

## **Village of Slinger Code Adoption Ordinance**

### **Schedule A Specific Revisions at Time of Adoption of Code**

#### **Chapter 1, General Provisions.**

##### **Article I, Construction and Penalties.**

Section 1-2A is amended to read:

*General penalty. Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:*

- (1) First offense penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$1,000, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.*
- (2) Second offense and subsequent offense penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof forfeit not less than \$10 nor more than \$1,500 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.*

#### **Chapter 5, Administrative Review.**

Section 5-3B is amended to change “nonrenewable” to “renewal.”

#### **Chapter 14, Boards, Commissions and Committees.**

- A. Section 14-2D is amended to read: “The four adult resident members of the Commission shall be appointed by the Village President at the creation of the Commission, two of which shall hold office for a period ending in one and two years, respectively, and two of which shall hold office for a period ending in three years, from the succeeding first day of May, and thereafter, annually during April, such members shall be appointed for a term of three years.”
- B. Section 14-4A, B and E are amended to read as follows:
  - A. *Officers. The Village President shall be the Chairperson.*
  - B. *Self-government. The Village Planning Commission shall organize and adopt rules for its own government in accordance with the provisions of § 62.23, Wis. Stats.*

E. *Quorum. A quorum shall be four members.*

C. Section 14-5 lead-in and 14-5A are amended to read:

*The Village Planning Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote Village planning, including but not limited to the following:*

A. *To employ experts and staff and to pay for their services, supplies, equipment and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Village Board.*

D. Section 14-6A is amended to read: “To make and recommend adoption of a Comprehensive Plan for the physical development of the Village, including appropriate areas outside of its boundaries, in accordance with § 62.23(2) and (3), Wis. Stats., as amended.”

Original subsection 5 in that section, pertaining to lease or sale of public housing, slum clearance and camps for children, is repealed.

E. Section 14-12 is amended to read:

*The Zoning Board of Appeals shall consist of five citizens of the Village appointed by the Village President, subject to confirmation by the Village Board, for terms of three years. The Village President may appoint, for terms of three years, two alternate members, who shall act with full power only when a member of the Board refuses to vote because of conflict of interest or where a member is absent.*

F. Section 14-13 is amended as follows: “The election officials shall consist of a minimum of five inspectors. Members shall be appointed as provided in § 7.30, Wis. Stats., as amended.

G. Section 14-17 is amended to read:

*The Library Board shall have all power as set forth in § 43.58, Wis. Stats.*

## **Chapter 23, Citations.**

A. Section 23-2 is amended to delete original subsections (1) through (8) and revise section to read: “The citation shall provide for the information required in § 66.0113(1)(b), Wis. Stats.”

B. Section 23-3A is amended to read: “The cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk.”

C. Section 23-3C is amended to read: “In addition to the deposit amount listed, the deposit shall include the costs, fees and surcharges imposed under Ch. 814, Wis. Stats.”

## **Chapter 29, Court, Municipal**

Section 29-2 is amended to change term of office of Judge from two years to four years

**Chapter 36, Emergency Management.**

In § 36-3B(2)(a)[1] and also in § 36-7, references to the Emergency Management Department are revised to “Emergency Management Committee.”

Section 36-6 is amended to refer to the general penalty in § 1-2 of the Code.

**Chapter 51, Finance and Taxation.**

- A. Section 51-1A is amended to read as follows: “The Village shall prepare its annual tax roll and implement all collection and settlement in accordance with the Wisconsin Statutes, generally Chapters 70 to 79, and all other statutes, as applicable.”
- B. Section 51-4B(2) is amended to read: “The Village shall provide a reasonable number of copies of the prepared budget for distribution to citizens.”
- C. Section 51-6 is amended to read:
- No money shall be drawn from the Treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by § 51-5 of this chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund, unless otherwise designated.*
- D. Section 51-9A, B and C are amended to read as follows:
- A. *No account or demand against the Village, except as provided in Subsection C, shall be paid until it has been audited by the Village Board and an order drawn on the Village Treasurer.*
- B. *Claims to be verified. All accounts, demands, or claims against the Village shall be verified by the proper official.*
- C. *Payment of regular wages, salaries, contracts, and routine bills. Regular wages, salaries, contracts, and routine bills of the Village shall be paid by the Treasurer, after being verified by the proper Village Official.*
- E. Original Section 4.12, Destruction of obsolete public records, is repealed.
- F. Section 51-14 is amended to read:
- The Village Clerk shall have charge and custody of all property of the Village that is determined by the Village Board to be surplus property. The Clerk, upon order of the Village Board, may sell such property at public sale or dispose of the same in any manner approved by the Board.*

**Chapter 56, Fire Department.**

- A. Section 56-1 is amended to read: “The Slinger Fire Department Inc. is hereby officially recognized as the Fire Department of the Village of Slinger and the duty of firefighting and the prevention of fires in the Village is delegated to such Department.”

- B. Section 56-4D is amended to add the underlined wording: "...and the Fire Chief or his deputy may have the same removed in an action by the Village against the owner of the property and the costs of such removal may also be entered in the tax roll as a special charge against the property."
- C. Section 56-4E the first full sentence is amended to read: "No person except the occupants of single-family dwelling units shall deny the Chief or his deputies free access to any property within the Village at any reasonable time for the purpose of making fire inspections."

### **Chapter 93, Officers and Employees.**

- A. Section 93-2A is amended to read as follows:

*A. Enumerated. The following officials shall be appointed by the Village President, subject to confirmation by the Village Board:*

- (1) Village Administrator.*
- (2) Village Clerk.*
- (3) Village Treasurer.*
- (4) Village Attorney.*
- (5) Director of Public Works/Engineer.*
- (6) Parks, Recreation and Forestry Director.*
- (7) Assessor.*
- (8) Building Inspector.*
- (9) Electrical Inspector.*
- (10) Plumbing Inspector.*
- (11) Weed Commissioner.*
- (12) President Pro Tem.*

- B. Section 93-2B is amended to delete "Health Officer."
- C. Section 93-5 is amended to read: "Vacancies in elected or appointed positions shall be filled as provided in § 17.24, Wis. Stats., as amended."
- D. Section 93-6C is amended to change "\$25" to "as listed in the pay scale."
- E. Section 93-9 is amended to read: "No employee is required to have residency within the Village limits except for the requirement of a labor agreement. Employees with on-call and emergency response duties must respond to the appropriate Village facility as described in the Employee Manual."
- F. Original subsections B, Time period to establish residency, and C, Part-time employees, of Section 2.28 are repealed.

**Chapter 99, Police Department.**

- A. Original Sections 3.02, Appointment and removal, 3.03, General powers of police officers and 3.04, Chief of Police, are repealed.
- B. Section 99-5 is amended to read:  
*The Chief of Police shall have charge and custody of all lost, stolen, abandoned and unclaimed property taken from prisoners or held as evidence, and all other property coming into possession of the Police Department, and he shall be responsible for the safekeeping, accurate recording and proper disposition of the same.*
- C. Section 99-6 is amended to remove fee amount and add language that fee is as set forth in the current fee schedule.

**Chapter 116, Records.**

- A. In § 116-1:
  - (1) The definition of “employee” is amended to read:  
*EMPLOYEE — Any individual who is employed by the Village, other than an individual holding local public office.*
  - (2) The definition of “local public office” is repealed.
  - (3) The definition of “record” is amended to read:  
*RECORD — Any material on which written, drawn, printed, spoken, visual or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. "Record" does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials that are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library.*
- B. Section 116-4B is amended by the addition of “Original records shall not be removed from the premises by the public.”
- C. Section 116-4G is amended to read:  
*Pursuant to § 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its possession, and the cost thereof.*

## D. Section 116-5A is amended to read:

*A request to inspect or copy a record shall be made to the Village Clerk. The Village Clerk will either respond to the request directly or forward it on to the appropriate record custodian for a response. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under § 19.37, Wis. Stats.*

## E. Section 116-6A(4) is amended to read: “A record or any portion of a record containing information qualifying as a trade secret under § 134.90(1)(c), Wis. Stats.”

## F. Section 116-7:

(1) Subsections A and B are amended to delete “Bureau of Municipal Audit or”

(2) Subsection G is amended by deletion of “tape” before “recordings.”

## G. Original Sec. 1.12B, Definitions, is repealed.

## H. Section 116-9 is amended to read:

*Every person receiving an approved building permit from the Village in which said building permit requires an employee of the Assessor's office to physically view on site any descriptive property change in an effort to maintain the property record shall pay a property maintenance fee commensurate with the type of building permit issued by the Village. Fees are per the Village Fee Schedule.*

**Chapter 128, Village Administrator.**

## A. Section 128-1 is amended to read:

*In order to provide the Village of Slinger with a more efficient, effective and responsible government under a system of a part-time Board President and Village Board (hereinafter referred to as "Village Board"), at a time when Village government is becoming increasingly complex, there is hereby created the Office of Village Administrator for the Village of Slinger (hereinafter referred to as "Administrator").*

## B. Original Sec. 2.71C, Residency, is repealed.

## C. Section 128-3B(4) is amended to read: “Keep the Board President and Village Board regularly informed about the activities of the Administrator’s office.”

**Chapter 134, Village Board.**

## A. Section 134-1A and B are amended to read:

*A. Regular meetings. Regular meetings of the Village Board shall be held the first and third Monday of each calendar month at 6:00 p.m. Any regular meeting may be rescheduled, as determined by the Village Board. All meetings of the Village Board will be held at the Village Hall unless otherwise noticed.*

- B. *Special meetings. Special meetings of the Village Board may be called by the Village President or any two Trustees. The President of the Board and each Trustee shall be notified at least 24 hours prior to the time specified for such meeting; pursuant to § 19.84(3), Wis. Stats., in an emergency notice may be given no less than two hours in advance..*
- B. Section 134-2C is amended to delete “speak on any question.”
- C. Section 134-3 is amended to read:
- A. *As soon as the Board is called to order, the presiding officer shall proceed to call the names of the members in alphabetical order, noting who is present and who is absent, and shall record the same in the proceedings of the Board. If there is not a quorum present, such fact shall be entered on the minutes; and the Board may adjourn.*
- B. *Quorum. A majority of the members shall constitute a quorum. The President shall be counted in computing a quorum.*
- D. Original Sec. 1.05C through F are repealed.
- E. Section 134-7C is amended by adding “unless waived by the Village Board.” Subsection E is amended to change “superintend” to “supervise.”
- F. Section 134-10 is amended to read: “These rules or any part thereof shall not be suspended, rescinded or amended without the concurrence of a majority of the members of the Board present.”
- G. Original Sec. 1.13, Mandating of employee benefits for private businesses, is repealed.

## **Chapter 167, Alarms**

The chapter is amended to read as follows:

### **§ 167-1. False alarms requiring police response.**

- A. *Alarm.*
- (1) *Any device which, when actuated by a criminal act or other emergency requiring police response, transmits a signal to a central alarm system or produces an audible or visible signal designed to notify persons within audible or visual range of signal.*
- (2) *Alarm connections and monitoring will be done by the Washington County Sheriff's Department Dispatch Center. Alarm requirements will follow the requirements set forth by the Sheriff's Department.*
- (3) *An annual registration fee will be set and billed by the Sheriff's Department.*
- B. *False/malfunctioning alarm. A signal from an alarm system resulting in a response by the Police Department when an emergency situation did not exist.*

- (1) *The Sheriff's Department will annually supply the Slinger Police Department with a list of the false/malfunctioning alarms that the Department responded to.*
- (2) *The Slinger Police Department will bill annually for false/malfunctioning alarm responses within the Village limits per the Village's fee schedule.*
- (3) *The Slinger Police Department will keep written records of all false/malfunctioning alarm responses the Police Department handles. Charges for false/malfunctioning alarms responded to by the Slinger Police Department shall be billed to the owner and, if not timely paid, shall be placed on the tax roll pursuant to the provisions of § 66.0627, Wis. Stats.*

**§ 167-2. False alarms for fire alarm systems.**

- A. *Special charge. The owner of the property in which a fire alarm has been installed shall be subject to a special charge per the Village fee schedule for the fourth false alarm and each one thereafter in a twelve-month period. Any such special charge may be waived by the Fire Chief if the owner can show that the false alarm was not the result of the negligence of the owner or the installation and/or maintenance of the alarm system.*
- B. *Collection of special charges. Special charges for false alarms, as provided in Subsection A above, shall be billed to the owner and, if not timely paid, shall be placed on the tax roll pursuant to the provisions of § 66.0627, Wis. Stats.*

**Chapter 171, Alcoholic Beverages.**

Section 171-1 title is revised to “Consumption on Public Streets.”

- A. Section 171-1A and C are amended to read:
  - A. *Any Village-owned or -controlled parking lot.*
  - C. *Any privately owned parking lot, driveway or lot used for vehicular traffic and/or vehicular parking.*
- B. Section 171-2 is amended to read:
 

*The holder of a Class "B" fermented malt beverages or "Class B" intoxicating liquor license shall make every reasonable effort to discourage his patrons from taking fermented malt beverages or intoxicating liquors or wine from the licensed premises when such beverages are served for consumption on the premises.*
- C. Section 171-3 is amended to change “building” to “premises” in the notice wording.
- D. Section 171-5 is amended to read:
 

*Any person who violates any provisions of this article shall be subject to a penalty as provided in § 1-2 of the Code, and shall be subject to a forfeiture as provided in the Village's Schedule of Deposits.*

- E. Section 171-6 is amended to add “Class B.”
- F. Section 171-7A is amended to read: “Fees for any applications, petitions, licenses, or permits shall be as set by the Village Board of the Village of Slinger within the guidelines and provisions of Ch. 125, Wis. Stats.”
- F. Section 171-7B is amended to read:  
*License investigation. The Village Clerk shall notify the Chief of Police and the Building Inspector of each application for any license provided in this chapter, and these officials shall inspect and cause to be inspected each application and/or the premises, together with such other investigation as shall be necessary to determine whether the applicant and premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and whether the applicant is a proper recipient of a license. These officials shall each furnish the Board the information derived from such investigations, accompanied by a recommendation as to whether the license should be granted or refused. In determining the suitability of an applicant, consideration shall be given to a background investigation conducted by the Slinger Police Department for felony convictions and/or violations of Ch. 125, Wis. Stats.*
- G. Section 171-7C(2) is amended to change ”alcohol license” to “alcohol beverage license.”
- H. Section 171-D is amended to delete the last sentence: “Receipts from the sale of Fermented Malt Beverages shall be deposited in the treasury of the Municipality.”
- I. Section 171-8B is amended to change “by resolution” to “by ordinance.”

## **Chapter 178, Amusement Devices.**

- A. Section 178-2 is amended to read:  
*The Village Clerk shall require the registrant to submit the information as may be necessary to identify the electronic games or amusement device so registered and shall issue to the registrant an appropriate registration symbol so designed as to permit its secure attachment to the amusement device to be registered. Any person, firm or corporation delinquent in the payment of taxes, personal or real, shall not be issued an amusement license.*
- B. Sections 178-4 and 178-5 are amended to read:  
**§ 178-4. Seizure.**  
*The Chief of Police or any police officer shall seize or cause to be seized any electronic game or amusement device upon which is not affixed a registration symbol as herein required. The ownership or possession of any non-registered electronic game or amusement device is declared to be a violation of this subsection.*

**§ 178-5. Transfer of registration symbols.**

*Any transfer of registration symbols from one machine to another shall be unlawful.*

- C. Section 178-7B is amended to read:

*By the Village Board. The Village Board may, after the issuance of any license or registration symbols, revoke the same when any licensee has made a material misstatement of fact in his application.*

**Chapter 184, Animals.**

- A. Section 184-3 is amended to read:

*No person shall own, keep or harbor any dog or cat which by howling, yowling, yelping, barking or otherwise shall cause serious annoyance or disturbance.*

- B. Section 184-5A is amended to change five months to six months.

- C. Original Sec. 13.03E, Existing nonconforming animals, is repealed.

**Chapter 198, Bicycles and Play Vehicles.**

- A. Original Sec. 6.11B, Inspection of bicycle, is repealed.

- B. Section 198-3 is amended to read:

*The registration fee for each bicycle shall be as set from time to time by the Village Board. The licenses so issued shall be effective until the ownership of the bicycle is changed or the license is canceled, pursuant to the terms of this article.*

- C. Section 198-5 is amended to read:

*Persons may ride a bicycle, play vehicle, or skateboard upon a sidewalk anywhere within the Village limits, provided that the operator shall, at all times, give way to and not interfere with pedestrians. Every person operating a bicycle, play vehicle or skateboard upon a sidewalk or walkway shall yield the right-of-way to any pedestrian and shall exercise due care when passing a bicycle rider or pedestrian.*

**Chapter 206, Brush, Grass and Weeds.**

- A. In § 206-2 the definition of “destroy” is amended to read:

*DESTROY — The complete killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such time and in such manner as will effectually prevent such weed plants from maturing to the bloom or flower stage.*

- B. Section 206-4B is amended to delete fee amount and replace with “fee as set by the Village Board.”

- C. In § 206-4H “the date of adoption of this section” is amended to “July 6, 2003.”

- D. Section 206-5B is amended to read: “Penalty. Any person who violates any provisions of this article shall be subject to a penalty as provided in § 1-2 of this Code.”

### **Chapter 215, Building Construction.**

- A. Sections 215-3, 215-4 and 215-6 are amended to update statutory citations.
- B. In § 215-7 references to “Department of Building, Plumbing and Electrical Inspection” are changed to “Building Inspection Department”
- C. The reference in § 215-8A(2) to Section 30.38(A)(2), is deleted.
- D. Section 215-8B(1)(a)[10] is added to read: “[10] Square footage of lot.”
- E. Sections 215-8D, H(3) and (4) are amended to read:
- D. Seal of registered engineer or architect. All plans, data and specifications for the construction of any building or structure or for any construction in connection with existing buildings and structures, other than one- and two-family residences, containing more than 50,000 cubic feet, total volume, submitted with an application for permit, shall bear the seal of the Wisconsin registered architect or registered engineer. The plans shall also be stamped as approved as required by the Department of Safety and Professional Services of the State of Wisconsin. Such building or structure shall be constructed under the supervision of a Wisconsin registered architect or engineer who shall be responsible for its erection in accordance with the approved plans. No permit shall be granted for such structure unless such construction will be under the supervision of a Wisconsin registered architect or engineer, as required by the Wisconsin Statutes. A written statement to this effect shall be filed by the architect or engineer with the Inspector with the application for permit.*
- H (4): A schedule of permit fees for building, electric, HVAC and plumbing shall be set by the Village Board of the Village of Slinger by a duly enacted resolution and may be changed from time to time. The current fee schedule is on file in the Village office.*
- F. Section 215-9C is amended to read: “Return of bond. Once the Building Inspector has conducted a final inspection of the new construction and has found that all requirements have been met, he shall direct the Village Treasurer to release the bond to the property owner.
- G. In § 215-10F(1), G and H(1) bond and insurance amounts are removed and replaced with reference to see current fee schedule.
- H. Section 215-11B, the last sentence is amended to read: “Any excavation shall be protected with appropriate fences and/or barriers.”
- I. Section 215-12A(4) is added to read: “Inspection of all insulating materials and vapor retarder.”

- J. Section 215-15 is amended to read: “All buildings which contain four or more residential dwelling units shall have an access key panel for the fire department.”
- K. Section 215-17A is amended to read:  
*It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this article, or to cause, permit or suffer any such violations to be committed. Any person violating any of the provisions of this article shall, upon conviction, be subject to a penalty as set forth in § 1-2 of the Code. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that such violation is permitted to continue shall constitute a separate offense.*
- L. Section 215-19 is amended to read: “The Village shall be paid an amount for each building, electric and plumbing permit, and this amount will be set by the Village Board and may change from time to time.”
- M. Section 215-21 is added to read: “A schedule of fees for building, electric and plumbing permits shall be set by the Village Board of the Village of Slinger by a duly enacted resolution and may be changed from time to time.”

### **Chapter 224, Burning, Open.**

Section 224-1 is amended to read:

*No person shall kindle any fire within the Village without first obtaining a permit from the Village Hall. Such permit shall be subject to any conditions for the protection of life and property imposed by the Fire Chief and communicated to the permittee. The fee for this permit shall be set by the Village Board.*

### **Chapter 233, Cigarette Licenses.**

Section 233-1 is amended to read:

*It shall be unlawful to sell or dispense cigarettes/tobacco products in the Village of Slinger by any means without first obtaining a license therefor. Selling or dispensing cigarettes/tobacco products under a license is not allowed at such times as the licensed place is closed.*

### **Chapter 239, Drugs and Drug Paraphernalia.**

- A. Section 239-1 is amended to read: “As used in this article, "drug paraphernalia" shall be defined as provided in § 961.571, Wis. Stats. “
- B. Section 239-2 is amended to read: “In determining whether an object is drug paraphernalia, the standards of § 961.572, Wis. Stats., shall apply.”
- C. Section 239-3A and B are amended to insert “or controlled substance analog” after “controlled substance.”
- D. Section 239-5B is amended to read:

*Any person who violates § 239-4 shall, upon conviction, be subject to a penalty as described in § 1-2 of this Code and the penalties may also include such other sanctions as provided in § 961.41(3g)(em), Wis. Stats., excluding imprisonment. The code and statute references herein shall include such amendments, recodification and renumbering as may be made from time to time in the future.*

### **Chapter 259, Firearms.**

- A. Section 259-4C is amended to read:

*There is no annual fee for a firearms discharge permit for landowner/tenant. Non-landowner/non-tenant shall pay a fee to the Slinger Police Department for such a discharge permit per the fee schedule as set by the Village Board.*

- B. Section 259-6 is amended to read: “Any person who violates this article shall, upon conviction, be subject to a penalty as described in § 1-2 of this Code.”

### **Chapter 266, Fireworks**

Section 266-2G(6) is amended to delete unneeded chapter references.

### **Chapter 307, Littering.**

- A. Section 307-2 is amended to delete deposit amount and replace with “a deposit as set by the Village Board.”

- B. Section 307-3 is amended to read:

*It shall be the duty of the Director of Public Works to report any violation of this section to the Police Department for issuance of a citation either to the violator or, in the case of construction work, if the violator is not known, a citation shall be issued to the building permit holder.*

- C. Section 307-4 is amended to refer to § 1-2 of the Code.

### **Chapter 313, Loitering.**

- A. Section 313-1 is amended to read:

*No person shall loiter or prowl in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object.*

- B. Section 313-7 is added to read: “Any person, firm or corporation found guilty of violating this chapter shall be punishable as set forth in § 1-2 of the Code. Each day of violation continues shall constitute a separate violation.”

**Chapter 320, Minors.**

- A. Sections 320-1A, 320-2, 320-3 and 320-4 are amended to read: "...between the hours of 11:00 p.m. and 5:00 a.m. of the following day, unless such child..."
- B. Original Sec. 9.11E, Loitering in or on school property, F, Detaining a child, and G, First and subsequent violations, are repealed.
- C. In § 320-6 the definition of "acceptable excuse" is amended to read:  
*ACCEPTABLE EXCUSE — As defined in §§ 118.15 and 118.16(4), Wis. Stats.*
- D. Section 320-7B(2) and C(3) are amended to delete forfeiture amounts and refer to the Village's current schedule of forfeitures..
- E. In § 320-8 the definition of "law enforcement officer" is amended to read:  
*LAW ENFORCEMENT OFFICER — Any person employed by the state or any political subdivision of the state for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that he/she is employed to enforce.*

**Chapter 329, Noise.**

Section 329-6 is added to read:

*Any person, firm or corporation found guilty of violating this chapter shall be punishable as set forth in § 1-2 of the Code. Each day of violation continues shall constitute a separate violation.*

**Chapter 336, Nuisances.**

- A. Section 336-3F(1) is amended to change 12 inches to 8 inches.
- B. Section 336-3J is amended to read:  
*Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.*
- C. In § 336-3 original subsection (K) is repealed as being unnecessarily duplicative.
- D. Section 336-3K is amended to delete "shall be regulated as follows:"
- E. Section 336-5D is amended as indicated: "Continuous violation of Village ordinances. Any place or premises within the Village where Village ordinances or ~~and~~ state laws relating to public health, safety, peace, morals and welfare are openly, continuously, repeatedly and or intentionally violated."

- F. Section 336-6E is amended to read: “Tree limbs. All limbs of trees which project over and less than 15 feet above any public sidewalk or street.”
- F. Section 336-7A is amended to delete “the Health Officer.”
- G. Sections 336-7B, C and E are amended to read:
- B. *Summary abatement. If the inspecting official determines that a public nuisance exists within the Village and that there is a great and immediate danger to the public health, safety, peace, morals or decency, the proper official may cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.*
- C. *Abatement after notice. If the inspecting official determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper official may cause the nuisances to be removed as provided in Subsection B above.*
- E. *Court order. Except when necessary under Subsection B, no official hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and if such permission is denied, may apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.*
- H. Section 336-8 is amended to read:
- In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the costs of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the property as a special charge.*
- I. Section 336-9 is amended to read:
- Any person who maintains a nuisance as defined in this chapter or who violates any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in § 1-2 of the Village Code.*

### **Chapter 341, Numbering of Buildings and Lots.**

- A. Section 341-2 is amended to read:
- A. *Existing buildings. The owners of every house, dwelling and business established in the Village shall cause to have numbers placed on houses and buildings in accordance with the following: Letters not less than three*

*inches in height shall be distinctly legible and shall be posted in a conspicuous place on the front of each house and building. If the numbers are not clearly visible from the street, they shall be attached to a post or pole of sufficient height so that the numbers are clearly visible from the driven portion of the street adjoining the property. Post numbers shall be installed on either side of the driveway entrance leading to the property no less than five feet and no more than 10 feet from the driveway*

B. *New buildings. Before a certificate of occupancy is issued, the builder or owner of every new dwelling or business establishment in the Village shall designate on or attach to such structure a street number in the manner set forth in § 341-2A above.*

B. Section 341-4 is amended to read:

*Any owner or occupant of any building required to be numbered who neglects or fails to comply with this chapter in respect to attaching and maintaining the proper number on such building shall be notified by the Building Inspector or Police Department, in writing, to comply with the terms of this chapter. If the owner or occupant neglects to so comply for 10 days after service of such notice, he shall be subject to a penalty as set forth in § 1-2 of the Village Code. Each day that a violation continues to exist shall constitute a separate offense.*

### **Chapter 349, Parades.**

A. In § 349-1A the definition of “special event” is amended to read:

*SPECIAL EVENT — Includes, but is not limited to, organized runs, walks, races of any type, or similar event; art fairs, street dances, circuses, theatrical or other exhibition, and commercial sales when conducted in the traveled portion of a street.*

B. Section 349-2A is amended to read: “Parade permits shall be issued by the Village Clerk upon review by the Village Police Chief and approval by the Village Board;

C. Section 349-2C is amended to replace fee amount with “per the fee schedule approved by the Village Board.”

D. Section 349-4A(2) and (3) are amended to increase insurance policy amounts required.

E. Section 349-6 is amended to read:

*The Chief of Police may revoke a permit already issued if he deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or the likelihood of a breach of the peace or by a major change in the conditions forming the basis of issuance.*

F. Section 349-7 “Board of Public Works” is revised to “Village Board.”

## G. Section 349-8 is amended to read:

*No person shall hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in the parade, nor shall any other organization or group of persons not authorized by the permittee to participate in the parade.*

## H. Section 349-10 is amended to read:

*Any person who violates any parade permit and conduct provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in § 1-2 of the Village Code.*

**Chapter 356, Parks and Parkways.**

## A. Original Sec. 11.04, powers of police, is repealed.

## B. Section 356-5 is amended to change “Board” to “Village.”

## C. Section 356-6A is amended to read: “Use and sale of alcoholic beverages regulated. Any person wishing to sell or dispense beer may do so only in designated areas and then only with permission of the Village and by obtaining a permit.”

## D. Section 356-6B(3) is amended to add: “Any person arrested or issued citations for criminal/disorderly/ordinance violation activity in a Village of Slinger park will not be permitted to return to any public lands owned or operated by the Village of Slinger and under the jurisdiction of the Parks, Recreation and Forestry Board.”

## E. Section 356-6D is amended to read: “Refuse disposal. No person shall scatter, drop or leave any debris, refuse, garbage or rubbish in any portion of the parks or parkways except in the receptacles provided for that purpose.”

## F. Section 356-6E is amended to change “Board” to “Clerk.”

## G. Original Sec. 11.07(F), Games, is repealed.

## H. Section 356-6F is amended to read: “Gambling prohibited. No unlicensed gambling shall be allowed in the park.”

## I. Section 356-6H is amended to change “Board” to “Village.”

## J. Section 356-6I is amended to read: “Firearms and fireworks; hunting and trapping. No person shall fire or discharge any firearm, including pistols, airguns, etc., in any park or parkway. No person except an authorized permittee shall fire any fireworks. No person shall engage in trapping or hunting, nor shall any person hunt with bow and arrow within any park or parkway.”

- K. Section 356-7E(2) is amended to read: “Advertising. No person shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag (except that of the United States or the state) or advertisement within any park or parkway or upon any of the gates or enclosure thereof without authorization from the Village.”
- L. Section 356-8C(1) is amended to read: “Any person violating § 356-8C shall be fined per the forfeiture schedule as set by the Village Board. This provision shall modify § 1-2 of the Municipal Code with respect to penalties in that these established minimums per offense shall apply. The provisions of this subsection shall not apply to a person who is visually or physically handicapped.”
- M. Section 356-9 is amended to read: “Bicycles, roller blades and skateboards shall be prohibited in areas so designated.”
- N. Section 356-10A(2) is amended to read: “No person shall kill, injure or attempt to injure or disturb any waterfowl or other birds or animals, wild or domestic, within any of the parks or parkways, nor shall any person rob or disturb the nest or eggs of any bird or other animal therein.”
- O. Section 356-11C is amended to read: “Trucking. No trucking, except for Village purposes, shall be allowed in the parks or parkways unless issued a permit therefor by the Village.”

### **Chapter 370, Peace and Good Order.**

- A. Section 370-3D is amended to reference the general penalty in § 1-2 of the Code and the Schedule of Deposits.
- B. Section 370-4 is amended to read: “Offenses against state law subject to forfeiture. Chapter 23 through all of Chapter 968, Wis. Stats., are adopted by reference to define offenses against the peace and good order of the Village.”

### **Chapter 377, Peddlers, Canvassers and Transient Retail Merchants.**

- A. In § 377-3 in the definition of “canvassers” the last sentence is amended to read:  
*Such definition shall include any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, boat, hotel room, apartment, shop or other place within the Village for the primary purpose of exhibiting samples and taking orders for future delivery.*
- B. In § 377-3 in the definition of “peddler” the last sentence is amended to read: “It shall not include vendors who distribute their products to regular customers on established routes.”
- C. Section 377-4B is added to read:

*Any persons under the age of 18 who are residents of the Village or pupils in the Slinger School District or a private or parochial school located within the Village, and who are engaged in occasional door-to-door sales in order to raise funds for school, school-related, school-extracurricular-related, scouting-related, athletic or religious activities.*

- D. Section 377-7C is amended to delete “and photograph” from the second sentence.
- E. Section 377-12 is amended to delete “for the recording of reports of violations therein” from the end.

### **Chapter 398, Sewers and Sewage Disposal.**

- A. Section 398-1 is amended to delete “for the purpose defined above” from the end. Section 398-3 is amended to add “Board” after “Village.”
- B. Section 398-5, Definitions, is amended as follows:
  - (1) The definitions of “biochemical oxygen demand” and “intercepting sewer” are repealed.
  - (2) The definition of “chemical oxygen demand” is added.
  - (3) The definitions of: “building sewer, lateral or service pipe,” “decant waste,” “domestic wastewater,” “holding tank waste,” “normal sewage,” Subsections A and D of the definition of “operation and maintenance cost,” “ordinance administrator,” “use factors,” “user,” “Utilities Superintendent,” “wastewater pumping station or lift station” are amended to read:

**BUILDING SEWER, LATERAL OR SERVICE PIPE** — A sewer which carries *only sewage or industrial wastes from the building plumbing to the public sanitary sewer. The lateral or service is defined as all necessary piping from the building up to and including connection to the public main.*

**DECANT WASTE** — *Scum, liquid, sludge or other waste from a holding tank from which a portion of the liquid has been decanted. Any hauled waste with a strength of 4,000 to 6,000 mg/l of COD, 250 to 1,000 mg/l of TSS or 20 to 100 mg/l of phosphorous shall be considered decant waste.*

**DOMESTIC WASTEWATER** — *Waterborne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below 1,200 mg/l and the COD is established at or below 800 mg/l and phosphorus at or below 6 mg/l.*

*HOLDING TANK WASTE — Scum, liquid, sludge or other waste from a holding tank. Any hauled waste with a strength of 1,200 to 4,000 mg/l of COD, 250 mg/l of TSS or 20 mg/l of phosphorous shall be considered holding tank waste.*

*NORMAL SEWAGE — Sanitary sewage in which COD and total suspended solids concentrations do not exceed normal concentration of:*

- A. A five-day, 20° C. COD of not more than 800 parts per million.*
- B. A total suspended solids concentration of not more than 200 parts per million.*
- C. A phosphorus concentration of not more than 6.0 parts per million.*

*OPERATION AND MAINTENANCE COST (O&M) — The actual sums spent by the Village in the operation and maintenance of its sewerage system, consisting of, but not limited to, each and all of the following purposes:*

- A. Wages and salaries of employees related to expenses of operation, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries. ...*
- D. Repairs to and maintenance of associated equipment, including system monitoring and control software.*

*ORDINANCE ADMINISTRATOR — The Village Building Inspector and/or Utilities Superintendent shall be the Ordinance Administrator for purposes of enforcing the provisions of this chapter.*

*SEPTAGE -- Scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap. Any hauled waste with a waste strength greater than 6,000 mg/l of COD, 1,000 mg/l of TSS or 100 mg/l of phosphorous or higher shall be considered septage.*

*USE FACTORS — Flow, COD, total suspended solids and infiltration/inflow or the quantity of these factors as determined by the Village by sampling and monitoring the wastewater treatment plant influent and surcharge users and from the Water Utility records.*

*USER — Any person discharging domestic wastewater or industrial wastes into the collection system or entity discharging septage or other wastes hauled to the sewerage system.*

*UTILITIES SUPERINTENDENT — The Utilities Superintendent of the wastewater treatment and conveyance facilities, who shall be in charge of and supervise the operations and functions of the wastewater treatment and conveyance facilities and who shall report to the Village Administrator.*

*WASTEWATER PUMPING STATION OR LIFT STATION — A pumping facility utilized to pump wastewater within the collection system.*

- C. Section 398-6B(2)(d) was moved from the water and sewers ordinance to this section to read:

*(d) Assessments.*

*[1] Sewer mains.*

*[a] Eight-inch and smaller: 100% assessable.*

*[b] Over eight inches, the Village shall pay the difference in cost between the eight-inch and that of larger size pipe.*

*[c] When special assessing, each of the benefited properties abutting the improvement shall pay 50% of the cost as calculated in Subsections A and B even if only one is assessable.*

*[d] Laterals will be 100% assessable.*

*[2] Manholes. Manholes are 100% assessable.*

*[3] Lift stations, etc.*

*[a] The Village shall pay a prorated portion of the station cost that is designed for additional service area.*

*[b] The Village shall pay a prorated portion of the force main that is designed for additional service areas.*

- D. Section 398-6E(3), (4) and (8) are amended to read:

- (3) Sewer connections. After sewer connections have been installed into any building or upon any premises, no plumber shall make any alterations, extensions or attachments, unless the party ordering a sewer connection or other work shall obtain and exhibit the proper permit for the same from the Village Board or designated official.*
- (4) Laterals; user to keep in good repair. All users shall keep their own laterals in good repair and protected from frost at their own risk and expense and shall prevent any overburdening of the sewerage system. The user is responsible for their lateral from the street main through their facility served.*
- (8) User to permit inspection. Every user shall permit the Village or its authorized agent at all reasonable hours of the day to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate. Should the owner or occupant of the premises refuse voluntary access to the premises, the Building Inspector is authorized to seek a special inspection warrant under § 66.0119, Wis. Stats.*

E. Section 398-6G(1) is amended to read: “All laterals will be installed in accordance with the Wisconsin Administrative Code as from time to time amended.”

F. Section 398-6I is amended to read:

*Sewer connections to the mains. No persons except those having special permission from the Village or persons in its service and approved by the Village will be permitted under any circumstances to connect to the public sanitary sewers. The kind and size of the connection to the public sanitary sewers shall be that specified in the permit or order from the Village. A minimum of 48 hours' notice shall be given to the Village prior to connecting to any main.*

G. Section 398-6J(2) is amended to read:

*When a sewer main is extended in response to a request by a prospective user, the Village may finance the cost to extend the main and place a special assessment for the cost of the extension on the property of the person(s) who made the request and other benefitting properties. If the Village determines that, in order to serve future development, the sewer main extension needs to be of a greater diameter than is necessary to serve the property of the applicant, the Village may pay for the difference in the cost of the materials necessary to oversize the main to serve said future development and shall not include such difference in materials cost in the special assessments. All labor costs to install the sewer main extension shall be included in the special assessment.*

H. Section 398-8:

- (1) In Subsection A “Village Treasurer” is amended to “Village.”
- (2) In Subsection C “sewer rates” is changed to” sewer charges.”
- (3) Subsection D(2) is amended to read:

*Procedure. On October 15 in each year, notice shall be given by the Village Treasurer to the owner or occupant of all lots or parcels of real estate to which utility service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the Sewer Utility; that unless the delinquent account is paid by November 1 thereafter, a penalty of 10% of the amount of such arrears will be added thereto; and that unless such arrears, with any such added penalty, shall be paid by November 15 thereafter, the same will be placed as a special charge against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent. Such notice may be served by delivery to either such owner or occupant personally or by letter addressed to such owner or occupant at the post office addresses of such lot or parcel of real estate. On November 16, the Village Treasurer shall certify and file with the Clerk a list of all lots or parcels of real estate,*

*giving the legal descriptions thereof, to the owners or occupants of which notice of arrears in payment where given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided.*

- (4) Subsection D(3) is amended to change “tax” to “special charge” in two places.
- I. Section 398-9A is amended to delete “Cooling water shall be discharged to an approved storm sewer with Village and DNR approval.”
- J. Section 398-11 is amended to read:  
*Sand and grease traps shall be required at restaurants, repair garages, gasoline stations, car washes and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts, oil, flammable wastes, sand and other harmful ingredients. Individual exemptions from this requirement may be granted upon review by the Utilities Superintendent to "Category 1" restaurants as defined by the Washington County Health Department under their restaurant licensing program. All sand and grease traps shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. The Village reserves the right to inspect all sand and grease traps to ensure proper maintenance and effective operation. All sand and grease traps shall be maintained by the owner at his or her expense in continuous, efficient operation at all times. Maintenance reports shall be submitted to the Utilities Superintendent annually, by January 31, detailing all maintenance performed during the previous year. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Village.*
- K. Section 398-12F and G are amended to read:
- F. Designated receiving station. The designated hauled waste receiving station is located at the WWTP. All hauled waste shall be discharged at the WWTP, unless approval is obtained from the Village Engineer and/or Utilities Superintendent for discharge of hauled waste to other locations in the sewer system.*
- G. Hours of operation. Specific hours of discharge and conditions shall be set by the Utilities Superintendent. No special exceptions to the hauled waste station hours of operation will be allowed.*
- L. Section 398-13F(2) is amended to read: “Plans, specifications and other pertinent information relating to proposed pretreatment facilities shall be submitted for review to the Village prior to the start of construction.”

- M. Section 398-13G(2) is amended to read: “The Village Utilities or its designee will monitor flow, collect samples and perform laboratory tests on industrial waste discharges as necessary to verify quantity of flow and/or character and concentration of an industrial waste. The Village test results shall be used to determine the applicable surcharge”
- N. Section 398-13I is amended to read:  
*Duration of permits. A permit shall be issued for one year and shall be automatically renewed on a year-to-year basis thereafter, unless the person is notified by the Village 60 days prior to the expiration of the permit or any renewal thereof or unless the discharger has signed a discharge monitoring agreement with the Village which specifies a different duration period. The terms and conditions of the permit shall be subject to modification and change by the Village during the life of the permit, if so required because of any ordinances, statutes or rules and regulations of the approving authority of any applicable state or federal body. The person shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.*
- O. Section 398-13K is amended to read: “Revocation of permit. Any user who violates any of the conditions of his or her permit contractual agreement or this chapter or of applicable state and federal regulations is subject to having his or her permit revoked.”
- P. Section 398-16A and F are amended to read:
- A. *Damages. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.*
- F. *Penalties. In addition to, and not to the exclusion or prejudice of, any such other penalties and remedies that may apply, any person who shall violate any of the provisions of this chapter or rules or regulations of the Village or who shall connect a service pipe or discharge without first having obtained a permit therefor; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof be subject to a penalty as set forth in § 1-2 of the Code. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense. This, however, shall not bar the Village from enforcing the connection duties set out in § 398-6 for mandatory connection.*

**Chapter 412, Solid Waste.**

- A. Section 412-1 is amended to read: “The purpose of this article is to promote the safe and proper disposal of household solid waste generated by single- and two-family properties. Multiple-family and commercial/industrial properties receiving collection January 1, 1997, in the Village of Slinger are also included, provided there has been no change in ownership since that time.”
- B. Section 412-2 is amended to repeal the definition of “curb tender system” and amend the definition of “nonresidential facilities and properties” to read:  
*NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, and institutional facilities and properties. This term includes multiple-family dwellings greater than two units per building/property. Refuse collection for these properties shall not be provided by the Village.*
- C. Section 412-5A, C and D are amended to read:
- A. *Placement for collection. Residential solid waste in the approved container shall be placed immediately behind the curb of the public street or adjacent thereto and must be accessible. ...*
- C. *Multiple-family units, commercial and industrial properties shall make the container accessible to the collection crews.*
- D. *At no time shall collection crews be expected to exit the vehicle to move containers to allow collection. It shall be the responsibility of all persons, firms or corporations to ensure that containers are accessible by collection crews.*
- D. Original Sec. 7.06H(4) is repealed.
- E. Section 412-8 is amended to read: “Recyclable items as defined in Article II of this chapter are prohibited from being placed in regular garbage containers.”
- F. Section 412-11 is amended to change “Superintendent of Public Works” to “Director of Public Works.”
- G. In § 412-18 in the definition of “multiple-family dwelling” change “four” to “three.”
- H. Original subsections K, Separation requirements exempted; L, Care of separated recyclable materials; M, Management of lead acid batteries, major appliances, waste tires, waste oil and yard waste, are repealed.
- I. Section 412-20 is amended to read:  
*Except as otherwise directed by the Director of Public Works, occupants of single-family and multifamily residences shall place commingled recyclables in the provided container. Recyclable materials shall be stored in a manner which*

*protects them from wind, rain and other inclement weather conditions.*

- J. Section 412-23 is amended to read:

*No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in §§ 412-15 through 412-20 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.*

### **Chapter 419, Stormwater Utility.**

- A. In § 419-5 the definition of “developed property” is amended to read:

*DEVELOPED PROPERTY — Property that has been altered from its natural state by the addition of any improvements such as a building, structure, or impervious surface.*

- B. In § 419-6A “Treasurer’s office” is revised to “Clerk’s Office.”

- C. Section 419-9 is amended to read: “The Village Board shall, by resolution, set or adjust the ERU fee to reflect the costs of the stormwater management program.”

- D. Original Sec. 15.11, Credits and adjustments, is repealed.

- E. Section 419-12A is amended to read:

A. *Adjustments. A customer may be eligible to have the number of ERUs assigned to its property adjusted under the conditions described below:*

- (1) Undeveloped property. Undeveloped properties may be eligible to reduce the number of ERUs assigned to the property.*
- (2) Nonresidential property. Nonresidential customers who believe the number of ERUs allocated to their property to be incorrect may submit an adjustment request to the Director of Public Works. The allocated ERUs may be adjusted if the owner can provide information showing the square footage calculation for all impervious surface area located on the lot or parcel.*

### **Chapter 425, Streets and Sidewalks.**

- A. Section 425-4 is amended to change “Director of Public Works” to “Village.”

- B. Section 425-5 is amended to add “or Building Inspector” in the first sentence.

- C. Section 425-7B is amended to add “unless damaged by others” to the end.

- D. Section 425-12A is amended to read: “Performance bond. A performance bond may be required to pay for the cost of filling excavations and properly replacing the street surface.”

- E. Section 425-13A is amended to add “and nonmotorized.”

- F. Original Secs. 9.04 and 8.05 are combined as § 425-15 and amended to read:

*The owner or occupant of any lot or lands within the Village abutting upon a public street along the line of which sidewalk shall have been constructed shall, whenever such sidewalk shall become encumbered with snow or ice, clear the entire width of the same therefrom within 24 hours after the cessation of each storm. In case it is impossible or impractical to remove the ice and snow therefrom, the owner or occupant shall treat the same with sand, salt or some other substance continuously until removed so that such sidewalk will not be slippery or dangerous to pedestrians. In case of the failure of any such owner or occupant to remove snow and ice from the entire width of the sidewalk or to treat the ice as described above within the time aforesaid, if the Director of Public Works determines to do so, the expense of such removal or treatment shall become a special tax or charge against the property, to be collected in the manner hereinafter specified.*

- G. In § 425-16 in the first line “Village Clerk” is revised to “Village.”

- H. Section 425-18A is amended to read:

A. *Snow or ice removed from private property shall not be deposited or stored in any manner that will interfere, obstruct or limit vehicle or pedestrian vision, movement upon or access to any public right-of-way in the Village of Slinger, or any other way make the Village right-of-way unsafe.*

(1) *The subsection does not apply to Village employees in the course of their employment by the Village.*

(2) *Persons cleaning snow or ice from sidewalks, as required by § 425-18A above, where the sidewalk abuts the paved portion of a street on one side and abuts a building on the other may deposit the snow or ice on the street as near as possible to the curb.*

- I. Section 425-21C is amended to read:

*Culvert size. All culverts, drain pipes, or other similar conduits placed on, in and along the public right-of-way of a Village street to provide private drive-way access shall be constructed in such a manner and of such materials as to provide adequate provision for the flowage of water naturally accumulating or flowing along the ditches and rights-of-way of such roads. Such culverts shall not be less than 12 inches in diameter (unless a greater size is required by state or county authorities) and shall be of sufficient length injury to persons or property in the use of the roadways or the entrances to or exits from the roadways over across such culverts provided that no culvert shall be less than 20 feet nor more than 35 feet in length. The Village Engineer is vested with the authority to determine the size of the culvert required in excess of the minimums here in prescribed. End culvert pieces or sections, when required, shall be the type designated by the Village Engineer.*

- J. Section 425-22 is amended to remove fee amount and replace with wording that fee is as set by the Village Board.
- K. Section 425-23 is amended to read:  
*The applicant or his authorized agent shall provide and install each culvert placed in the right-of-way of a public street as required by the Village. The ditch shall be properly prepared to accept the placement of the culvert along the abutting property line. The culvert shall be installed in accordance with the access permit and with standard construction practices, including sufficient gravel placed thereon to afford safe ingress and egress prior to the use thereof.*
- L. Section 425-25 is amended to read:  
*The permit approved by the Village shall be subject to the condition that the work shall be performed and completed to the satisfaction of the Village Engineer.*
- M. Section 425-27A and D is amended to read:  
A. *All new infrastructure installed in new development may be the responsibility of the developer.*  
D. *Repair or replacement of infrastructure damaged due to negligence, neglect, or accident will be the sole responsibility of the negligent party.*
- N. Section 425-29 is amended to read:  
*The owner of property being assessed for the initial construction of any infrastructure will be allowed to pay his assessment in terms determined by the Village Board.*
- O. Section 425-30C(1)(a)[2] is amended to read: “Nothing in this article shall be deemed a waiver of the Village's ability to impose assessments in a manner consistent with Wisconsin law or other applicable law, including but not restricted to the Village's ability to exercise police powers under Chapters 61 and 66, Wis. Stats.”

### **Chapter 432, Swimming Pools.**

- A. Section 432-3E is amended to add “and underground.”
- B. Section 432-4C is amended to change 10 feet to six feet.
- C. Section 432-6E and F are added (from original zoning chapter) to read:  
E. *No lighting installed around swimming pools shall throw rays onto adjacent properties.*  
F. *Swimming pools and pool decks shall comply with the yard requirements for principal structures in the district in which they are located.*

## D. Section 432-7A is amended to read:

*Pools within the scope of the ordinance not enclosed within a permanent building shall be completely enclosed by a fence not less than four feet not more than six feet in height and of sufficient strength to prevent access to the pool. Sidewalls of aboveground pools four feet high may be used in lieu of fence. Such fence shall not be able to pass a sphere larger than four inches in diameter through any part of the fence. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.*

## E. Section 432-8 is amended to read:

*All electrical installations shall require separate permits and shall be governed by the Village of Slinger Electrical Code or Wisconsin Electrical Code. If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool. Swimming pools shall not be constructed directly over or under electric transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or the surrounding fence pursuant to NEC Article 680.*

## F. Section 432-10 is amended to read: “Any person violating any of the provisions of this chapter shall be subject to a penalty as set forth in § 1-2 of the Code. Each day a violation continues shall constitute a separate offense.”

**Chapter 441, Trees and Shrubs.**

## A. In this chapter, “Parks and Forestry Supervisor,” is revised to “Parks, Public Works and Forestry Superintendent”; “Parks and Recreation Board” is revised to “Parks, Recreation and Forestry Board” and “Parks and Forestry Department” or “Forestry Department” are revised to “Parks, Recreation and Forestry Department.”

## B. Section 441-2A(3) and B(1) and (2) are amended to read:

(3) *The Parks, Recreation and Forestry Department shall utilize various species of trees and shrubs, with consideration given to length of life, beauty, freedom from disease, care requirements, growth habits and future effect of roots on adjacent sidewalks and structures, cleanliness and other pertinent characteristics. Only such species as are approved by the Parks, Recreation and Forestry Department shall be planted on public lands.*

B. *Control over private property.*

(1) *Any tree or shrub which overhangs any public land of the Village, and which, in the opinion of the Village Parks, Public Works and Forestry Superintendent and the Parks, Recreation and Forestry Department, endangers the life, health, safety or property of the*

*public, may be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected, action may be taken by the Village to abate the nuisance, and the cost assessed to the owner.*

(2) *The owner of property abutting upon any street or sidewalk shall trim branches of all trees standing along such street or sidewalk so that the branches shall not obstruct the passage of light from any streetlight to the adjacent street or sidewalk, and shall also trim all branches which overhang any street, alley or sidewalk so that there shall be a clear height of 15 feet above the street and sidewalk. The owner shall remove all dead, decayed or broken trees, limbs or branches which overhang any street or sidewalk.*

C. Section 441-4C is amended to change 10 feet to 15 feet.

D. Section 441-5A and C is amended to read:

A. *No person shall cut down or in any manner destroy or injure any living tree or planting upon any public street, terrace, highway or other public ground in the Village of Slinger.*

C. *Public utilities, under the supervision and direction of the Village Parks, Public Works and Forestry Superintendent, are authorized to prune trees upon and overhanging the streets, avenues, highways, sidewalks and other public lands in the Village of Slinger, to prevent the branches of such trees from coming in contact with wires and cables. Such utilities are authorized to cut roots of trees and shrubs under the streets, avenues, highways, sidewalks and other public lands in the Village of Slinger in order to construct, maintain and operate their facilities in and about the Village.*

### **Chapter 453, Vehicles, Abandoned or Junked.**

A. In § 453-1A the definition of “vehicle” is amended to read:

*VEHICLE — A motor vehicle, trailer, semitrailer or mobile home, as defined in § 340.01, Wis. Stats., whether or not vehicle is registered under Chapter 341, Wis. Stats.*

B. Section 453-1B is amended to read: “Presumption of abandonment. Any vehicle left unattended for more than 24 hours on any public street or grounds or on private property is deemed abandoned and constitutes a public nuisance, provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of public view by permission of the owner or lessee.”

C. In § 453-1, Subsection D(1) is amended to replace fee amount with “as set by the Village Board”; Subsection E is amended to change 72 hours to 24 hours.

- D. Section 453-2A is amended as indicated:  
*Removal and impoundment for sale. Any vehicle found abandoned in violation of this ordinance shall be impounded by the Police Department until lawfully claimed or disposed of as provided in this section. If the Chief of Police or his duly authorized representative determines that towing costs and storage charges for the ~~ten-day impoundment period~~ minimum period of 10 days' impoundment after certified mail notice has been sent to the owner and lienholders of record, as required by § 342.40(3)(c), Wis. Stats., would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason, provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with Subsection D of this section.*
- E. Section 453-2B is amended to change 20 days to 10 days.
- F. Section 453-2F and G are amended to replace fee amount with “per the fee schedule approved by the Village Board.”
- G. Original Sec. 6.06L, Owner may file, is repealed.
- H. Section 453-3A(2) is amended to read:  
 (2) *Penalty. Any person, firm, partnership, or corporation violating the provisions hereof shall, upon conviction, be fined as provided in Chapter 1, General Provisions, of the Code of the Village of Slinger for each offense. Each day that the motor vehicle, trailer, semi-trailer, mobile home, or parts thereof shall be stored contrary to the provisions hereof shall constitute a separate and distinct offense.*

## **Chapter 460, Vehicles and Traffic.**

This chapter is amended in its entirety to read as follows:

### **§ 460-1. Provisions of state laws adopted by reference.**

- A. *Except as otherwise specifically provided in this chapter, the statutory provisions in Chs. 85, 110, 305 and 340 through 348, Wis. Stats., together with all related orders, rules and regulations of the Department of Transportation contained within the Wisconsin Administrative Code, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated in this section by reference is*

*required or prohibited by this chapter. Any future amendments, revisions or modifications of the Wisconsin Statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.*

- (1) Section 340.01, Words and phrases defined.*
- (2) Section 341.11(4), Display of registration certificate.*
- (3) Section 341.15, Display of registration plates.*
- (4) Section 341.16(4), Issuance of duplicate plates.*
- (5) Section 341.52(4), Reciprocity permits.*
- (6) Section 341.55, Penalty for misuse of plates.*
- (7) Section 341.57, Registration of finance companies and banks.*
- (8) Section 341.63, When registration is to be suspended.*
- (9) Section 342.05(4), Certificate of title required.*
- (10) Section 342.15(5),(6),(7)., Transfer of interest in vehicle.*
- (11) Section 342.23, Secured party's and owner's duties.*
- (12) Section 342.30, 31, 34, Anti-theft and anti-fraud provisions.*
- (13) Section 343.01, Words and phrases defined.*
- (14) Section 343.305, Implied consent.*
- (15) Section 343.35, Surrender of licenses upon cancellations, revocation or Suspension.*
- (16) Sections 342.45 to 343.46, Unlawful practices relative to licenses.*
- (17) Sections 343.60 to 343.72, Licensing of driver schools and instructors.*
- (18) Section 343.73, Penalty.*
- (19) Section 344.01, Words and phrases defined.*
- (20) Sections 344.45 to 344.47, Penalties for violation of chapter.*
- (21) Section 344.51, Financial responsibility for domestic rented vehicles.*
- (22) Section 345.01, Words and phrases defined.*
- (23) Sections 345.20 to 345.53, General provisions in traffic forfeiture actions.*
- (24) Section 345.55, Traffic officers not to profit from arrests.*
- (25) Section 346.01, Words and phrases defined.*
- (26) Section 346.02, Applicability of this chapter.*

- (27) *Section 346.03, Applicability of rules of the road to authorized emergency vehicles.*
- (28) *Section 346.04(1), (2).*
- (29) *Sections 346.05 to 346.16, Driving, meeting, overtaking and passing.*
- (30) *Section 346.17, Penalty for violating §§ 346.04 to 346.16.*
- (31) *Sections 346.18 to 346.21, Right-of-way.*
- (32) *Section 346.22, Penalty for violating §§ 346.18 to 346.21.*
- (33) *Sections 346.23 to 346.29, Drivers and pedestrians.*
- (34) *Section 346.30, Penalty for violating §§ 346.23 to 346.29.*
- (35) *Section 346.31 to § 346.35, Turning and stopping and required signals.*
- (36) *Section 346.36, Penalty for violating §§ 346.31 to 346.35.*
- (37) *Section 346.37 to § 346.42, Traffic signs, signals and markings.*
- (38) *Section 346.43, Penalty for violating §§ 346.37 to 346.42.*
- (39) *Sections 346.44 to 346.48, Required stops.*
- (40) *Section 346.49, Penalty for violating §§ 346.44 to 346.48.*
- (41) *Section 346.57(2), (3), (4)(A) to (C), Speed restrictions - first offense in year.*
- (42) *Sections 346.57(4)(D), (5), (6) to 346.595, Speed restrictions.*
- (43) *Section 346.60, Penalty for violating §§ 346.57 to 346.595.*
- (44) *Section 346.61, Applicability of sections relating to reckless and drunken driving.*
- (45) *Section 346.62(1), (3), Reckless driving - first offense in four years.*
- (46) *Section 346.63(1), (3), (4), Operating under the influence of an intoxicant - first offense in five years.*
- (47) *Section 346.64, Employment of drunk operators - first offense.*
- (48) *Section 346.65(1), (2), Penalty for violating §§ 346.62 to 346.64.*
- (49) *Section 346.66, Applicability of sections relating to accident and accident reporting.*
- (50) *Sections 346.68 and 346.69, Duty upon striking unattended vehicle - upon striking property or adjacent to highway - first offense within a year.*
- (51) *Sections 346.71, 346.72, 346.73, Duty to report accidents, etc.*
- (52) *Section 346.70(4), Police and traffic agencies to report.*

- (53) *Section 346.70(5), Falsifying reports - first offense within a year.*
- (54) *Sections 346.77 to 346.81, Bicycles and play vehicles.*
- (55) *Section 346.82, Penalty for violating §§ 346.77 to 346.81.*
- (56) *Sections 346.87 to 346.94, Miscellaneous rules.*
- (57) *Section 346.95, Penalty for violating §§ 346.87 to 346.94.*
- (58) *Sections 347.01 to 347.05, General provisions.*
- (59) *Sections 347.06 to 347.29, Lighting equipment.*
- (60) *Section 347.30, Penalty for violating lighting equipment requirements.*
- (61) *Sections 347.35 to 347.49, Other Equipment.*
- (62) *Section 347.50, Penalty for violating §§ 347.35 to 347.49.*
- (63) *Sections 348.01 to 348.02, Size, weight, load - general provisions.*
- (64) *Section 348.05, Size and load.*
- (65) *Section 348.11, Penalty for violating size and load limitations.*
- (66) *Sections 348.15 to 348.20, Weight.*
- (67) *Section 348.21, Penalty for violating weight limitations.*
- (68) *Sections 348.25 to 348.27, Permits.*
- (69) *Section 348.28, Permits to be carried - penalty.*
- (70) *Section 349.21, Authority to regulate school bus warning lights.*

*B. Other laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chs. 305 and 340 to 350, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as provided in Chapter 1, General Provisions, Article I, of this Code: Chapters 84 and 110, Wis. Stats.*

**§ 460-2. Official Traffic Manual established.**

*The Village Board of the Village of Slinger shall establish the traffic limits and regulations applicable to Village streets and portions thereof under authority granted by § 349.06, Wis. Stats., as documented in the Village's Official Traffic Manual.<sup>1</sup>*

**§ 460-3. Non-highway operation of motorcycles.**

*A. No person shall operate any nonlicensed motor bike, minibike, moped, or other nonlicensed vehicle within the corporate limits of the Village of Slinger. This chapter shall not apply to agricultural vehicles or recreational vehicles registered by the State of Wisconsin.*

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**1. Editor's Note: The Official Traffic Manual is on file in the Police Department and the Village offices.**

- B. *This chapter is not intended to prohibit the lawful use of motorcycles on the streets of the Village of Slinger, Wisconsin, or on private property within the Village limits, which operation is incidental to lawful street operation.*

**§ 460-4. Official traffic signs and signals.**

*The Village of Slinger is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of Transportation as required by state law. Signs shall be erected in such locations and manner as the Village of Slinger shall determine will best effect the purpose of this chapter and give adequate warning to users of the street or highway.*

- A. *Removal of unofficial signs and signal. The Village of Slinger shall have the authority granted by § 349.09, Wis. Stats., and is hereby directed to order the removal of a sign, signal, marking or device placed, maintained, or displayed in violation of this chapter or § 346.41, Wis. Stats., in any Village or state right-of-way. Any charge imposed on a premises for the removal of such an illegal sign, signal or device shall be reported to the Village Board at its next regular meeting for review and certification.*

**§ 460-5. No motorized or self-propelled vehicles.**

*No motorized or self-propelled vehicle, except those properly licensed by the State of Wisconsin, shall be operated on Village streets, except for snow removal or crossing with a lawn mower.*

- A. *Conditions for use. Only vehicles designed for and used by handicapped persons, either self-propelled or power-driven, may be operated on public sidewalks under the following conditions:*
- (1) *The vehicle to be operated on public sidewalks by a handicapped person must be inspected by the Chief of Police and determined to be in good operating condition and an appropriate vehicle for safe operation on a public sidewalk in the view of pedestrian traffic that will be on sidewalks at the same time the handicapped vehicle will be operated on the sidewalks.*
  - (2) *The person requesting to operate a vehicle on the public sidewalks shall furnish to the Police Department a statement from a physician licensed to practice medicine in any state, from a chiropractor licensed to practice chiropractic medicine in any state, or from a Christian Science practitioner residing in this state and listed in the Christian Science Journal that the person is physically disabled by any physical condition which renders the person unable to walk or unable to walk without great difficulty. The physician's, chiropractor's or practitioner's statement shall state whether the disability is permanent or temporary and, if temporary, the opinion of the physician, chiropractor or practitioner as to the duration of the disability.*
  - (3) *No other vehicles of any description may be operated on public sidewalks.*

**§ 460-6. Restrictions on heavy traffic.**

*The Village may place restrictions on use of certain streets by heavy traffic. Streets with weight restrictions are enumerated in the Village's Official Traffic Manual.*

- A. *Suspension of operation. The Chief of Police or Village Engineer may order the owner of any vehicle being operated on a street to suspend operation if, in his judgment, such vehicle is causing or likely to cause injury to streets or the public investment therein, except when § 84.20, Wis. Stats., is applicable or when the vehicle is being operated pursuant to a contract which provides that the Village shall be reimbursed for any damage done to the street.*
- B. *Special weight limitations. The Chief of Police or Village Engineer may impose special weight limitations, in addition to existing standards, on any street or portion thereof which, because of weakness of the roadbed due to deterioration, climatic conditions, or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations.*

**§ 460-7. Violations and penalties.**

*The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided, together with the cost of prosecution imposed as provided in §§ 345.20 to 345.53, Wis. Stats.*

- A. *Uniform offenses. Except as provided in § 460-7C for nonmoving traffic offenses, forfeitures for violation of any provision of Chs. 341 to 348, Wis. Stats., adopted by reference in § 460-1 of this chapter, shall conform to the forfeitures for violation of the comparable state offense, including any variations or increases for second offenses.*
- B. *Miscellaneous. The forfeiture for violation of any provision of § 460-1B of this chapter shall be per the forfeiture schedule approved by the Village Board.*
- C. *Parking. The forfeiture for violation of parking regulations shall be per the schedule of forfeitures approved by the Village Board. The forfeitures for offenses described in §§ 346.52 and 346.55, Wis. Stats., adopted by reference in § 460-1, shall be per the Village's schedule of forfeitures approved by the Village Board.*

**§ 460-8. Enforcement.**

*This chapter shall be enforced in accordance with the provisions of §§ 345.20 to 345.53, Ch. 800 and § 66.0114, Wis. Stats.*

- A. *Uniform citations. The uniform traffic citation promulgated under § 345.11, Wis. Stats., shall be used for all moving traffic violations under this chapter.*
- B. *Parking citations. Citations for all nonmoving traffic violations under this chapter shall conform to § 345.28, Wis. Stats., and shall permit direct mail payment of the applicable minimum forfeiture to the Village within five days of the issuance of the citation in lieu of court appearance.*
- C. *Notice of demerit points and receipt. Every officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefor as provided in § 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the*

*provisions of this chapter shall comply with the provisions of §§ 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats.*

- D. *Forfeitures in treasury. Officer to post bond, qualify. Any officer accepting deposits or forfeited penalties under this chapter shall deliver them to the Village Treasurer within 20 days after receipt. Any officer authorized to accept deposits under §345.26, Wis. Stats., or this chapter shall qualify by taking the oath prescribed by §19.01, Wis. Stats., and filing an official bond in the sum of \$1,000, as described by § 19.01.*

**§ 460-9. Reference to statutes.**

*Reference to specific statutory sections wherever used in this chapter shall mean the Wisconsin Statutes.*

**§ 460-10. Repeal of conflicting ordinances.**

*All ordinances regulating traffic upon the streets, alleys and highways of the Village of Slinger, Wisconsin, and all ordinance heretofore enacted by the Village Board of the Village of Slinger, Wisconsin, are hereby repealed.*

**Ch. 468, Water.**

- A. In Article I, §§ 468-2, 468-3 and 469-5 are amended to read:

**§ 468-2. Collection of utility receipts and expenditures.**

- A. *Utility receipts shall be collected by the Village.*
- B. *The Village Treasurer shall pay all utility expenditures as provided in Wisconsin statutes.*

**§ 468-3. Construction and maintenance of public utilities.**

*The construction and maintenance of water facilities of the Village shall conform to the "Standard Specifications for Sewer, Water and Electric Construction in Wisconsin," which is adopted by reference and made part of this article.*

.....

**§ 468-5. Management.**

- A. *The operation, management and control of the utility is hereby vested in the Village Board of the Village of Slinger, hereinafter referred to as the "approving agency." All records of the utility shall be kept in the Village Hall or other officially designated place.*
- B. *The rules, regulations and rates hereinafter set forth shall be considered part of the contract with every individual or entity connected to the water system. Said rules, regulations and rates may be changed from time to time as determined by the Village Board and the right is reserved to make special rates and contracts in all proper cases.*

- C. *The Village Board shall cause an annual audit of the books of the utility made by certified public accountants and shall make the books and records relating to the utility available for inspection during regular business hours.*
  
- B. In Article II, original Sec. 14.10, subsections A through C have been deleted and their provisions moved to § 398-6B(2)(d).
  
- C. Article II is amended to read as follows:

**§ 468-7. *Compliance required; mandatory connection.***

*Water connection.*

- A *The owner of each house, building or property used for human occupancy, employment, recreation or other habitation situated within the Village presently occupied and capable of being serviced by the municipal water system shall be hooked up to such water system within 30 days after notification from the Village Board or its designee. If unoccupied, connection shall be completed before occupancy.*
  
- B *If any person fails to comply with Subsection A above, the Village, at its option, may take any or all of the following actions, which are not mutually exclusive, and which shall be in addition to other applicable penalties and remedies:*
  - (1) *Impose damages, penalties and remedies pursuant to § 398-16, Violations and penalties.*
  
  - (2) *Impose a standby charge for the period of time in violation of Subsection A above, after providing at least 10 days' written notice to any owner failing to make a connection to the water system, for an amount equal to 100% of the water use charge of the required size, payable monthly for the period in which the failure to connect continues. Upon failure to make such payment, said charge shall be imposed against the lot or parcel as a special charge pursuant to § 66.0627, Wis. Stats.*
  
  - (3) *Any person who does not connect within such one-year period shall be guilty of a separate violation for each and every day connection to the service is not made. In addition, the Village may enforce the provisions of this section through injunction. Any person who shall violate the provisions of this section shall be subject to the penalties as provided for in this Code*

**§ 468-8. *Water mains and valves, hydrants.***

- A. *Water mains and valves.*
  - (1) *Eight-inch and smaller: 100% assessable.*

- (2) *Over eight inches: The Village shall pay the additional material (pipe, valves and related apparatus) cost between the eight-inch and that of a larger size pipe.*
- (3) *Laterals shall be 100% assessable, except as provided by Public Service Commission Rules and Regulations.*

- B. *Hydrants. Hydrants are 100% assessable.*
  
- D. Sections 468-11 through 468-13 are amended to read:

**§ 468-11. Inspections; reinspections.**

*It shall be the duty of the Village of Slinger to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system is deemed possible. The frequency of the inspections and reinspections, based on potential health hazards involved, shall be as established by the Village of Slinger and as approved by the Wisconsin Department of Natural Resources.*

**§ 468-12. Right of entry.**

*Upon presentation of credentials, the representatives of the Village of Slinger shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village of Slinger for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under § 66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.*

**§ 468-13. Connections in violation; discontinuance of service.**

*The Village of Slinger is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this article exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in § 468-14. Water services to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this article.*

- E. Section 468-16 is amended to read: “This article does not supersede the State Plumbing Code but is supplementary to it.”
  
- F. In § 468-19 the definition of “municipal water system” is amended to read:

*MUNICIPAL WATER SYSTEM — A community water system owned by a city, village, county, town, town sanitary district or utility district, or a privately owned water utility serving the foregoing.*

- G. Section 468-20 is amended to read:
- All wells on premises served by the municipal water system shall be properly abandoned in accordance with § 468-22 of this article no later than 90 days to one year from the date of connection to the municipal water system, unless a valid well operation permit has been issued under terms of § 468-21 of this article.*
- H. In § 468-21, the first two sentences are amended to read: “Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 60 days after connection to the municipal water system. The Village may grant a permit to a well owner to operate a well for a period not to exceed five years, providing all conditions of this section are met.”
- I. Section 468-27 is amended to change “exemption” to “exception.”
- J. Sections 468-23 and 468-28 are amended to refer to the general penalty in § 1-2 of the Code.

## **Chapter 550, Zoning.**

- A. Floodplain-related provisions are repealed, including: a statutory reference in § 550-1; original Sec. 1.04I, original Sec. 1.08, Warning and disclaimer of liability; original Sec. 2.02B and C; and the following definitions in § 550-127: “A Zones,” “flood,” “flood profile,” “flood protection elevation,” “floodproofing,” and “regional flood.”
- B. Section 550-10E is amended to read: “Water service. Municipal water service connections are required where available for all new structures used or intended to be used for human habitation or occupancy except in the agricultural districts. If municipal water service is not available, a proposed water supply plan shall be prepared in accordance with County and State regulations.”
- C. Section 550-13E(2) is amended to add “per the requirements of the applicable zoning district” to the end.
- D. Original Sec. 2.07F, Swimming pools, is deleted from this chapter and incorporated into Ch. 432 of the Code.
- E. Section 550-13F is amended to read: “Storage of junk vehicles. No disassembled, dismantled, junked, wrecked, inoperable or unlicensed vehicle shall be stored or allowed to remain in the open upon private property in the Village of Slinger in accordance with Chapter 453 of the Code.”

- F. Section 550-13G is amended to read: “Accumulation or storage of miscellaneous items. The accumulation or storage of miscellaneous items, such as tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, junk, wood, brick, cement block, similar materials, or other unsightly debris which may tend to depreciate property values in the area or create a nuisance or hazard shall not be allowed to remain unless one or more of the following occurs:”
- G. Section 550-15B is amended to read:  
*Designation of boundaries. Boundaries of these districts are hereby established as shown on the map entitled "Zoning Map - Village of Slinger, Wisconsin," dated June 17, 1996, which accompanies and is herewith made a part of this chapter. Such boundaries shall be construed to follow corporate limits, U.S. Public Land Survey lines, lot property lines, center lines of streets, highways, alleys, easements, railroad rights-of-way or such lines extended, and the limits of delineated Conservancy areas unless otherwise noted on the Zoning Map. The floodplain limits are based on the limits shown on the Flood Hazard Boundary Map published by the Federal Emergency Management Agency (FEMA), dated October 16, 2015.*
- H. Sections 550-17A, 550-18A, 550-19A, 550-20A, 550-21A, 550-22A, 550-23A, 550-24A, 550-25B, 550-26A, 550-27A, 550-28A, 550-30A are amended to add a subsection to read “Essential services.”
- I. Sections 550-21B, 550-22B, 550-23B, and 550-24B are amended to delete a subsection which read: “Home occupations/home industry in an accessory building.”
- J. Sections 550-25A(1), 550-26A(1), are amended to add “minimum” before “garage per unit” in subsections (a) and (b)
- K. Sections 550-25A(4) and 550-26A(4) are amended to read “for up to 15”.
- L. Section 550-26D is amended to add “line” at the end of the subsection.
- M. Section 550-27B(1)(m) is amended to read: “All mobile homes shall meet the federal standards found in 42 U.S.C. §§ 5401 to 5426 (Title 42, Chapter 70, Manufactured Home Construction and Safety Standards).”
- N. Section 550-28F(2) is amended to read: “No minimum side yard is required between buildings, except as may be required by the Wisconsin Commercial Building Code.”
- O. Sections 550-32H and 550-33H are amended to change “business districts” to “manufacturing districts.”

- P. Section 550-33C(7) is amended to read “less than 25%”
- Q. Sections 550-37A(6)(d), 550-39C(2)(d)[4] are amended to add “with Village-issued permits.”
- R. Section 550-37B is amended to read:
- B. *Conditional uses. The Village Planning Commission may authorize a conditional use permit in accordance with Article IV of this chapter, provided that such conditional uses and structures are found to be in accordance with the purpose and intent of this district and Chapter NR 116 of the Wisconsin Administrative Code. The applicant must show that such use of improvement will not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of floodwater. When permitted, all structures shall be floodproofed and constructed so as not to catch or collect debris nor be damaged by floodwater. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area. Such uses shall include:*
- (1) *Navigational structures.*
  - (2) *Bridges and approaches.*
  - (3) *Marinas.*
  - (4) *Park and recreational areas not including structures.*
  - (5) *Filling as authorized by the Wisconsin Department of Natural Resources to permit establishment of approved bulkhead lines.*
  - (6) *Other green space uses consistent with the purpose and intent of the district and compatible with uses in adjacent districts, not including structures.*
  - (7) *Municipal water supply and sanitary sewerage systems, provided that the system is floodproofed to an elevation at least two feet above the elevation of the one-hundred-year recurrence interval flood and is designed to eliminate or minimize infiltration of floodwater into the system. Certifications of floodproofing shall be made to the Zoning Administrator, and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval lever for the particular stream reach.*
- S. Section 550-39D(2) and (3) are amended to read:

- (2) *The following uses are permitted:*
- (a) *Residential.*
  - (b) *Parks/playgrounds.*
  - (c) *Natural uses:*
    - [1] *Wildlife areas.*
    - [2] *Wild crops.*
    - [3] *Non-motor trails (bike, skiing, nature, fitness).*
    - [4] *Hunting/fishing/trapping.*
- (3) *The following uses require a conditional use permit as specified in Article IV of this chapter:*
- (a) *All uses not specifically permitted or prohibited in this section.*
  - (b) *Shooting ranges.*
  - (c) *Boat landings.*
  - (d) *Campgrounds.*
- T. Section 550-39D(5)(e) is amended to read: “Lot size for other uses: one acre minimum, subject to Subsection D(5)(a) above.”
- Section 550-39D(5)(g) is amended to read “Washington County Animal Waste Management Ordinance”
- U. Section 550-44C(1) is amended to delete specific fee and provide for a fee as set by the Village Board.
- V. Section 550-49K is amended to change “Building Review Committee” to “Planning Commission.”
- W. Original Sec. 5.09, Driveway aprons, is repealed.
- X. Section 550-55A(2) is amended to read:
- In the administration of these sign regulations, the Building Inspector may consult with the Commission and/or the Zoning Board of Appeals for interpretations on these regulations.
- Y. Section 550-58D is amended to read:
- Portable signs. Portable signs may be permitted by the Building Inspector for advertising purposes, provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable*

- sign permits shall not be granted for a period of more than 14 days per occurrence and will not exceed three occurrences in any twelve-month period. The permit shall be in the same form as defined in § 550-55 of this chapter.*
- Z. Section 550-63A is amended to read:  
*Wind pressure and dead load requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area and shall be constructed to receive dead loads as required in the Village of Slinger Code or state or federal requirement.*
- AA. Section 550-86 is amended to reference Ch. NR 429, Wis. Adm. Code.
- BB. Section 550-94A is amended to read:  
*No building shall be permitted which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.*
- CC. Section 550-95B(4)(a) and C(5)(a) are amended to delete “new” from before “food establishments.” Original § 550-95B(4)(b) and C(5)(b) pertaining to existing businesses, are repealed.
- DD. Section 550-96A and B are amended to read:  
A. *Bond. A minimum cash bond as set from time to time by the Village Board shall be required.*  
B. *Completion time. The Planning Commission shall establish a reasonable time for the completion of each project. Upon satisfactory completion, the bond shall be returned to the developer upon approval of the Building Inspector.*
- EE. Original Sec. 10.06C, Retroactivity, is repealed.
- FF. Section 550-101C is amended to read:  
*Two alternate members must be appointed by the Village President for staggered terms of three years, and an alternate member shall act only when a regular member is absent or refuses to vote because of interest.*
- GG. Section 550-102B is amended to read:  
*Official record. Minutes of the proceedings and a record of all actions shall be kept, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Clerk and shall be public record.*

- HH. Section 550-106F(4) is amended to read: “Any action contrary to the provisions of Ch. NR 116, Wis. Adm. Code, would result.”
- II. Section 550-124 is amended to refer to the general penalty of the Code.
- JJ. In § 550-126 the following definitions are amended to read as indicated: “arterial street,” “dwelling, single-family,” “essential services,” “family,” “structure”:

*ARTERIAL STREET* — A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as highways and parkways.

*DWELLING, SINGLE-FAMILY* — A detached building designed for or occupied exclusively by one family which is a minimum of 24 feet in width, has a roof with a minimum slope of 3:12, and is on a permanent foundation meeting the state one- and two-family dwelling code. This definition includes manufactured homes but excludes mobile homes constructed prior to June 15, 1976.

*ESSENTIAL SERVICES* — Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pump lift stations, and hydrants.

*FAMILY* — One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- A. The group shares the entire dwelling unit.
- B. The group lives and cooks together as a single housekeeping unit.
- C. The group shares expenses for food, rent, utilities or other household expenses.
- D. The group is permanent and stable and not transient or temporary in nature.
- E. Any other factor reasonably related to whether the group is the functional equivalent of a family.

*This definition is not intended to prohibit group homes or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided that such facilities are licensed and permitted under the authority*

*of the State Department of Health Services or the State Department of Children and Families or other state department or agency.*

*STRUCTURE* — *Any erection or construction, such as buildings, towers, masts, poles, booms, signs, carports, machinery, and equipment.*

## **Chapter 481, Floodplain Zoning.**

This chapter is amended in its entirety to read as follows:

### **ARTICLE I**

#### ***Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions***

##### **§ 481-1. Statutory authorization.**

*This chapter is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., for villages and cities; and the requirements in § 87.30, Wis. Stats.*

##### **§ 481-2. Findings.**

*Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.*

##### **§ 481-3. Purpose.**

*This chapter is intended to regulate floodplain development to:*

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

##### **§ 481-4. Title.**

*This chapter shall be known as the "Floodplain Zoning Ordinance for the Village of Slinger, Wisconsin."*

**§ 481-5. General provisions.**

- A. *Areas to be regulated. This chapter regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by the Department of Natural Resources. 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 (RFEs) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.*
- B. *Official maps and revisions.*
- (1) *The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Article VIII, Amendments) before it is effective. No changes to RFEs on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Zoning Administrator, Village of Slinger. If more than one map or revision is referenced, the most restrictive information shall apply.*
  - (2) *Official Maps.*
    - (a) *Flood Insurance Rate Map (FIRM) numbers as follows: 55131C0232D and 55131C0253D dated November 20, 2013 and 55131C0227E, 55131C0229E, 55131C0231E, 55131C0233E, 55131C0234E, 55131C0261E dated October 16, 2015; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated October 16, 2015, for Washington County, Wisconsin, and incorporated areas, including Volume 1 FIS No. 55131CV001B, Volume 2 FIS No. 55131CV002B, and Volume 3 FIS No. 55131CV003B.*
    - (b) *Flood Storage Map, Panel number 3, dated October 16, 2015, approved by the WI DNR.*
- C. *Establishment of floodplain zoning districts. The regional floodplain areas are divided into four districts, as follows:*
- (1) *The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.*
  - (2) *The Flood-Fringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.*
  - (3) *The General Floodplain District (GFP) is those areas that 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) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.*

*D. Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection D(1) or (2) below. If a significant difference exists, the map shall be amended according to Article VIII, Amendments. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to § 481-28C and the criteria in Subsection D(1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article VIII, Amendments.*

*(1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.*

*(2) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.*

*E. Removal of lands from floodplain. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article VIII, Amendments.*

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

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

*H. Abrogation and greater restrictions.*

*(1) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under § 59.69, 59.692 or 59.694, Wis. Stats., for counties; § 62.23, Wis. Stats., for cities; § 61.35, Wis. Stats., for villages; or § 87.30, Wis. Stats., which relate to floodplains. A more restrictive ordinance shall continue in full*

*force and effect to the extent of the greater restrictions, but not otherwise.*

- (2) *This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.*
- I. *Interpretation. In their interpretation and application, the provisions of this chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this chapter, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.*
- J. *Warning and disclaimer of liability. The flood protection standards in this chapter are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This chapter does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.*
- K. *Severability. Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.*
- L. *Annexed areas for cities and villages. The Washington County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.*

## ARTICLE II

### **General Standards Applicable to All Floodplain Districts**

#### **§ 481-6. General development standards.**

- A. *The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of*

*flooding.*

- B. *Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter and all other requirements in § 481-26B. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damages.*

**§ 481-7. Hydraulic and hydrologic analyses.**

- A. *No floodplain development shall:*
- (1) *Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or*
  - (2) *Cause any increase in the regional flood height due to floodplain storage area lost.*
- B. *The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article VIII, Amendments, are met.*

**§ 481-8. Watercourse alterations.**

- A. *No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of § 481-7 must be met and the flood-carrying capacity of any altered or relocated watercourse shall be maintained.*
- B. *As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Article VIII, Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.*

**§ 481-9. Chapters 30 and 31, Wis. Stats., development.**

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

**§ 481-10. Public or private campgrounds.**

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

- A. *The campground is approved by the Department of Health Services;*
- B. *A land use permit for the campground is issued by the Zoning Administrator;*
- C. *The character of the river system and the campground elevation are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants;*
- D. *There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;*
- E. *This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in Subsection D to remain in compliance with all applicable regulations, including those of the State Department of Health Services 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 shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;*
- H. *All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;*
- I. *The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;*
- J. *All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article III, IV or V for the floodplain district in which the structure is located;*
- K. *The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and*
- L. *All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.*

### ARTICLE III

***Floodway District (FW)*****§ 481-11. *Applicability.***

*This article applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to § 481-19D.*

**§ 481-12. *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 §§ 481-13 and 481-14; and all permits or certificates have been issued according to § 481-26:*

- A. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.*
- 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 § 481-13D.*
- D. Uses or structures accessory to open space uses or classified as historic structures that comply with §§ 481-13 and 481-14.*
- E. Extraction of sand, gravel or other materials that comply with § 481-13D.*
- 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 Chs. 30 and 31, Wis. Stats.*
- G. Public utilities, streets and bridges that comply with § 481-13C.*

**§ 481-13. *Standards for developments in floodway.***

- A. General.*
  - (1) Any development in the floodway shall comply with Article II and have a low flood damage potential.*
  - (2) Applicants shall provide the following data to determine the effects of the proposal according to §§ 481-7 and 481-26B(3):*
    - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or*
    - (b) An analysis calculating the effects of this proposal on regional flood height.*
  - (3) The Zoning Administrator shall deny the permit application if the project will*

*cause any increase in the flood elevations upstream or downstream, based on the data submitted for Subsection A(2) above.*

- B. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:*
- (1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;*
  - (2) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.*
  - (3) Must be anchored to resist flotation, collapse, and lateral movement;*
  - (4) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and*
  - (5) It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.*
- C. Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit, if:*
- (1) Adequate floodproofing measures are provided to the flood protection elevation; and*
  - (2) Construction meets the development standards of § 481-7.*
- D. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:*
- (1) The requirements of § 481-7 are met;*
  - (2) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and all other requirements have been met;*
  - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and*
  - (4) The fill is not classified as a solid or hazardous material.*

**§ 481-14. Prohibited uses.**

*All uses not listed as permitted uses in § 481-12 are prohibited, including the following uses:*

- A. Habitable structures, structures with high flood damage potential, or those not*

*associated with permanent open-space uses;*

- B. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;*
- C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;*
- D. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;*
- E. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;*
- F. Any solid or hazardous waste disposal sites;*
- G. Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code; and*
- H. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.*

#### **ARTICLE IV** **Flood-Fringe District (FF)**

##### **§ 481-15. Applicability.**

*This article applies to all flood-fringe areas shown on the Floodplain Zoning Maps and those identified pursuant to § 481-19D.*

##### **§ 481-16. Permitted uses.**

*Any structure, land use or development is allowed in the Flood-Fringe District if the standards in § 481-17 are met, the use is not prohibited by this or any other ordinance or regulation, and all permits or certificates specified in § 480-26 have been issued.*

##### **§ 481-17. Standards for development in flood-fringe.**

*Section 481-7 shall apply in addition to the following requirements, according to the use requested. Any existing structure in the flood-fringe must meet the requirements of Article VI, Nonconforming Uses.*

- A. Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the flood-fringe shall meet or exceed the following standards. Any existing structure in the flood-fringe must meet the requirements of Article VI, Nonconforming Uses.*

- (1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of § 481-17A(2) can be met. The fill*

*shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.*

- (2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.*
  - (3) Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection A(4).*
  - (4) In developments where existing street or sewer line elevations make compliance with Subsection A(3) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:*
    - (a) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or*
    - (b) The municipality has a DNR-approved emergency evacuation plan.*
- B. Accessory structures or uses. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.*
- C. Commercial uses. Any commercial structure which is erected, altered or moved into the flood-fringe shall meet the requirements of § 481-17A. Subject to the requirements of § 481-17E, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.*
- D. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the flood-fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in § 481-30. Subject to the requirements of § 481-17E, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.*
- E. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with § 481-30. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.*
- F. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:*
- (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with § 481-30.*

- (2) *Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.*
- G. *Sewage systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwater into the system, pursuant to § 481-30C, to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.*
- H. *Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to § 481-30C, to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.*
- I. *Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in flood-fringe areas.*
- J. *Deposition of materials. Any deposited material must meet all the provisions of this chapter.*
- K. *Manufactured homes.*
- (1) *Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.*
- (2) *In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:*
- (a) *Have the lowest floor elevated to the flood protection elevation; and*
- (b) *Be anchored so they do not float, collapse or move laterally during a flood*
- (3) *Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood-fringe in § 481-17A.*
- L. *Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in § 481-17K(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.*

**ARTICLE V**  
**Other Floodplain Districts**

**§ 481-18. Establishment of other districts.**

*Other floodplain districts may be established under the ordinance and reflected on the*

*Floodplain Zoning Map. These districts may include general floodplain districts and flood storage districts.*

**§ 481-19. General Floodplain District (GFP).**

- A. *Applicability. The provisions for this district shall apply to all floodplains mapped as A, AO or AH Zones.*
- B. *Permitted uses.*
- (1) *Pursuant to § 481-19D, it shall be determined whether the proposed use is located within the floodway or flood-fringe.*
  - (2) *Those uses permitted in the Floodway (§ 481-12) and Flood-Fringe (§ 481-16) Districts are allowed within the General Floodplain District, according to the standards of § 481-19C, provided that all permits or certificates required under § 481-26 have been issued.*
- C. *Standards for development. Article III applies to floodway areas; Article IV applies to flood-fringe areas; the rest of this chapter applies to either district.*
- (1) *In AO/AH Zones, the structure's lowest floor must meet one of the conditions listed below, whichever is higher:*
    - (a) *At or above the flood protection elevation;*
    - (b) *Two feet above the highest adjacent grade around the structure; or*
    - (c) *The depth as shown on the FIRM.*
  - (2) *In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.*
- D. *Determining floodway and flood-fringe limits. Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:*
- (1) *Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits; stream channel; and existing floodplain developments, along with a legal description of the property; fill limits and elevations; building floor elevations and floodproofing measures; and the flood zone as shown on the FIRM.*
  - (2) *Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.*
    - (a) *A hydrologic and hydraulic study as specified in § 481-26B(3).*
    - (b) *Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations*

*of streets, water supply, and sanitary facilities; soil types and other pertinent information;*

- (c) *Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.*

**§ 481-20. Flood storage district.**

*The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.*

- A. *Applicability. The provisions of this article apply to all areas within the Flood Storage District (FSD), as shown on the official Floodplain Zoning Maps.*
- B. *Permitted uses. Any use or development which occurs in a flood storage district must meet the applicable requirements in § 481-17.*
- C. *Standards for development in flood storage districts.*
- (1) *Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.*
  - (2) *No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the predevelopment ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.*
  - (3) *If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district, on this waterway, is rezoned to the Flood-Fringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per Article VIII, Amendments, of this chapter.*
  - (4) *No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.*

**ARTICLE VI**  
**Nonconforming Uses**

**§ 481-21. General.**

- A. *Applicability. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.*

B. *The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue, subject to the following conditions:*

- (1) *No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.*
- (2) *If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the property and any structure or building thereon shall conform to the applicable requirements of this chapter.*
- (3) *The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.*
- (4) *No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 481-17A. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty-percent provisions of this subsection.*
- (5) *No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 481-17A.*
- (6) *If on a per-event basis the total value of the work being done under Subsection*

*B(4) and (5) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 481-17A.*

- (7) *Except as provided in Subsection B(8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.*
- (8) *For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.*
- (a) *Residential structures.*
- [1] *Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of § 481-30B.*
- [2] *Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.*
- [3] *Shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.*
- [4] *In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.*
- [5] *In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 481-19C.*
- [6] *In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.*
- (b) *Nonresidential structures.*

- [1] Shall meet the requirements of § 481-21B(8)(a)[1] through [6].*
- [2] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in § 481-30A or B.*
- [3] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 481-19C.*

*C. 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 § 481-13A; flood-resistant materials are used; and construction practices and floodproofing methods that comply with § 481-30 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of § 481-21B(8)(a) 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.*

**§ 481-22. Floodway District.**

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition:*
- (1) Has been granted a permit or variance which meets all ordinance requirements;*
  - (2) Meets the requirements of § 481-21;*
  - (3) Shall not increase the obstruction to flood flows or regional flood height;*
  - (4) Any addition to the existing structure shall be floodproofed pursuant to § 481-30, by means other than the use of fill, to the flood protection elevation; and*
  - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:*
    - (a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;*
    - (b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;*
    - (c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and*
    - (d) The use must be limited to parking, building access or limited storage.*

- B. *No new on-site sewage disposal system or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, § 481-30C and Ch. SPS 383, Wis. Adm. Code.*
- C. *No new well or modification to an existing well used to obtain potable water shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing well in the floodway district shall meet the applicable requirements of all municipal ordinances, § 481-30C and Chs. NR 811 and NR 812, Wis. Adm. Code.*

**§ 481-23. Flood-Fringe District.**

- A. *No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of § 481-17, except where § 481-23B is applicable.*
- B. *Where compliance with the provisions of Subsection A would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in § 481-28, may grant a variance from those provisions of Subsection A for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted, if:*
  - (1) *No floor is allowed below the regional flood elevation for residential or commercial structures;*
  - (2) *Human lives are not endangered;*
  - (3) *Public facilities, such as water or sewer, shall not be installed;*
  - (4) *Flood depths shall not exceed two feet;*
  - (5) *Flood velocities shall not exceed two feet per second; and*
  - (6) *The structure shall not be used for storage of materials as described in § 481-17E.*
- C. *All new private sewage disposal systems or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, § 481-30C and Ch. SPS 383, Wis. Adm. Code.*
- D. *All new well, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter, § 481-30C and Chs. NR 811 and NR 812, Wis. Adm. Code.*

**§ 481-24. Flood storage district.**

*No modifications or additions shall be allowed to any nonconforming structure in a flood*

*storage area unless the standards outlined in § 481-20C are met.*

**ARTICLE VII**  
**Administration**

**§ 481-25. Authority.**

*Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under § 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also administer this chapter.*

**§ 481-26. Zoning Administrator.**

- A. *Duties and powers. The Zoning Administrator is authorized to administer this chapter and shall have the following duties and powers:*
- (1) *Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.*
  - (2) *Issue permits and inspect properties for compliance with provisions of this chapter and issue certificates of compliance where appropriate.*
  - (3) *Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.*
  - (4) *Keep records of all official actions such as:*
    - (a) *All permits issued, inspections made, and work approved.*
    - (b) *Documentation of certified lowest floor and regional flood elevations;*
    - (c) *Floodproofing certificates.*
    - (d) *Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.*
    - (e) *All substantial damage assessment reports for floodplain structures.*
    - (f) *List of nonconforming structures and uses.*
  - (5) *Submit copies of the following items to the Department regional office:*
    - (a) *Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.*
    - (b) *Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.*
    - (c) *Copies of substantial damage assessments performed and all related correspondence concerning the assessments.*
  - (6) *Investigate, prepare reports, and report violations of this chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports*

*shall also be sent to the Department regional office.*

*(7) Submit copies of amendments to the FEMA regional office.*

*B. Land use permit. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:*

*(1) General information.*

*(a) Name and address of the applicant, property owner and contractor.*

*(b) Legal description, proposed use, and whether it is new construction or a modification.*

*(2) Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:*

*(a) Location, dimensions, area and elevation of the lot;*

*(b) Location of the ordinary high-water mark of any abutting navigable waterways;*

*(c) Location of any structures with distances measured from the lot lines and street center lines;*

*(d) Location of any existing or proposed on-site sewage systems or private water supply systems;*

*(e) Location and elevation of existing or future access roads;*

*(f) Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;*

*(g) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);*

*(h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Article III or IV are met; and*

*(i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to § 481-7. This may include any of the information noted in § 481-13A.*

*(3) Hydraulic and hydrologic studies to analyze development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.*

*(a) Zone A floodplains:*

- [1] *Hydrology. The appropriate method shall be based on the standards in § NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.*
- [2] *Hydraulic modeling. The regional flood elevation shall be based on the standards in § NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of Regional Flood Elevation, and the following:*
- [a] *Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.*
  - [b] *Channel sections must be surveyed.*
  - [c] *Minimum four-foot contour data in the overbanks shall be used for the development of cross-section overbank and floodplain mapping.*
  - [d] *A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.*
  - [e] *The most current version of HEC-RAS shall be used.*
  - [f] *A survey of bridge and culvert openings and the top of road is required at each structure.*
  - [g] *Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.*
  - [h] *Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's 'n' values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.*
  - [i] *The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.*
- [3] *Mapping. A work map of the reach studied shall be provided,*

*showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.*

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

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

*(b) Zone AE floodplains.*

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

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

*[a] Duplicate effective model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.*

*[b] Corrected effective model. The corrected effective model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.*

*[c] Existing (pre-project conditions) model. The existing model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project) model or to establish more up-to-date models on which to base the revised (post-project) model.*

*[d] Revised (post-project conditions) model. The revised (post-project conditions) model shall incorporate the existing*

*model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.*

- [e] All changes to the duplicate effective model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.*
  - [f] Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The effective model shall not be truncated.*
- [3] Mapping. Maps and associated engineering data shall be submitted to the Department for review which meets the following conditions:*
- [a] Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.*
  - [b] Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.*
  - [c] Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.*
  - [d] If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.*
  - [e] The revised floodplain boundaries shall tie into the effective floodplain boundaries.*
  - [f] All cross sections from the effective model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.*

- [g] Both the current and proposed floodways shall be shown on the map.*
- [h] The stream center line or profile baseline used to measure stream distances in the model shall be visible on the map.*
- (4) *Expiration. All permits issued under the authority of this chapter shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.*
- C. *Certificate of compliance. No land shall be occupied or used and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:*
- (1) *The certificate of compliance shall show that the building or premises, or part thereof, and the proposed use conform to the provisions of this chapter;*
- (2) *Application for such certificate shall be concurrent with the application for a permit;*
- (3) *If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;*
- (4) *The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of § 481-30 are met.*
- D. *Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.*

**§ 481-27. Zoning agency.**

- A. *The Planning Commission shall:*
- (1) *Oversee the functions of the office of the Zoning Administrator; and*
- (2) *Review and advise the governing body on all proposed amendments to this chapter, maps and text.*
- B. *The Planning Commission shall not:*
- (1) *Grant variances to the terms of the ordinance in place of action by the Zoning Board of Appeals; or*
- (2) *Amend the text or zoning maps in place of official action by the governing*

*body.*

**§ 481-28. Zoning Board of Appeals.**

*The Zoning Board of Appeals, created under § 62.23(7)(e), Wis. Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this chapter. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the secretary of the Board.*

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

- (1) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter;*
- (2) Boundary disputes. Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map; and*
- (3) Variances. Hear and decide, upon appeal, variances from the ordinance standards.*

**B. Appeals to the Board.**

- (1) Appeals to the Board may be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board by filing with the official whose decision is in question and with the Board a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.*
- (2) Notice and hearing for appeals including variances.*
  - (a) Notice. The Board shall:*
    - [1] Fix a reasonable time for the hearing;*
    - [2] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and*
    - [3] Assure that notice shall be mailed to the parties in interest and the Department regional office at least 10 days in advance of the hearing.*
  - (b) Hearing. Any party may appear in person or by agent. The Board shall:*
    - [1] Resolve boundary disputes according to § 481-28C;*
    - [2] Decide variance applications according to § 481-28D; and*
    - [3] Decide appeals of permit denials according to § 481-29.*

- (3) *Decision. The final decision regarding the appeal or variance application shall:*
  - (a) *Be made within a reasonable time;*
  - (b) *Be sent to the Department regional office within 10 days of the decision;*
  - (c) *Be a written determination signed by the chairman or secretary of the Board;*
  - (d) *State the specific facts which are the basis for the Board's decision;*
  - (e) *Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and*
  - (f) *Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.*
- C. *Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:*
  - (1) *If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;*
  - (2) *The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and*
  - (3) *If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Article VIII, Amendments.*
- D. *Variance.*
  - (1) *The Board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:*
    - (a) *Literal enforcement of the ordinance will cause unnecessary hardship;*
    - (b) *The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;*
    - (c) *The variance is not contrary to the public interest; and*
    - (d) *The variance is consistent with the purpose of this chapter in § 481-3.*
  - (2) *In addition to the criteria in Subsection D(1), to qualify for a variance under FEMA regulations, the following criteria must be met:*
    - (a) *The variance shall not cause any increase in the regional flood elevation;*

- (b) *Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE; and*
  - (c) *Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of the chapter.*
- (3) *A variance shall not:*
- (a) *Grant, extend or increase any use prohibited in the zoning district;*
  - (b) *Be granted for a hardship based solely on an economic gain or loss;*
  - (c) *Be granted for a hardship which is self-created;*
  - (d) *Damage the rights or property values of other persons in the area;*
  - (e) *Allow actions without the amendments to this chapter or map(s) required in Article VIII, Amendments; and*
  - (f) *Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.*
- (4) *When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and that flood insurance premiums could increase up to \$25 per \$100 of coverage. A copy shall be maintained with the variance record.*

**§ 481-29. To review appeals of permit denials.**

- A. *The Planning Commission (§ 481-27) or Board shall review all data related to the appeal. This may include:*
- (1) *Permit application data listed in § 481-26B;*
  - (2) *Floodway/flood-fringe determination data in § 481-19D;*
  - (3) *Data listed in § 481-13A(2) where the applicant has not submitted this information to the Zoning Administrator; and*
  - (4) *Other data submitted with the application or submitted to the Board with the appeal.*
- B. *For appeals of all denied permits, the Board shall:*
- (1) *Follow the procedures of § 481-28;*
  - (2) *Consider zoning agency recommendations; and*
  - (3) *Either uphold the denial or grant the appeal.*
- C. *For appeals concerning increases in regional flood elevation, the Board shall:*

- (1) *Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article VIII, Amendments; and*
- (2) *Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided no other reasons for denial exist.*

**§ 481-30. Floodproofing standards for nonconforming structures or uses.**

- A. *No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA floodproofing certificate.*
- B. *For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:*
  - (1) *Certified by a registered professional engineer or architect; or*
  - (2) *Meets or exceeds the following standards:*
    - (a) *A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;*
    - (b) *The bottom of all openings shall be no higher than one foot above grade; and*
    - (c) *Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.*
- C. *Floodproofing measures shall be designed, as appropriate, to:*
  - (1) *Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors;*
  - (2) *Protect structures to the flood protection elevation;*
  - (3) *Anchor structures to foundations to resist flotation and lateral movement;*
  - (4) *Minimize or eliminate infiltration of floodwaters; and*
  - (5) *Minimize or eliminate discharges into floodwaters.*

**§ 481-31. Public information.**

- A. *Place marks on structures to show the depth of inundation during the regional flood.*
- B. *All maps, engineering data and regulations shall be available and widely*

*distributed.*

- C. *Real estate transfers should show what floodplain district any real property is in.*

**ARTICLE VIII**  
**Amendments**

**§ 481-32. Obstructions or increases; when allowed.**

*Obstructions or increases may only be permitted if amendments are made to this chapter, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with § 481-33.*

- A. *In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this chapter, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with § 481-33. Any such alterations must be reviewed and approved by FEMA and the DNR.*
- B. *In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this chapter, the Official Floodplain Maps, floodway lines and water surface profiles, in accordance with § 481-33.*

**§ 481-33. General.**

*The governing body shall change or supplement the floodplain zoning district boundaries and this chapter in the manner outlined in § 481-34 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:*

- A. *Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;*
- B. *Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;*
- C. *Any changes to any other officially adopted floodplain maps listed in § 481-5B(2);*
- D. *Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;*
- E. *Correction of discrepancies between the water surface profiles and floodplain maps;*
- F. *Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and*
- G. *All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood-fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.*

**§ 481-34. Procedures.**

*Ordinance amendments may be made upon petition of any party according to the provisions of § 62.23, Wis. Stats., for cities and villages. The petitions shall include all data required by §§ 481-19D and 481-26B. The land use permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.*

- A. *The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats., for cities and villages or § 59.69, Wis. Stats., for counties.*
- B. *No amendments shall become effective until reviewed and approved by the Department.*
- C. *All persons petitioning for a map amendment that obstructs flow causing any appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.*

**ARTICLE IX**  
**Enforcement and Penalties**

**§ 481-35. Violations and penalties.**

*Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty not to exceed a maximum of \$50 per day per violation, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state or any citizen thereof pursuant to § 87.30, Wis. Stats.*

**ARTICLE X**  
**Terminology**

**§ 481-36. Word usage.**

*Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.*

**§ 481-37. Definitions.**

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

*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.*

*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.*

*AH ZONE — See "area of shallow flooding."*

*ALTERATION — An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.*

*AO ZONE — See "area of shallow flooding."*

*AREA OF SHALLOW FLOODING — A designated AO, AH, AR/AO, AR/AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.*

*BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.*

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

*BUILDING — See "structure."*

*BULKHEAD LINE — A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to § 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.*

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

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

*CERTIFICATE OF COMPLIANCE — A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.*

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

*CRAWLWAYS or CRAWL SPACE — An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.*

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

*DEPARTMENT* — The Wisconsin Department of Natural Resources.

*DEVELOPMENT* — Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

*DRY LAND ACCESS* — A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

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

*FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)* — The federal agency that administers the National Flood Insurance Program.

*FLOOD FREQUENCY* — The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent chance of occurring in any given year.

*FLOOD HAZARD BOUNDARY MAP* — A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

*FLOOD INSURANCE RATE MAP (FIRM)* — A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

*FLOOD INSURANCE STUDY* — A technical engineering examination, evaluation and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

*FLOOD or FLOODING* — A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- A. *The overflow or rise of inland waters;*
- B. *The rapid accumulation or runoff of surface waters from any source;*
- C. *The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or*
- D. *The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.*

*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.*

*FLOOD PROTECTION ELEVATION — An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "freeboard.")*

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

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

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

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

*FLOODPLAIN MANAGEMENT — Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.*

*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.*

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

*FREEBOARD — A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.*

*HABITABLE STRUCTURE — Any structure or portion thereof used or designed for human habitation.*

*HEARING NOTICE — Publication or posting meeting the requirements of Ch. 985, Wis.*

*Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice exceeding these minimums.*

*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.*

*HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.*

*HISTORIC STRUCTURE — Any structure that is either:*

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;*
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;  
or*
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.*

*INCREASE IN REGIONAL FLOOD HEIGHT — A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.*

*LAND USE — Any nonstructural use made of unimproved or improved real estate. (Also see "development.")*

*LOWEST ADJACENT GRADE — Elevation of the lowest ground surface that touches any of the exterior walls of a building.*

*LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.*

*MAINTENANCE* — The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

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

*MOBILE RECREATIONAL VEHICLE* — A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

*MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION* — A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

*MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING* — A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

*MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING* — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

*MODEL, CORRECTED EFFECTIVE* — A hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.

*MODEL, DUPLICATE EFFECTIVE* — A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

*MODEL, EFFECTIVE* — The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

*MODEL, EXISTING (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 duplicate effective model.

*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.

*MUNICIPALITY or MUNICIPAL* — The county, city or borough governmental units enacting, administering and enforcing this chapter.

*NAVD or NORTH AMERICAN VERTICAL DATUM* — Elevations referenced to mean sea level datum, 1988 adjustment.

*NEW CONSTRUCTION* — For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

*NGVD or NATIONAL GEODETIC VERTICAL DATUM* — Elevations referenced to mean sea level datum, 1929 adjustment.

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

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

*OBSTRUCTION TO FLOW* — Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

*OFFICIAL FLOODPLAIN ZONING MAP* — That map adopted and made part of this chapter, as described in § 481-5B, which has been approved by the Department and FEMA.

*OPEN SPACE USE* — Those uses having a relatively low flood damage potential and not involving structures.

*ORDINARY HIGH-WATER MARK* — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

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

*PRIVATE SEWAGE SYSTEM* — A sewage treatment and disposal system serving one

*structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.*

*PUBLIC UTILITIES — Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.*

*REASONABLY SAFE FROM FLOODING — Means base floodwaters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.*

*REGIONAL FLOOD — A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one-percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.*

*START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.*

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

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

*SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its predamaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.*

*SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include*

*either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.*

*UNNECESSARY HARDSHIP — Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the chapter.*

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

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

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

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

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