation of two feet (2') of freeboard above the water surface profile elevation designated for the regional flood. (Also see FREEBOARD.)
- (43) **FLOOD STORAGE.** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (44) **FLOODWAY.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (45) **FREEBOARD.** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (46) **GUESTHOUSE.** An accessory structure comprised only of a bedroom, bathroom, and sitting area but shall not be intended for more than occasional human occupancy.
- (47) **HABITABLE STRUCTURE.** Any structure or portion thereof used or designed for human habitation.

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- (48) **HEARING NOTICE.** Publication or posting meeting the requirements of Wis. Stat. ch. 985. For appeals, a Class 1 notice published once, at least one (1) week [seven (7)] days before the hearing is required. For all zoning ordinances and amendments, a Class 2 notice published twice, once each week consecutively the last of which at least one (1) week [seven (7) days] before the hearing.
 - (49) **HIGH FLOOD DAMAGE POTENTIAL.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
 - (50) **HISTORIC STRUCTURE.** Any structure that is either:
 - (a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior or by the Secretary of the Interior in states without approved programs.
 - (51) **INCREASE IN REGIONAL FLOOD HEIGHT.** A calculated upward rise in the regional flood elevation equal to or greater than 0.004 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such roughness factors, expansion and contraction coefficients, and discharge.
 - (52) **LAND USE.** Any development (see definition of).
 - (53) **LEVEE.** A continuous dike or embankment of earth constructed parallel to a waterway to prevent flooding of certain areas of land.
 - (54) **LOWEST ADJACENT GRADE.** Elevation of the lowest grade surface that touches any of the exterior walls of a building.
 - (55) **LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
 - (56) **MAINTENANCE.** The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

- (5457) **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."
- (5558) **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 parcel of land but do not remain capable of being towed or carried including park model homes do not fall within the definition of "mobile recreational vehicles."
- (59) **MODEL, CORRECTED EFFECTIVE.** A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- (60) **MODEL, DUPLICATE EFFECTIVE.** A copy of the hydraulic analysis used in the effective Flood Insurance Study and referred to as the effective model.
- (61) **MODEL, EFFECTIVE.** The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- (62) **MODEL, EXISTING (PRE-PROJECT).** A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or the Duplicate Effective Model.
- (63) **MODEL, REVISED (POST-PROJECT).** A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- (55m64) **NAVD or NORTH AMERICAN VERTICAL DATUM.** Elevations referenced to mean sea level datum, 1988 adjustment.
- (5665) **NGVD or NATIONAL GEODETIC VERTICAL DATUM.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (5766) **NAVIGABLE WATERS.** Lake Michigan, all natural inland lakes within Sheboygan County, Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this County.
- However, jurisdiction under this Chapter does not apply to lands adjacent to farm drainage ditches if:
- (a) Such lands are not adjacent to a natural navigable stream or river;
 - (b) Those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and

(c) Such lands are maintained in nonstructural agricultural use.

Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient, on an annually recurring basis, to support navigation by a recreational craft of the shallowest draft [*Muench v. Public Service Commission*, 261 Wis. 492 (1952) and *DeGayner & Co. v. Department of Natural Resources*, 70 Wis. 2d. 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable in fact under laws of this State though it may be dry during other seasons.

- (5867) **NEW CONSTRUCTION.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purposes of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (5968) **NONCONFORMING LOT.** A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the requirements of the zoning district. (NOTE: A legally granted "variance" pursuant to Section 72.26 of this Code shall not be deemed to create a "nonconforming structure.")
- (6069) **NONCONFORMING STRUCTURE.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- (6470) **NONCONFORMING USE.** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Ordinance for that area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (6271) **OBSTRUCTION TO FLOW.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (6372) **OFFICIAL FLOODPLAIN ZONING MAP.** That map adopted and made part of this Ordinance as described in Section 73.05(2) of this Code which has been approved by the DNR and FEMA.
- (6473) **OFFICIAL LETTER OF MAP AMENDMENT (LOMA).** Official notification from the Federal Emergency Management Agency that a Flood Insurance Study Map or other adopted flood boundary map has been amended and that the property owner may or may not be exempt from the National Flood Insurance Program requirements.
- (6574) **OPEN SPACE USE.** Those uses having a relatively low flood damage potential and not involving structure.
- (6675) **ORDINARY HIGH WATER MARK.** The point on the bank or shore up to which the presence and action of water is so continuous as to leave a distinctive mark by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

- (6776) **PERSON.** An individual or group of individuals, corporations, partnership, association, municipality, or state agency.
- (6877) **PIER.** A structure extending channelward, or more or less perpendicular out from the shore, with water on both sides, 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 and accessories go beyond what is reasonably necessary to berth watercraft or load or unload cargo or passengers is not authorized as a pier by statute; see Wis. Stat. ch. 30.)
- (7078) **PRINCIPAL BUILDING.** A building in which the principal authorized use of the lot on which it is located is conducted. (See **ACCESSORY BUILDING.**)
- (7179) **PRINCIPAL USE.** The primary or predominant use of any lot (e.g. residential, commercial, industrial, conservation, institutional, etc.
- (7280) **PRIVATE SEWAGE SYSTEM.** A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- (7381) **PUBLIC UTILITIES.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (7482) **REASONABLY SAFE FROM FLOODING.** Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (7583) **RECREATIONAL VEHICLE.** A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.
- (7684) **REGIONAL FLOOD.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (7785) **SHORELAND DISTRICT.** Lands within the following distances from the ordinary high water mark (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.
- (7886) **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, figures, design, symbols, fixtures, colors, illumination, or projected images.

- (7987) **START OF CONSTRUCTION.** The date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.
- (8088) **STORAGE CAPACITY OF A FLOODPLAIN.** The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time regardless of whether the water is moving.
- (8189) **STRUCTURE.** ~~Anything constructed, erected, or relocated from another premises that is permanently or temporarily attached to or resting on or in either the ground, stream, lake bed, or another structure. "Structures" shall include, but not be limited to, buildings (regardless of size or use); mobile homes and manufactured homes and dwellings; patios, stairways, walkways, parking lots, bridges, decks, and gazebos; swimming pools, hot tubs/spas, and playground apparatus; above-ground or underground storage tanks (excluding on-site private sewage disposal systems); and signs, masts, towers, and satellite dishes [greater than one (1) meter in diameter]. Such small, movable structures as birdhouses, bird feeders, planter boxes, picnic tables, lawn furniture, portable grills, and flagpoles shall be exempt from setback requirements.~~ Any man-made object with form, shape, and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.
- (8290) **SUBDIVISION.** Has the meaning given in Wis. Stat. § 236.02(12).
- (8391) **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
- (8492) **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either:
- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs or alterations. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(8593) **UNNECESSARY HARDSHIP.** That circumstance where uniquely and extremely special conditions which were not self-created and which are not solely related to economic loss or gain so affect a particular property that no reasonable use can be made of it and that make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

(8694) **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. § 196.01.

(8795) **VARIANCE.** An authorization by the Board of Adjustments or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the Floodplain Zoning Ordinance.

(8896) **VIOLATION.** The failure of a structure or other development to be fully compliant with the Floodplain Zoning Ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates, or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(8997) **WATERSHED.** The entire region contributing runoff or surface water to a watercourse or body of water.

(98) **WATER SURFACE PROFILE.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of a river stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(9099) **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.

(94100) **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.

(92101) **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.)

(93102) **WISCONSIN ADMINISTRATIVE CODE.** The rules of administrative agencies having rule-making authority in Wisconsin published in a loose-leaf, continual revision system as

directed by Wis. Stat. § 35.93 and Wis. Stat. ch. 227 including subsequent amendments to those rules.

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

Respectfully submitted this 24th day of October, 2017

**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

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October 5, 2017, draft

FISCAL NOTE
October 2017

Ordinance No. 07 (2017/18) RE: Amending Provision of the Floodplain Zoning Ordinance

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon, Finance Director
October 20, 2017

1 **SHEBOYGAN COUNTY ORDINANCE NO. 06 (2017/18)**

2
3 **Re: Repealing Prohibition on Feeding Deer**

4
5
6 **WHEREAS**, on October 21, 2003, in an effort to diminish the spread of chronic wasting
7 disease (CWD) in the deer population, the Sheboygan County Board enacted what is now
8 Section 38.30 of the County Code which prohibits the feeding of deer, and
9

10 **WHEREAS**, shortly thereafter, on April 13, 2004, the Wisconsin Legislation enacted
11 what is now Wis. Stat. § 29.336 which designated a system of established CWD zones, which
12 were counties where CWD cases were confirmed or counties adjacent to counties where CWD
13 cases were confirmed and which prohibited deer feeding within those CWD-zone counties, and
14

15 **WHEREAS**, deer feeding was prohibited in Sheboygan County as a consequence of
16 Wis. Stat. § 29.336 because Sheboygan County was a county adjacent to a county where a
17 confirmed case was found, and
18

19 **WHEREAS**, with the enactment of Wis. Stat. § 29.336 and the designation of
20 Sheboygan County as a CWD-zone county, Sheboygan County's Ordinance prohibiting deer
21 feeding became a moot point because deer feeding in Sheboygan County was prohibited under
22 State law, and
23

24 **WHEREAS**, on August 2, 2017, the Wisconsin Legislation amended Wis. Stat § 29.336
25 by providing that the prohibition on deer feeding in counties adjacent to confirmed CWD-case
26 counties would only continue if the confirmed case was less than 24 months old, and
27

28 **WHEREAS**, because the confirmed case in the adjacent county apparently is more than
29 24 months old, the stated prohibition on deer feeding is now removed, although the County
30 Ordinance prohibition continues, and
31

32 **WHEREAS**, the existence of the County Ordinance in apparent conflict with State
33 requirements causes confusion to the public and is no longer needed;
34

35 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan
36 does ordain as follows:
37


38
39 (The rest of this page intentionally left blank.)
40

41 Section 1. Repealing Section 38.30. Section 38.30 of the Sheboygan
42 County Code of Ordinances is hereby repealed.

43
44 Section 2. Effective Date. The herein Ordinance shall become effective
45 upon enactment and publication.

46
47
48 Respectfully submitted this 24th day of October, 2017.

49
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51 LAW COMMITTEE

52 
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54 _____
55 Vernon Koch, Chairperson

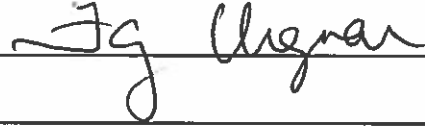
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57 _____
58 Thomas V. Epping, Vice-Chairperson

59
60 Fay Uraynar, Secretary

61 
62 _____
63 Libby Ogea

64 
65 _____
66 Robert Ziegelbauer

67
68
69 Opposed to Introduction:

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72 _____
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75

76 Countersigned by:

77
78
79 _____
80 Thomas Wegner, Chairperson


FISCAL NOTE
October 2017

Ordinance No. 06 (2017/18) RE: Repealing Prohibition on Feeding Deer

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Channon, Finance Director
October 20, 2017

1 **SHEBOYGAN COUNTY RESOLUTION NO. 16 (2017/18)**

2
3 **Re: Approving Borrowing in Excess of Budget Control Policy**
4

5
6 **WHEREAS**, the Finance Committee is presenting a 2018 County budget that
7 contemplates new capital project expenditures in the amount of \$14,114,053 to be financed
8 through the issuance of general obligation bonds pursuant to Wis. Stat. § 67.05, and
9

10 **WHEREAS**, under the proposed 5-Year Capital Plan, the Finance Committee expects
11 that in 2018 there will need to be capital project expenditures in the amount of \$7,180,000 to be
12 financed through the issuance of general obligation bonds, and
13

14 **WHEREAS**, by the enactment of Section 5.07(b) of the County Code, the County Board
15 expressed a policy whereby the County would not adopt any new County budget which provided
16 for borrowing in excess of \$5.5 Million per year or \$11 Million for a two-year period for capital
17 projects through the issuance of general obligation bonds pursuant to Wis. Stat. § 67.05 unless
18 the County Board, by 2/3 vote, adopted a separate Resolution approving the excess borrowing,
19 and
20

21 **WHEREAS**, under ordinary circumstances, the 2018 County budget would provide for
22 up to \$5.5 Million in borrowing, and
23

24 **WHEREAS**, the construction of the County's new Transportation Department Complex
25 as anticipated in the County's Five-year Capital Plan process with completion in the 2018
26 budget year has required the County to exceed borrowing in excess of the policy in 2017 as
27 authorized by the adoption of Resolution No. 27 (2016/17) and will require the Board to adopt
28 this similar Resolution for 2018, and
29

30 **WHEREAS**, the excess borrowing beyond \$5.5 Million as provided for in this budget
31 particularly appropriate at this time in that the County Board is able to take advantage of and
32 lock in the historically low interest rates that are currently available, and
33

34 **WHEREAS**, given the historically low interest rates as currently available, the future
35 expense of servicing this additional borrowing is not significantly greater than the expense of
36 servicing \$5.5 Million per year in borrowing at the interest rates in place in 2001 when the Board
37 initially enacted Section 5.07 of the County Code.
38

39 **NOW, THEREFORE, BE IT RESOLVED** that the Board acknowledges that the capital
40 borrowing contained in the proposed 2018 budget exceeds the Section 5.07 expenditure limit of
41

42
43 (The rest of this page intentionally left blank.)
44

45 \$5.5 Million per year or \$11 Million for two (2) years, but believes that such borrowing is in the
46 best interest of the County, and authorizes its inclusion in the 2018 budget.
47

48
49 Respectfully submitted this 7th day of November, 2017.
50

51
52 **FINANCE COMMITTEE**
53

54
55 _____
56 Gregory Weggeman, Chairperson
57

58 _____
59 George Marthenze, Vice-Chairperson
60

61 _____
62 Mark S. Winkel, Secretary
63

64 _____
65 William C. Goehring
66

67 _____
68 Roger Te Stroete
69

70 Opposed to Introduction:
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1 **SHEBOYGAN COUNTY RESOLUTION NO. 17 (2017/18)**

2
3 **Re: Approving 2018 Budget**

4
5
6 **WHEREAS**, the County Executive Committee, the County Finance Committee, the County
7 Administrator, and the County Finance Director have formulated a County budget for 2018 using the
8 process required by Chapter 5 of the County Code and Wis. Stat. § 65.90, and
9

10 **WHEREAS**, Section 5.06(a)(6) requires the Finance Committee to submit the proposed full
11 budget in Resolution form to the full County Board for approval, and
12

13 **WHEREAS**, the Finance Committee prepared the proposed 2018 County budget as
14 submitted to the Board on October 31, 2017, a copy of which is on file with the County Clerk, and;
15

16 **WHEREAS**, the proposed budget was subject to potential preliminary amendments adopted
17 by the County Board on October 31, 2017, and further potential Finance Committee amendments,
18 any of which are reflected on the Committee report attached to the proposed 2018 budget, and
19

20 **WHEREAS**, the Finance Committee believes that the proposed 2018 County Budget as may
21 be amended pursuant to the Committee Report is in the best interests of Sheboygan County and its
22 taxpayers;
23

24 **NOW, THEREFORE, BE IT RESOLVED** that the Sheboygan County Board adopts the
25 proposed 2018 budget as submitted to the Board on October 31, 2017, as may be amended
26 pursuant to the Finance Committee report, both of which are on file with the County Clerk.
27

28
29 Respectfully submitted this 7th day of November, 2017.
30
31

32 **FINANCE COMMITTEE**

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35
36 _____
37 Gregory Weggeman, Chairperson

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39 _____
40 George Marthenze, Vice-Chairperson

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44 _____
45 Mark S. Winkel, Secretary

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47 _____
48 William C. Goehring

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50 _____
51 Roger Te Stroete

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53 Opposed to Introduction:
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1 **SHEBOYGAN COUNTY RESOLUTION NO. 18 (2017/18)**

2
3 **Re: Levying and Apportioning the Tax**

4
5
6 **WHEREAS**, each year, the County Board of Supervisors is required to determine the
7 amount of taxes to be levied in Sheboygan County against all taxable property for the year, and
8

9 **WHEREAS**, this year there are four (4) components of the tax amount that must be
10 included, and
11

12 **WHEREAS**, the first component is the State Special Charge pursuant to Wis. Stat.
13 §§ 51.20(18) and 70.60 to reimburse other counties for expenses related to mental
14 commitments of Sheboygan County residents in their counties charged against all taxable
15 properties in Sheboygan County in the amount of \$724.05 (Equalized Rate: .000000081), and
16

17 **WHEREAS**, the second component is the County Aid to Bridges required by Wis. Stat.
18 § 82.08 and approved by the County Board by Resolution No. 12 (2017/18) charged against all
19 taxable property in the townships in Sheboygan County in the amount of \$375,061.00
20 (Equalized Rate – Town only – .000102994), and
21

22 **WHEREAS**, the third component is the Sheboygan County portion of the Monarch
23 Library System approved for the budget and an apportionment adjustment for the Monarch
24 Library System and required by Wis. Stat. § 43.64 to be charged against all taxable property in
25 all townships except the Towns of Scott and Sherman and all villages except the Villages of
26 Adell, Cedar Grove, Elkhart Lake, Kohler, Oostburg, and Random Lake in the amount of
27 \$1,264,750.00 (Equalized Rate: .000342837, applied to non-excluded Towns and Villages only),
28 and
29

30 **WHEREAS**, the forth and largest component is the general County property tax pursuant
31 to Wis. Stat. § 70.62 to finance the County government budget, and
32

33 **WHEREAS**, the Sheboygan County Board, after public hearing, study, and revision has
34 finalized and adopted the 2018 budget on this 7th day of November, 2017, which requires a levy
35 of \$46,881,341.00 against all taxable property in the County of Sheboygan (Equalized Rate:
36 .005267967);
37

38 **NOW, THEREFORE, BE IT RESOLVED**, that there be and hereby is levied on all
39 taxable property in the County of Sheboygan the following taxes:
40

41 State Special Charges	
42 Wis. Stat. § 51.20(18) (Equalized Rate: .000000081)	\$724.05
43	
44 General County Taxes	\$46,881,341.00
45 Wis. Stat. § 70.62, (Equalized County Rate: .005267967)	
46	

BE IT FURTHER RESOLVED that the sum of \$1,264,750.00, which is the amount approved for the budget of the Monarch Library System, pursuant to Wis. Stat. § 43.64, be and hereby is levied against all taxable property in the townships, excluding the Towns of Scott and Sherman, and all villages, excluding the Villages of Adell, Cedar Grove, Elkhart Lake, Kohler, Oostburg, and Random Lake.

(Equalized Rate: .000342837)

BE IT FURTHER RESOLVED that the sum of \$375,061.00 County Aid to Bridges as approved by Resolution No. 25 (2016/17) be and hereby is levied against all taxable property in the townships in Sheboygan County.

(Equalized Rate: .000102994)

BE IT FURTHER RESOLVED that the County Clerk and the County Finance Director shall, pursuant to Wis. Stat. § 70.63 determine and apportion within eight (8) days of this date, the tax levy set forth for the respective municipalities, according and in proportion to the valuations for the towns, villages, and cities as submitted by the Wisconsin Department of Revenue.

Respectfully submitted this 7th day of November, 2017.

FINANCE COMMITTEE

Greg S. Weggeman, Chairperson

George J. Marthenze, Vice-Chairperson

Mark S. Winkel, Secretary

William C. Goehring

Roger L. Te Stroete

Opposed to Introduction:

RE: Authorizing the Issuance and Sale of \$7,180,000 General Obligation Promissory Notes

WHEREAS the County Board of Supervisors hereby finds and determines that it is necessary, desirable and in the best interest of Sheboygan County, Wisconsin (the "County") to raise funds for the public purpose of paying the cost of capital projects included in the County's 2018 capital projects budget, including County building improvements, construction of the Transportation Complex, recreation and conservation projects, airport improvements and other capital projects and equipment (the "Project"), and there are insufficient funds on hand to pay said cost;

WHEREAS the County Board of Supervisors hereby finds and determines that the Project is within the County's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS counties are authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purpose;

WHEREAS, the County may issue general obligation promissory notes only if one or more of the conditions specified in Section 67.045, Wis. Stats., apply;

WHEREAS, general obligation promissory notes may be issued under Section 67.045, Wis. Stats., if the County Board of Supervisors adopts a resolution to issue the debt by a vote of at least three-fourths of its members-elect; and

WHEREAS it is the finding of the County Board of Supervisors that it is necessary, desirable and in the best interest of the County to sell its general obligation promissory notes (the "Notes") to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of Sheboygan County that:

Section 1. Authorization and Sale of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of SEVEN MILLION ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$7,180,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted, and the Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. To evidence the obligation of the County, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, the Notes aggregating the principal amount of SEVEN MILLION ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$7,180,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes"; shall be issued in the aggregate principal amount of \$7,180,000; shall be dated January 10, 2018; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on May 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on

May 1 and November 1 of each year commencing on May 1, 2018. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on May 1, 2026 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on May 1, 2025 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal amount of such Notes so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Notes in such manner as the County shall direct.

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2018 through 2026 for the payments due in the years 2018 through 2027 in the amounts set forth on the Schedule. The amount of tax levied in the year 2018 shall be the total amount of debt service due on the Notes in the years 2018 and 2019; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Notes in the year 2018.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the County and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. The County hereby appropriates from proceeds of the Notes or other funds of the County on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Notes coming due on May 1, 2018 and November 1, 2018 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$7,180,000 General Obligation Promissory Notes, dated January 10, 2018" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the County above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the County and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Notes. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Notes have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously

thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The County represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to

enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 12. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the County Clerk or County Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Notes. The County shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 16. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of

certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the Chairperson and County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 18. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 19. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Chairperson and County Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Respectfully submitted this 7th day of November, 2017.

FINANCE COMMITTEE

Greg Weggeman, Chairperson

George Marthenze, Vice-Chairperson

Mark S. Winkel, Secretary

William C. Goehring

Roger Te Stroete

EXHIBIT A

Note Purchase Proposal

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT B-1

Pricing Summary

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT C

(Form of Note)

REGISTERED UNITED STATES OF AMERICA
STATE OF WISCONSIN DOLLARS
SHEBOYGAN COUNTY
NO. R-____ GENERAL OBLIGATION PROMISSORY NOTE \$_____

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
May 1, _____ January 10, 2018 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$_____)

FOR VALUE RECEIVED, Sheboygan County, Wisconsin (the "County"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on May 1 and November 1 of each year commencing on May 1, 2018 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by the County Clerk or County Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the County are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$7,180,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the County pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for the public purpose of paying the cost of capital projects included in the County's 2018 capital projects budget, including County building improvements, construction of the Transportation Complex, recreation and conservation projects, airport improvements and other capital projects and equipment, all as authorized by a resolution of the County Board of Supervisors duly adopted by said governing body at a meeting held on December 19, 2017. Said resolution is recorded in the official minutes of the County Board of Supervisors for said date.

The Notes maturing on May 1, 2026 and thereafter are subject to redemption prior to maturity, at the option of the County, on May 1, 2025 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Notes of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Notes shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the County, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable.

This Note has been designated by the County Board of Supervisors as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Note is transferable only upon the books of the County kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the County appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the County for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and County may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, Sheboygan County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Chairperson and County Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

SHEBOYGAN COUNTY, WISCONSIN

By: _____
Thomas J. Wegner
Chairperson

(SEAL)

By: _____
Jon Dolson
County Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

1 **SHEBOYGAN COUNTY ORDINANCE NO. 08 (2017/18)**

2
3 **Re: Amending Sections 72.15 and 72.32(43) of the Sheboygan County**
4 **Shoreland Ordinance Regarding Lake Michigan Setback**
5
6

7 **WHEREAS**, in 2012, the Sheboygan County Planning and Conservation Department was
8 notified that Sheboygan County's Shoreland Zoning Ordinance needed to be revised and updated in
9 order to be compliant with new statutory requirements and with more modern practices, and
10

11 **WHEREAS**, the Planning and Conservation Department, together with the Department of
12 Natural Resources (DNR), put together a "stakeholder" group comprised at times of as many as 20
13 people representing a variety of parties with competing interests and charged the group with
14 recommending code provisions which would be in compliance with new Wisconsin statutory and
15 administrative requirements while at the same time balancing private property rights against the
16 public interest in controlling the use of shorelands and wetlands, and
17

18 **WHEREAS**, one of the things that the stakeholder group recognized early on in its
19 line-by-line review of the existent Ordinance was that Lake Michigan, with its sand beaches, rock
20 cliffs, earthen bluffs, waves in excess of 15 feet, tides, seiches, rip currents, and wave run-up, has
21 vastly different characteristics from inland lakes and rivers, and
22

23 **WHEREAS**, in recognition of the difference between Lake Michigan and inland lakes, the
24 stakeholder group supported a standard that had been in place since the 1990s wherein Sheboygan
25 County would calculate setbacks for Lake Michigan property utilizing an Ordinary High Water Mark
26 (OHWM) for Lake Michigan as the line where an elevation of 582.7 feet above sea level intersects
27 the shoreline, and
28

29 **WHEREAS**, this provision addressed health, safety, and welfare concerns of the Lake
30 Michigan shoreline properties in both the northern part of the County with its steep bluffs and in the
31 southern part of the County with its gently sloping sand beaches with dunes, and
32

33 **WHEREAS**, on November 6, 2012, the County Board enacted Ordinance No. 10 (2012/13)
34 which completely revised Chapter 72 (the Shoreland Zoning Ordinance) which provided for the
35 unique treatment of Lake Michigan property, and
36

37 **WHEREAS**, on July 12, 2015, the Wisconsin legislature enacted 2015 Wisconsin Act 55, the
38 Budget Bill, which included as one of its provisions a new Wis. Stat. § 59.692(1d) prohibiting
39 counties from enacting shoreline regulations that are more restrictive than state shoreland zoning
40 standards, and
41

42 **WHEREAS**, the County has been informed by the DNR that the unique treatment of Lake
43 Michigan shoreland property under its Shoreland Zoning Ordinance is now non-complaint with the
44 new requirements of Wis. Stat. § 59.692(1d) and that the County is again being required to amend
45 its Ordinance to treat Lake Michigan shoreland property just like any inland lake shoreland property,
46 and
47

48 **WHEREAS**, the County Board finds this state-mandated ordinance change is not in the best
49 interests of the citizens of Sheboygan County but is obliged to follow the statutory provisions to
50 amend its Ordinance to be compliant with state law;
51

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

Section 1. **Amending Sections 72.15 and 72.32(43).** Sections 72.15 and 72.32(43) of the Sheboygan County Code of Ordinances is hereby amended as follows (charges marked by redlining or strikethrough) (only those Sections or portions of Sections affected appear):

72.15(1)(a) ~~Inland~~ Navigable Waters, except if exempt or reduced as hereafter provided.

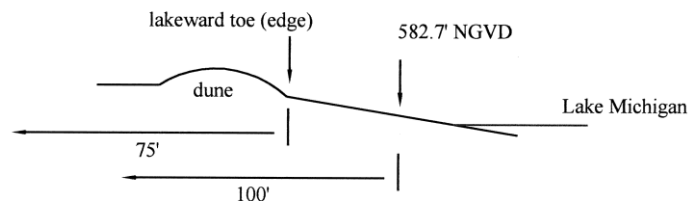
1. Required Setbacks. All structures shall require a setback of at least seventy-five feet (75') from the OHWM although a greater setback may be required where otherwise regulated by the floodplain provisions of Chapter 73 of the County Code of Ordinances or other more restrictive ordinances.

~~(b) Lake Michigan.~~

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



- (eb) 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:

- 90 1. Where there are existing principal structures in both
91 directions, the setback shall equal the average of the
92 distances the two existing principal structures are set
93 back from the OHWM provided all of the following are
94 met:
95
96 A. Both of the existing principal structures are
97 located on an adjacent lot to the proposed
98 principal structure;
99
100 B. Both of the existing principal structures are
101 located within two hundred fifty feet (250') of
102 the proposed principal structure;
103
104 C. Both of the existing principal structures are
105 located less than seventy-five feet (75') from
106 the OHWM; and
107
108 D. The average setback shall not be reduced to
109 less than thirty-five feet (35') from the OHWM
110 of any navigable water.
111

112 Functional appurtenances such as decks or porches that are
113 attached to the proposed principal structure must comply with
114 the reduced principal structure setback but shall not be used
115 in the calculation of the reduced principal structure setback.
116

- 117 (43) **ORDINARY HIGH WATER MARK (OHWM).** The point on the bank or shore
118 up to which the presence and action of water is so continuous as to leave a
119 distinctive mark by erosion, destruction, or prevention of terrestrial
120 vegetation, predominance of aquatic vegetation, or other easily recognized
121 characteristics.
122

123 Erosion scars, transitions in vegetation from aquatic to terrestrial types,
124 cobbled beaches below the current waterline, and evidence of even-aged
125 stands of woody vegetation paralleling contours or below the existing water
126 line may all be indicators of current or historic OHWM. Only one (1) OHWM
127 indicator need be present to establish an OHWM, but a number of indicators
128 may be interpreted together to locate it at a given site. When the bank or
129 shore is of such character that it is difficult or impossible to ascertain the
130 point of OHWM, recourse may be had to the opposite bank of a waterway or
131 to similar places on the shore of a lake or flowage to determine whether a
132 given stage of water is above or below the OHWM.
133

134 ~~Notwithstanding the above, and for zoning purposes only, the OHWM for the~~
135 ~~coastal reach of Lake Michigan extending from the City of Sheboygan south~~
136 ~~to the south County line may be determined by an elevation at 582.7 feet~~
137 ~~NGVD (National Geodetic Vertical Datum, also known as MSL, Mean Sea~~
138 ~~Level), an elevation equivalent to 581.4 feet IGLD (International Great Lakes~~
139 ~~Datum), as determined by the Bureau of Water Regulation & Zoning,~~
140 ~~Wisconsin Department of Natural Resources. Elevations shall be determined~~

141 ~~by a registered professional surveyor, employing not less than five (5)~~
142 ~~uniformly distributed points of elevation, tied to a fixed reference point. The~~
143 ~~OHWM shall be a line connecting these points.~~
144

145 Section 2. **Non-Code Provisions.** Because the County Board believes these
146 requirements are not in the best interests of the citizens of Sheboygan County, the County
147 Clerk is directed to forward copies of this Ordinance to Governor Walker, the Secretary of the
148 Wisconsin Department of Natural Resources, and to Sheboygan County legislative
149 delegates in the hope that the legislature can fix Wis. Stat. § 59.692(id) to allow local
150 deviations in shoreland zoning ordinances to address unique local conditions.
151

152 Section 3. **Effective Date.** The herein Ordinance shall take effect upon
153 enactment.
154

155
156 Respectfully submitted this 7th day of November, 2017.
157

158
159 **PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE***
160

161
162
163 _____
164 Keith Abler, Chairperson

165 _____
166 Fran Damp, Vice-Chairperson

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170 Steven Bauer

171 _____
172 James Baumgart

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174 Curt Brauer

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Opposed to Introduction:

*County Board members signing only

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Thomas Wegner, Chairperson

FISCAL NOTE
November 2017

**Ordinance No. 08 (2017/18) RE: Amending Sections 72.15 and 72.32(43) of the
Sheboygan County Shoreland Ordinance Regarding
Lake Michigan Setback**

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon, Finance Director
November 3, 2017