



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI  
**GENERAL GOVERNMENT AND  
FINANCE COMMITTEE MEETING**  
**TUESDAY, JUNE 18, 2024 AT 5:00 P.M.**  
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI  
53074  
**Council Chambers Side Conference Room**

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**AGENDA**

1. Roll Call
2. Approve Minutes of the Previous Meeting
3. Consideration and Possible Action on Original and Renewal of Alcohol Licenses and Cabaret License for the July 1, 2024-June 30, 2025 License Year
4. Consideration and Possible Action on Authorizing a Public Facility and Impact Fee Study
5. Consideration and Recommendation of Ordinance 2024-7: An Ordinance Repealing and Recreating Chapter 450 of the City Code Relating to Floodplain Zoning
6. Consideration and Recommendation to Order and Purchase a 2028 Pierce Enforcer 100' Aerial Tower Truck
7. Chairman's Business
8. Member's Business
9. Public Comments/Appearances
10. Adjournment

**Committee Members: Alderpersons- Jonathan Pleitner, Dan Benning, Deborah Postl**

Persons with disabilities requiring special accommodations for attendance at the meeting should contact the City Clerk at least one (1) business day prior to the meeting. Notice is hereby given that Common Council members or members of other governmental bodies who are not members of this board, commission or committee may be present at this meeting to gather information about a subject over which they have decision-making authority. In that event this meeting may also constitute a simultaneous meeting of the Council or of such other governmental bodies. Whether a simultaneous meeting is occurring depends on whether the presence of one or more Council members or members of such other governmental bodies results in a quorum of the Council or of such other governmental bodies and, if there is a quorum, whether any agenda items listed above involve matters within the Council's or the other governmental bodies' jurisdiction. If a simultaneous meeting is occurring, no action other than information gathering will be taken at the simultaneous meeting. [State ex rel. Badke vs. Greendale Village Board, 173 Wis. 2d 553 (1993).]



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI  
**GENERAL GOVERNMENT AND  
FINANCE COMMITTEE MEETING**  
**TUESDAY, JUNE 4, 2024 AT 5:00 P.M.**  
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI 53074  
**Council Chambers Side Conference Room**

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**MINUTES**

- 1. Roll Call-** Members present were Alderpersons Jonathan Pleitner, Deborah Postl and Dan Benning. Also present was City Administrator Melissa Pingel, City Clerk Susan Westerbeke, and City Attorney Eric Eberhardt.
- 2. Appointment of Chairperson for the 2024-2025 Term-** Ald. Pleitner nominated Ald. Benning to serve as Chairperson. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE ALD. BENNING AS CHAIRPERSON OF THE GENERAL GOVERNMENT AND FINANCE COMMITTEE FOR THE 2024-2025 TERM. Motion carried unanimously.
- 3. Appointment of Vice-Chairperson for the 2024-2025 Term-** Ald. Benning nominated Ald. Pleitner to serve as Vice-Chairperson. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE ALD. PLEITNER AS VICE-CHAIRPERSON OF THE GENERAL GOVERNMENT AND FINANCE COMMITTEE FOR THE 2024-2025 TERM. Motion carried unanimously.
- 4. Approve Minutes of the Previous Meeting-** MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED. Motion carried unanimously.
- 5. Consideration and Possible Action on Authorizing Bray Architects to Proceed with Final Design of the Public Safety Building-** Public Works Director Rob Vanden Noven introduced Matt Wolfert from Bray Architects and Cory Henschel of CD Smith, and Rick Miller, the Owner's Representative from MC Group, to present the proposed design schedule. The tasks provided by the construction manager were reviewed which include budget management, bid solicitation, and construction contract management. Proposed construction would occur through spring 2025. The contracts and the fee schedule were reviewed. Discussion was held on conceptual design, fees, project costs, and financing. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO RECOMMEND APPROVAL AUTHORIZING BRAY ARCHITECTS TO PROCEED WITH FINAL DESIGN OF THE PUBLIC SAFETY BUILDING AS PRESENTED. Motion carried unanimously.
- 6. Consideration and Possible Action on an Agreement with CD Smith, performing as the Construction Manager as Constructor for the Proposed Public Safety Building where the basis of payment is the Cost of the Work Plus a Fee with Guaranteed Maximum Price-** The Public Works Director reviewed agreement under consideration. The construction manager/builder's role during the design stage is to provide input on the design so to guide the owner and architect toward a more constructible, less expensive building. The construction manager (CM) is also responsible for providing highly accurate construction cost estimates during the design. This partnership streamlines construction in that the CM has a higher level of project understanding and involvement in plan development which should lead to a smoother construction process with fewer surprises regarding delivery and constructability. Finally, by going with the CM method of delivery, the City gets to select the prime contractor, rather than the typical low bid process where the City is required to accept the bid of the lowest responsible bidder. The City Attorney reported on the current draft of the contract and provided the committee with the updated version. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO RECOMMEND APPROVAL OF THE AGREEMENT WITH CD SMITH, PERFORMING AS THE CONSTRUCTION MANAGER AS CONSTRUCTOR FOR THE PROPOSED PUBLIC SAFETY BUILDING WHERE THE BASIS OF PAYMENT IS THE COST OF THE WORK PLUS A FEE WITH GUARANTEED MAXIMUM PRICE AS PRESENTED. Motion carried unanimously.

**General Government and Finance Committee**

**June 4, 2024**

**Page 2**

7. **Ordinance 2024-7: An Ordinance Repealing and Recreating Chapter 450 of the City Code Relating to Floodplain Zoning- 1<sup>st</sup> Reading-** This item was tabled until the next meeting.
6. **Chairman's Business-** None.
7. **Member's Business-** None.
8. **Public Comments/Appearances-** None.
9. **Adjournment-** MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO ADJOURN THE MEETING AT 5:32 P.M. Motion carried unanimously.

Respectfully submitted,  
Susan L. Westerbeke, City Clerk

# AGENDA ITEM MEMORANDUM

City of Port Washington

**TO: General Government & Finance Committee**

**FROM: Susan Westerbeke, City Clerk**

**DATE: June 18, 2024**

**SUBJECT: Consideration and Possible Action on Original and Renewal of Alcohol Licenses and Cabaret Licenses for the July 1, 2024-June 30, 2025 License Year**

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**ISSUE:** The Common Council is being asked to review and approve original and renewal of annual alcohol and cabaret licenses for the 2024-2025 license year. The alcohol licenses include Class "A" Beer / "Class A" Liquor, Class "B" Beer, "Class B" Liquor and "Class C" Wine. Also being approved are Annual Cabaret Licenses.

**STAFF RECOMMENDATION:** Attached is a full listing by license category of all establishments that have submitted applications. The City Clerk has reviewed and approved all applications and required supporting documentation. All required fees have been paid and the background record checks completed and approved by Police Chief Hingiss.

**RECOMMENDED MOTION:** " I move to approve original, and renewal of alcohol licenses and annual cabaret licenses as presented."

**BACKGROUND/DISCUSSION:** This process is completed annually as required by statute and city code. Once approved by the Common Council the licenses are created and issued by the City Clerk once it has been determined that all establishments have no outstanding fees due to the city.

**STRATEGIC PLAN:**

1. **Strategic Direction:** Creating Accountability Through Policies and Procedures
2. **Impact on Strategic Direction:** Consistency in following statutory requirements and procedures for municipal licensing.

**LEGAL:**

1. **City Attorney Review:** No
2. **Legal Comments & Conclusions:** N/A
3. **Statutory References:** N/A

**FISCAL IMPACT:** There is no fiscal impact.

1. **Amount of Recommendation/Cost of Project:**
  - Initial Project Cost Estimate:
  - Approved Budget Project Cost:
  - Prior Year Expenditures:
  - Total Project Costs to Date:
2. **Source of Funding:**
3. **Operating and Maintenance Cost:**

**BOARD/COMMITTEE/COMMISSION RECOMMENDATION:** The General Government and Finance Committee will have met to consider this request prior to the Common Council meeting.

**PUBLIC OUTREACH:**

**IF APPROVED, NEXT STEPS:** If approved, the establishment will be issued the appropriate licenses.

**ATTACHMENTS:** Listing all licenses to be approved (Alcohol and Cabaret).



**Combination Class "A" Beer/ "Class A" Liquor License**

Benaczak, Inc.  
d/b/a Bernies Fine Meats  
(Sandra Ann Bennett- Agent)  
119-121 N. Franklin Street

Dolgencorp, LLC  
d/b/a Dollar General Store #22544  
(Donald Lewis- Agent)  
1101 N. Wisconsin St.

Fox Bros. Piggly Wiggly, Inc  
d/b/a Piggly Wiggly  
(Michael S. Olwig- Agent)  
101 W. Seven Hills Road

Lighthouse Operations, LLC  
d/b/a Lighthouse Mobil  
(Muzdalfah Essani- Agent)  
1880 N. Wisconsin Street

GPM Southeast, LLC  
d/b/a Rstore #4509  
(Rhonda Ann Urlaub- Agent)  
1100 S. Spring Street

GPM Southeast, LLC  
d/b/a Rstore #4510  
(Rhonda Ann Urlaub- Agent)  
1605 N. Wisconsin Street

Ports Cozy Corner, LLC  
d/b/a Ports Cozy Corner  
(Jason Dannenberg- Agent)  
131 E. Main Street

Guenther House Collective, LLC  
d/b/a NewPort Vintage  
(John Weinrich- Agent)  
114 Park Street

Dream Apple Farm, LLC  
d/b/a Dream Port Harvest Market  
(Edward Callahan- Agent)  
223 N. Franklin Street

Shree Umiyakrupa, LLC  
d/b/a Grand Ave Mobil  
(Vipulkumar Patel- Agent)  
223 W. Grand Avenue

**Combination Class “A” Beer/ “Class A” Liquor License**

Benaczak, Inc.  
d/b/a Bernies Fine Meats  
(Sandra Ann Bennett- Agent)  
119-121 N. Franklin Street

Dolgencorp, LLC  
d/b/a Dollar General Store #22544  
(Donald Lewis- Agent)  
1101 N. Wisconsin St.

Fox Bros. Piggly Wiggly, Inc  
d/b/a Piggly Wiggly  
(Michael S. Olwig- Agent)  
101 W. Seven Hills Road

Lighthouse Operations, LLC  
d/b/a Lighthouse Mobil  
(Muzdalfah Essani- Agent)  
1880 N. Wisconsin Street

GPM Southeast, LLC  
d/b/a Rstore #4509  
(Rhonda Ann Urlaub- Agent)  
1100 S. Spring Street

GPM Southeast, LLC  
d/b/a Rstore #4510  
(Rhonda Ann Urlaub- Agent)  
1605 N. Wisconsin Street

Ports Cozy Corner, LLC  
d/b/a Ports Cozy Corner  
(Jason Dannenberg- Agent)  
131 E. Main Street

Guenther House Collective, LLC  
d/b/a NewPort Vintage  
(John Weinrich- Agent)  
114 Park Street

Dream Apple Farm, LLC  
d/b/a Dream Port Harvest Market  
(Edward Callahan- Agent)  
223 N. Franklin Street

Shree Umiyakrupa, LLC  
d/b/a Grand Ave Mobil  
(Vipulkumar Patel- Agent)  
223 W. Grand Avenue

**“Class A” Liquor License**

Locally Inspired, LLC  
d/b/a Locally Inspired  
(Kelly Lynn Brown- Agent)  
126 E. Main Street

**Combination Class "B" Beer and "Class B" Liquor**

Beanies, Inc.

d/b/a Beanies Mexican Restaurant  
(Madeline Binsfeld- Agent)  
102 E. Grand Avenue

Gopher One, Inc

d/b/a Gopher One  
(Donna Rae Ferraino- Agent)  
605 W. Grand Avenue

Grand Avenue Saloon, LLC

d/b/a Grand Avenue Saloon  
(Randall J. Buser- Agent)  
550 W. Grand Avenue

Harbor Hills, Inc.

d/b/a Harbor Hills Recreation Center  
(Robert Carl Nisleit- Agent)  
101 N. Freeman Drive

Port Washington Hotel, LLC

d/b/a The Harborview  
(Cathy Wilger, Agent)  
135 E. Grand Avenue

Inventors Brewpub, LLC

d/b/a Inventors Brewpub  
(Cameron D. Huck- Agent)  
305 E. Washington Street

Feelin Whiskey Hospitality, LLC (Original Licence)

d/b/a Moonlight Tavern  
(Anders Dowd- Agent)  
101 E. Main Street

PM Of Port Washington, LLC

d/b/a Lepanto Banquet & Catering/ Seven Hills Pub & Grille  
(Efthimios Triantafillou- Agent)  
350 E. Seven Hills Road

Tina's Patio Bar & Grill, LLC

d/b/a Patio Bar & Grill  
(Kristina Marie Uselding- Agent)  
601 N. Wisconsin Street

Tina's Pier 6, LLC

d/b/a Pier 6  
(Kristina Marie Uselding)  
329 N. Franklin Street

Schooner Pub By Schwalbe, LLC

d/b/a Schooner Pub  
(William Schwalbe- Agent)  
114 N. Franklin Street

Sir James Pub, Inc.

d/b/a Sir James Pub  
(Jason Christopher Rabus- Agent)  
316 N. Franklin St.



Sullivan Food Service, Inc.  
d/b/a The Pasta Shoppe  
(Michael Edward Sullivan- Agent)  
323 N. Franklin Street

Tello's Grille and Café, LLC  
d/b/a Tello's Grille and Catering  
(Angel Tello- Agent)  
200 W. Grand Avenue

The Steerage Dining Saloon, LLC  
d/b/a The Steerage Dining Saloon  
(Michael David Ridgway – Agent)  
218A N. Franklin St.

Twisted Willow Enterprises, LLC  
d/b/a Twisted Willow Restaurant  
(Candace Scudder- Agent)  
308 N. Franklin St.

Rascals Bar LLC  
d/b/a Rascals  
(Aaron Michael Fleischman- Agent)  
201 W. Grand Avenue

Fork & Tap LLC  
d/b/a Fork & Tap  
(Siobhan Mesenbourg- Agent)  
203 E. Main Street

Cavelier Wine Bar LLC  
d/b/a Cavelier Wine Bar  
(Kelly Brown- Agent)  
407 E. Jackson Street

Andrew Van Ells-Robert L. Schanen Post No. 82 American Legion  
d/b/a American Legion Post 82  
(Nicholas Blank- Agent)  
435 N. Lake Street

**Class "B" Beer**

John's Pizzeria, Inc.  
d/b/a John's Pizzeria  
(Julie Ann Crowley- Agent)  
221 N. Franklin Street

Port Washington Yacht Club  
d/b/a Port Washington Yacht Club  
(Dina Bell- Agent)  
430 Lake Street

Mercantile Merch, LLC  
d/b/a Mercantile Plaza  
(Julia Christiansen- Agent)  
211 N. Franklin Street

**“Class C” Wine License**

John’s Pizzeria, Inc.  
d/b/a John’s Pizzeria  
(Julie Ann Crowley- Agent)  
221 N. Franklin Street

Mercantile Merch, LLC  
d/b/a Mercantile Plaza  
(Julia Christiansen- Agent)  
211 N. Franklin Street

**Annual Cabaret License**

Beanies, Inc  
d/b/a Beanies Mexican Restaurant  
(Madeline Binsfeld- Agent)  
102 E. Grand Avenue

Gopher One, Inc  
d/b/a Gopher One  
(Donna Rae Ferraino- Agent)  
605 W. Grand Avenue

Harbor Hills, Inc.  
d/b/a Harbor Hills Recreation Center  
(Robert C. Nisleit- Agent)  
101 Freeman Drive

Port Washington Hotel LLC  
d/b/a The Harborview  
(Cathleen Wilger- Agent)  
135 E. Grand Avenue

Inventors Brewpub, LLC  
d/b/a Inventors Brewpub  
(Cameron David Huck- Agent)  
305 E. Washington Street

Feelin Whiskey Hospitality, LLC  
d/b/a Moonlight Tavern  
(Anders Dowd- Agent)  
101 E. Main Street

PM Of Port Washington, LLC  
d/b/a Lepanto Banquet & Catering/Seven Hills Pub & Grill  
(Efthimios Triantafillou- Agent)  
350 E. Seven Hills Road

Rascals Bar LLC  
d/b/a Rascals  
(Aaron Michael Fleischman- Agent)  
201 W. Grand Avenue

Schooner Pub By Schwalbe, LLC  
d/b/a Schooners Pub  
(William Schwalbe- Agent)  
114 N. Franklin Street

Sir James Pub, Inc.  
d/b/a Sir James Pub  
(Jason Rabus- Agent)  
316 N. Franklin Street

Tello's Grille and Café, LLC  
d/b/a Tello's Grille and Catering  
(Angel Tello - Agent)  
200 W. Grand Avenue

Twisted Willow Enterprises, LLC  
d/b/a Twisted Willow Restaurant  
(Candace Scudder- Agent)  
308 N. Franklin Street

Andrew Van Ells-Robert L. Schanen Post No. 82 American Legion  
d/b/a American Legion Post 82  
(Nicholas Blank- Agent)  
435 N. Lake Street

# AGENDA ITEM MEMORANDUM

## City of Port Washington

**TO:** General Government and Finance

**FROM:** Mark Emanuelson, Finance Director / Treasurer

**DATE:** June 18, 2024

**SUBJECT:** Consideration and Possible Recommendation on Authorizing a Public Facility and Impact Fee Study

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**ISSUE:** Should the City accept a proposal from Trilogy Consulting to perform a Public Facilities Needs Assessment and Impact Fee Study relating to the proposed construction of a new Public Safety Building?

**STAFF RECOMMENDATION:** Staff recommends recommending a proposal from Trilogy Consulting to perform a Public Facilities Needs Assessment and Impact Fee Study relating to the proposed construction of a new Public Safety Building.

**RECOMMENDED MOTION:** I move to recommend the proposal from Trilogy Consulting to perform a Public Facilities Needs Assessment and Impact Fee Study relating to the proposed new construction of a Public Safety Building.

**BACKGROUND/DISCUSSION:** The City of Port Washington is currently in the design phase for construction of a new public safety building. This building is anticipated to serve the needs of the community for the next 50 years. The proposed study will identify the proportionate share of the cost identified as attributable to the need to serve future development and the amount of that maximum eligible cost that the City desires to recover through impact fees.

### STRATEGIC PLAN:

1. **Strategic Direction:** Ranking Priorities to Identify Funding Sources
2. **Impact on Strategic Direction:** Impact fees are an effective means of funding projects constructed to serve future needs while reducing pressure on the current tax levy.

### LEGAL:

1. **City Attorney Review:** No. This is a proposal only. An agreement will be drafted for staff review and approval.
2. **Legal Comments & Conclusions:** N/A
3. **Statutory References:** N/A

### FISCAL IMPACT:

1. **Amount of Recommendation/Cost of Project:**
  - Initial Project Cost Estimate: \$9,360
  - Approved Budget Project Cost: none
  - Prior Year Expenditures: N/A
  - Total Project Costs to Date: N/A

2. **Source of Funding:** Engineering – Miscellaneous
3. **Operating and Maintenance Cost:** N/A

**BOARD/COMMITTEE/COMMISSION RECOMMENDATION:** None.

**PUBLIC OUTREACH:** There will be a public hearing for any proposed impact fees that arise from this study.

**IF APPROVED, NEXT STEPS:** Draft, review, and execute Agreement.  
Complete the Study. Hold Public Hearing and approve ordinance to support the new impact fee.

**ATTACHMENTS:** Proposal from Trilogy Consulting

June 12, 2024

Robert Vanden Noven, Public Works Director and City Engineer  
City of Port Washington, Wisconsin  
100 W Grand Ave  
PO Box 307  
Port Washington, WI 53074

**Re: Written Municipal Advisor Client Disclosure with the City of Port Washington (“Client”) for Police/Fire Public Safety Building Impact Fee Study (“Project” Pursuant to MSRB Rule G-42)**

Dear Robert:

As a registered Municipal Advisor, we are required by Municipal Securities Rulemaking Board (MSRB) Rules to provide you with certain written information and disclosures prior to, upon or promptly, after the establishment of a municipal advisory relationship as defined in Securities and Exchange Act Rule 15Ba1-1. To establish our engagement as your Municipal Advisor, we must inform you that:

1. When providing advice, we are required to act in a fiduciary capacity, which includes a duty of loyalty and a duty of care. This means we are required to act solely in your best interest.
2. We have an obligation to fully and fairly disclose to you in writing all material actual or potential conflicts of interest that might impair our ability to render unbiased and competent advice to you. We are providing these and other required disclosures in **Appendix A** attached hereto.

As your Municipal Advisor, Ehlers shall provide this advice and service at such fees, as described within **Appendix B** attached hereto.

This documentation and all appendices hereto shall be effective as of its date unless otherwise terminated by either party upon 30 days written notice to the other party.

During the term of our municipal advisory relationship, this writing might be amended or supplemented to reflect any material change or additions.

We look forward to working with you on this Project.

Sincerely,

Ehlers & Associates

A handwritten signature in blue ink that reads 'Jon Cameron'.

Jon Cameron  
Senior Municipal Advisor/Managing Director

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<sup>1</sup> This document is intended to satisfy the requirements of MSRB Rule G-42(b) and Rule G-42(c).

## Appendix A

### DISCLOSURE OF CONFLICTS OF INTEREST/OTHER REQUIRED INFORMATION

#### Actual/Potential Material Conflicts of Interest

Ehlers has no known actual or potential material conflicts of interest that might impair its ability either to render unbiased and competent advice or to fulfill its fiduciary duty to Client.

#### Other Engagements or Relationships Impairing Ability to Provide Advice

Ehlers is not aware of any other engagement or relationship Ehlers has that might impair Ehlers' ability to either render unbiased and competent advice to or to fulfill its fiduciary duty to Client.

#### Affiliated Entities

Ehlers offers related services through two affiliates of Ehlers, Bond Trust Service Corporation (BTSC) and Ehlers Investment Partners (EIP). BTSC provides paying agent services while Ehlers Investment Partners (EIP) provides investment related services and bidding agent service. Ehlers and these affiliates do not share fees. If either service is needed in conjunction with an Ehlers municipal advisory engagement, Client will be asked whether or not they wish to retain either affiliate to provide service. If BTSC or EIP are retained to provide service, a separate agreement with that affiliate will be provided for Client's consideration and approval.

#### Solicitors/Payments Made to Obtain/Retain Client Business

Ehlers does not use solicitors to secure municipal engagements; nor does it make direct or indirect payments to obtain or retain Client business.

#### Payments from Third Parties

Ehlers does not receive any direct or indirect payments from third parties to enlist Ehlers recommendation to the Client of its services, any municipal securities transaction or any financial product.

#### Payments/Fee-splitting Arrangements

Ehlers does not share fees with any other parties and any provider of investments or services to the Client. However, within a joint proposal with other professional service providers, Ehlers could be the contracting party or be a subcontractor to the contracting party resulting in a fee splitting arrangement. In such cases, the fee due Ehlers will be identified in a Municipal Advisor writing and no other fees will be paid to Ehlers from any of the other participating professionals in the joint proposal.

#### Municipal Advisor Registration

Ehlers is registered with the Securities and Exchange Commission (SEC) and Municipal Securities Rulemaking Board (MSRB).



## **Material Legal or Disciplinary Events**

Neither Ehlers nor any of its officers or municipal advisors have been involved in any legal or disciplinary events reported on Form MA or MA-I nor are there any other material legal or disciplinary events to be reported. Ehlers' application for permanent registration as a Municipal Advisor with the (SEC) was granted on July 28, 2014 and contained the information prescribed under Section 15B(a)(2) of the Securities and Exchange Act of 1934 and rules thereunder. It did not list any information on legal or disciplinary disclosures.

Client may access Ehlers' most recent Form MA and each most recent Form MA-I by searching the Securities and Exchange Commission's EDGAR system (currently available at <http://www.sec.gov/edgar/searchedgar/companysearch.html>) and searching under either our Company Name (Ehlers & Associates, Inc.) or by using the currently available "Fast Search" function and entering our CIK number (0001604197).

Ehlers has not made any material changes to Form MA or Form MA-I since that date.

## **Conflicts Arising from Compensation Contingent on the Size or Closing of Any Transaction**

The forms of compensation for municipal advisors vary according to the nature of the engagement and requirements of the client. Compensation contingent on the size of the transaction presents a conflict of interest because the advisor may have an incentive to advise the client to increase the size of the securities issue for the purpose of increasing the advisor's compensation. Compensation contingent on the closing of the transaction presents a conflict because the advisor may have an incentive to recommend unnecessary financings or recommend financings that are disadvantageous to the client. If the transaction is to be delayed or fail to close, an advisor may have an incentive to discourage a full consideration of such facts and circumstances, or to discourage consideration of alternatives that may result in the cancellation of the financing or other transaction.

Any form of compensation due a Municipal Advisor will likely present specific conflict of interests with the Client. If a Client is concerned about the conflict arising from Municipal Advisor compensation contingent on size and/or closing of their transaction, Ehlers is willing to discuss and provide another form of Municipal Advisor compensation. The Client must notify Ehlers in writing of this request within 10 days of receipt of this Municipal Advisor writing.

## **MSRB Contact Information**

The website address of the MSRB is [www.msrb.org](http://www.msrb.org). Posted on the MSRB website is a municipal advisory client brochure that describes the protections that may be provided by MSRB rules and how to file a complaint with the financial regulatory authorities.

# Appendix B

## Impact Fee Study

### Scope of Service

Client has requested that Ehlers prepare an impact fee study for a Police/Fire Public Safety Building (“Project”). Under State Statutes this may necessitate having separate impact fees for law enforcement and fire protection facilities. Ehlers will evaluate the need for multiple impact fees. Ehlers proposes and agrees to provide the following scope of services:

1. Project Kickoff Meeting with Staff
  - a. Prior to the kickoff meeting we will request and review the following:
    - i. Any available cost and other information for project costs.
    - ii. The Comprehensive Plan for the City, including residential and non-residential land use projections. We can rely upon the recently adopted park impact fee study for population projections.
    - iii. All available planning information on the upcoming public safety building including square footage breakdowns and
    - iv. Any other available long-range capital improvement planning documents or other relevant information on upcoming capital improvement needs for the planning area that may be beneficial to complete the impact fee study.
  - b. We will meet with City staff and officials to discuss the nature of the new public safety building and discuss a method to separate the police vs. fire/EMS square footage and costs for impact fee calculation purposes.
  - c. We will also discuss the timing of the completion of the impact fee study and procedures for adopting the new fee.
2. Develop Impact Fee Methodology
  - a. Prepare service level standards for public safety space needs assignable to new growth within the City.
  - b. Perform a deficiency/growth analysis to determine the proportionate share of the cost of the public safety building attributable to new growth and recoverable through law enforcement and fire impact fees.
  - c. Allocate the growth-related costs between residential and non-residential development.
3. Impact Fee Calculation
  - a. Based on the methodology developed above, calculate the impact fee for residential and non-residential development.
  - b. Calculate the effect the impact fee has on housing affordability within the City.
4. Prepare Impact Fee Report

- a. Prepare a draft written impact fee report that meets the requirements of Wisconsin Statute 66.0617 detailing the methodology and calculations of the impact fee.
- b. Produce and electronic version (PDF) of both written reports and submit to the City.
- c. We will produce paper copies of the reports upon request.

The project scope will include meeting with City staff as necessary, one meeting with the designated City Committee or with the Common Council to present the results of the study, and attendance at the required public hearing for impact fee adoption.

**Scope of Service Limitations**

Notwithstanding the Scope of Services listed above, Ehlers’ engagement related to Project is expressly limited as follows:

1. Ehlers will assist the City by reviewing the required impact fee ordinance to be prepared by the City Attorney.

**Compensation**

In return for the services set forth in the “Scope of Service,” Client agrees to compensate Ehlers as follows:

Total Fee per Impact Fee Study*	\$8,000
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**If it is determined the City needs both law enforcement and fire impact fees, the total fee for the engagement is \$16,000.**

**Payment for Services**

Ehlers will invoice Client in full upon completion of the project. Our fees include our normal travel, printing, computer services, and mail/delivery charges. The invoice is due and payable upon receipt by the Client.



Proposal for Public Facilities Needs  
Assessment and Impact Fee Study

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**City of Port Washington**



Submitted by Trilogy Consulting, LLC

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April 26, 2024



# Table of Contents



---

Firm Overview	3
Technical Approach	4
Scope of Services	5
Resumes	8
Project Budget	13

# Firm Overview



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Trilogy Consulting, LLC offers local governments and utilities an objective, independent perspective on planning, administrative and financial issues. Our core services include impact fees; tax incremental finance district planning; sewer, storm water and water user charge rate studies and financial plans; utility customer demand studies; funding for capital improvement plans; economic feasibility studies; ordinance preparation; intergovernmental cooperation studies and agreements; and specialized economic and policy analysis.

## Contact Info

169 E. Wisconsin Ave., Suite R  
Oconomowoc, WI 53066  
Phone: 262-470-2277  
Email: [ccramer@trilogy-llc.com](mailto:ccramer@trilogy-llc.com)

Trilogy was formed in November 2011 and is jointly owned by our principals, Erik Granum and Christine DeMaster. Erik and Christine have 43 years of experience working with dozens of municipalities on a wide variety of issues related to managing, operating, regulating and funding local government infrastructure and services. We do not have any additional staff at this time, so all of our consulting services are provided by our principals. As owners of the company, we are passionate about providing excellent customer service and the highest quality work.

Prior to forming Trilogy Consulting, Christine was a consultant with Ruckert/Mielke from 1997 to 2011; Erik was a consultant with Ruckert/Mielke from 2007 through 2011. During that time and since forming Trilogy, we also prepared periodic statewide surveys of the use of impact fees by Wisconsin municipalities, gave seminars on the use of impact fees, and successfully implemented dozens of impact fees and impact fee updates for municipalities throughout the state. We are highly qualified and experienced to assist Wisconsin municipalities with any impact fee analysis or question.

Trilogy Consulting, as well as each of our principals, is a registered municipal advisor with the Securities Exchange Commission and Municipal Securities Rulemaking Board. As registered municipal advisors, we provide independent advice to our client communities regarding potential funding and financial plans.

# Technical Approach



The City of Port Washington is in the process of designing a new public safety building to house the City's police, fire, and municipal court facilities. This new facility will replace existing facilities and provide capacity to expand these services as the City continues to grow in the future. Impact fees charged to new development can provide a source of funding for a portion of the debt service for the new facility. Trilogy's services for this project will include preparing a public facilities needs assessment that meets all of the requirements of Wisconsin Statutes §66.0617, drafting ordinance amendments necessary to implement the recommended fees, and assistance with the public hearing. Important considerations for this study will include:

- **Determining the proportionate share of the new facilities that is related to serving new development, as required by Wisconsin Statutes §66.0617.** Since the new facility will replace existing facilities, provide upgraded space to serve existing residents and businesses, and provide capacity for future growth, only a portion of the cost can be recovered through impact fees. Trilogy will review and analyze information about the existing and proposed facilities, existing and projected staffing, and existing and projected population and land development to determine the maximum amount of the facility costs that could be recovered through impact fees.
- **Determining how to allocate the impact fee share of costs between residential and nonresidential development.** Public safety facilities serve all types of land development in the City, therefore all types of new development should pay impact fees. Trilogy and our principals have developed many police and fire impact fees for Wisconsin municipalities and have used a variety of methods for allocating costs between residential and nonresidential development. Methods used include on the basis of projected new property value, traffic volumes generated by different categories of new development, percentage of calls for service, or some combination of these approaches. The selected method will be developed with City staff input based on available information.
- **Developing the recommended impact fees.** Given the estimated cost of the new facility, fees based on the maximum amount of impact fee eligible costs may be substantial. Trilogy maintains a database of information about impact fees charged by other southeastern WI municipalities and is prepared to advise the City regarding the impact of the proposed fees on housing affordability and development.
- **Long-term management of fees and revenues.** Impact fee revenues will be used to offset a portion of the debt service for the new facility. This raises several issues that the City will need to consider. The initial amount of the fees will be based on the capital costs of the facility, however, debt service costs will include interest payments. Another issue is that impact fees revenues fluctuate based on the amount of development each year. Finally, impact fee revenues will be collected over a long period of time. Trilogy will provide recommendations for applying impact fees to debt service, increasing fees for inflation, and when to terminate the fees.

# Scope of Services



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## **Task 1: Inventory and Identification of Existing Deficiencies**

1. Kickoff meeting
  - a. At commencement of the project, we will conduct a kickoff meeting with City staff to discuss study objectives, project schedule, points of contact, information necessary and available to complete the study, desired changes to the impact fees, if any, and other pertinent information.
2. Information gathering and review
  - a. Prior to the kickoff meeting, we will provide City staff with a preliminary list of requested information, and may change the information requested based on discussions at the kickoff meeting regarding data availability.
    - i. Following initial review of the information, we will confer with City staff to clarify any information as needed.
3. Population and Development Forecasts
  - a. The following types of population and development forecasts will be required to calculate the impact fees:
    - i. Population
    - ii. Households
    - iii. Increase in property value from residential development
    - iv. Acres and square footage of nonresidential development
    - v. Increase in property value from nonresidential development
  - b. Development forecasts will be prepared for the selected planning horizon, including all of the elements identified above.
4. Police / Municipal Court
  - i. Prepare an inventory of information regarding current actual, current recommended, and projected staffing levels and number of vehicles, and a description of existing deficiencies in facility space, based on information provided by City staff.
  - ii. Prepare a summary of planned facility space based on the Preliminary Space Program prepared by Bray Architects.
  - iii. Calculate an updated service level standard for square feet per employee and vehicle based on the design standard.
  - iv. Apply the service level standard to the current recommended staffing level to calculate the total square feet of deficiency in current facilities (space needed to provide the desired service level vs. actual facility space currently provided).
5. Fire / EMS
  - i. Prepare an inventory of information regarding current actual, current recommended, and projected staffing levels and number of vehicles, and a description of existing deficiencies in facility space, based on information provided by City staff.
  - ii. Prepare a summary of planned facility space based on the Preliminary Space Program prepared by Bray Architects.
  - iii. Calculate an updated service level standard for square feet per employee and vehicle/ apparatus based on the design standard.



# Scope of Services



- iv. Apply the service level standard to the current recommended staffing level to calculate the total square feet of deficiency in current facilities (space needed to provide the desired service level vs. actual facility space currently provided).

## **Task 2: Needs Assessment and Identification of Costs Attributable to Future Development**

1. Police / Municipal Court
  - i. Under Task 1 above, the total square feet of existing deficiency in police and municipal court facilities will be determined. The share of the recommended new facilities space attributable to the need to serve future development will be calculated by subtracting the amount of space that will be replacing existing facilities and the amount of space required to remedy any existing deficiencies in facility space. The proportionate share needed to serve future development will be net space available to serve future development as a percentage of the total recommended facilities.
  - ii. Cost estimates for the recommended new facilities will be based on the Preliminary Space Program and any known additional or updated costs.
  - iii. The proportionate share of the cost attributable to the need to serve new development will be determined by applying the percentage share of facility space to the estimated cost of the new facilities.
2. Fire / EMS
  - i. Under Task 1 above, the total square feet of existing deficiency in Fire and EMS facilities will be determined. The share of the recommended new facilities space attributable to the need to serve future development will be calculated by subtracting the amount of space that will be replacing existing facilities and the amount of space required to remedy any existing deficiencies in facility space. The proportionate share needed to serve future development will be net space available to serve future development as a percentage of the total recommended facilities.
  - ii. Cost estimates for the recommended new facilities will be based on the Preliminary Space Program and any known additional or updated costs.
  - iii. The proportionate share of the cost attributable to the need to serve new development will be determined by applying the percentage share of facility space to the estimated cost of the new facilities.

## **Task 3: Develop Recommended Impact Fees**

1. The total amount of the cost for each of the facilities that is recommended to be recovered through impact fees from future development will be determined based on two factors: 1) the proportionate share of the cost identified as attributable to the need to serve future development as identified under Task 2; and 2) the amount of that maximum eligible cost that the City desires to recover through impact fees.
2. The total amount to be recovered from impact fees imposed on future development will be allocated to new development in the following manner for each facility type:

# Scope of Services



- i. Police / Municipal Court—Costs will be allocated between future single family residential, multi-family residential, and non-residential development. The basis of the allocation will be discussed with City staff and may include percentages derived from the percentage of equalized value from each category of development, projected percentage of calls for service, and/or projected percentage of future traffic generated by each general category of development.
  - ii. Fire / EMS—Costs will be allocated between future single family residential, multi-family residential, and non-residential development. The basis of the allocation will be discussed with City staff and may include percentages derived from the percentage of equalized value from each category of development, projected percentage of calls for service, and/or projected percentage of future traffic generated by each general category of development.
3. A recommended schedule of fees for residential, commercial and industrial development will be prepared as follows:
  - i. Residential fees—fees per dwelling unit for single family and multi-family residential units will be calculated based on costs allocated to each category of development divided by anticipated units of development.
  - ii. Nonresidential fees—fees per square foot of building space will be calculated based on costs allocated to non-residential development (by category if desired), divided by the forecast square footage of future development by category.
4. The impacts on housing affordability in the City of Port Washington of imposing the recommended fees will be evaluated as follows:
  - i. The recommended fees will be combined with current fees to determine the total cumulative fees per single family home.
  - ii. The impacts on housing affordability will be evaluated based on median household income and current costs for newly constructed housing in the City of Port Washington.

## **Task 4: Report Preparation**

1. Prepare a draft report summarizing the fee calculations and supporting documentation needed to meet the requirements of Wisconsin Statutes.
2. Submit an electronic draft copy of the report for City staff review and comment.
3. Attend one meeting with City staff to review the draft report
4. Make any agreed upon edits to the report as necessary.
5. Prepare a final written report and submit an electronic PDF version to the City.

## **Task 5: Implementation Assistance**

1. Prepare presentation materials for a meeting with the City Council.
2. Prepare an amendment to Chapter 455 of the Municipal Code to implement the fees.
3. Attend the required public hearing of the City Council to answer questions.

# Christine A. DeMaster

Principal / Senior Consultant



169 E. Wisconsin Ave. Suite R  
Oconomowoc, WI 53066  
Phone: 262-470-2277  
Fax: 262-436-2102  
Email: ccramer@trilogy-llc.com



Christine has been a consultant to local governments and utilities since 1997, providing analysis and advice on a wide variety of planning, economic and fiscal issues. Prior to forming Trilogy, Christine was consultant with Ruckert/Mielke from 1997 to 2011. While her work experience varies widely the common theme is a focus on helping local governments and utilities develop fair and equitable long-term plans and policies. Her strengths include not only sound, detailed and accurate analysis, but also the ability to explain her recommendations in terms that are easy to understand.

Christine is a member of the national and Wisconsin chapter of the American Water Works Association, and serves on the AWWA Rates and Charges Committee and a sub-committee charged with developing recommendations for utility reserve policies. Christine is the Chair of the WIAWWA Audit and Finance Committee. She is a registered Municipal Advisor with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board and has passed the Series 50 Municipal Advisor Representative Qualification Exam.

## Education:

- Master's of Urban Planning, University of Wisconsin—Milwaukee, 1997
- Bachelor of Science, Physics, Carroll College, 1994

## Professional Affiliations:

- American Planning Association, Wisconsin Chapter
- American Water Works Association, Wisconsin Chapter

## Professional Qualifications:

- Series 50 Municipal Advisor Representative Exam
- Series 54 Municipal Advisor Principal Exam

## Experience & Expertise

- Public Facilities Needs Assessments and Impact Fee Studies
- Water and Sewer Rate Studies
- Cost-of-Service Rate Studies
- Specialized Rate Design, including Conservation Water Rates and High-Strength Sewer Rates
- Capital Infrastructure Cost Allocations
- Storm Water Utility Rate Studies and Development
- Utility Creation and Acquisition Feasibility Studies
- Redevelopment, Site and General Planning Services
- Long-Term Capital Infrastructure Planning and Financial Analysis
- Tax Incremental Financing Planning and Analysis
- Expert Witness Testimony and Litigation Support
- Specialized Economic and Statistical Analysis
- Public Policy Research and Analysis
- Ordinance Drafting, Review and Updating
- Fiscal Impact Analysis
- Analysis of New Funding Methods
- Grant Funding Research and Preparation of Applications
- Landfill Siting Analysis & Negotiations

# Christine A. DeMaster

## Example Projects

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**With Trilogy Consulting, Christine has prepared, implemented, and updated the following public facilities needs assessments and impact fees:**

- Police and Park Impact Fee Update, Grafton, WI, 2024
- Fire, Police, Park, Water and Sewer Impact Fee Study, Jackson, WI, 2023
- Park, Water, Sewer, Fire Impact Fee Update, Menomonee Falls, WI, 2023
- Library Impact Fee Update, Sussex, WI, 2023
- Water and Sewer Impact Fee Study, Sherwood, WI, 2023
- Fire, Library, Park, Police, and Transportation Impact Fee Study, Hudson, WI, 2022
- Water Impact Fee, Hudson, WI, 2020
- Park Impact Fee, Sherwood, WI, 2020
- Impact Fee Update for Police, Transportation, and Water Impact Fees, Oconomowoc, WI, 2019
- Impact Fee Update for Law Enforcement, Library, Fire Station, Sewer and Water Impact Fee, Mukwonago, WI, 2018
- Sewer Impact Fee, Menomonee Falls, WI, 2017
- Park Impact Fee, Menomonee Falls, WI, 2017
- Fire Impact Fee, Menomonee Falls, WI, 2017
- Water Impact Fee, Menomonee Falls, WI, 2017
- Park Impact Fee, Sussex, WI, 2015
- Library Impact Fee, Sussex, WI, 2015
- Water Impact Fee, River Falls, WI, 2014
- Sewer Impact Fee, Menomonee Falls, WI, 2014
- Park Impact Fee, Menomonee Falls, WI, 2014
- Fire Impact Fee, Menomonee Falls, WI, 2014
- Water Impact Fee, Menomonee Falls, WI, 2014
- Impact Fee Update for Law Enforcement, Library, Fire Station, Sewer and Water Impact Fees, Mukwonago, WI, 2013

**While employed by Ruekert/Mielke, between 1997 and 2011, Christine prepared, implemented, and updated public facilities needs assessments and impact fees for the following municipalities:**

- City of Cedarburg
- Village of Dousman
- Village of Eagle
- City of Fitchburg
- City of Franklin
- Village of Grafton
- Village of Hartland
- City of Kenosha

# Christine A. DeMaster

## Presentations and Papers

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- Village of Kewaskum
- Village of Menomonee Falls
- City of Middleton
- Village of Mukwonago
- City of Muskego
- City of Oconomowoc
- City of Racine

“Funding Annual Water Infrastructure Replacement Programs” - Wisconsin Water Association Annual Conference, September 2017

“Reducing the Cost of Capital” - Water Finance Conference, Milwaukee, WI, August 2017

“Straight Talk About Water Finance” - Wisconsin Water Association Annual Conference, September 2013

“Balancing Declining Revenues and Increasing Costs” - Wisconsin Water Association Management Seminar, August 2013

“Managing the State Budget Crisis at the Local Level” – League of Wisconsin Municipalities Annual Conference, October 2011

“Doing More With Less: Collaborative Leadership for Service Delivery Workshop” – Local Government Institute of Wisconsin, April 2011

“Storm Water Utilities – Lessons Learned” - Waukesha County Storm Water Management Workshop, March 2011

“Tax Incremental Finance Basics” – Wisconsin Government Finance Officers Association, December 2010

“Racine Revenue Sharing Program” – Wisconsin Legislative Council, Special Committee on Local Service Consolidation, November 2010

**“Managing Impact Fees” – Wisconsin Municipal Clerks and Treasurers Institute, UW-Green Bay Local Government Education, July 2010**

“A New Model for Fiscal Regionalism: Greater Racine’s Plan for Overcoming Fiscal Disparity”, Government Finance Review, February 2004

# Erik A. Granum

Principal / Senior Consultant

169 E. Wisconsin Ave., Suite R  
Oconomowoc, WI 53066  
Phone: 920-723-2169  
Fax: 262-436-2102  
Email: egranum@trilogy-llc.com



Erik has been working in the field of municipal and utility consulting since 2007, performing a wide variety of financial, economic and planning-related consulting services. His philosophy to municipal consulting is to provide an objective, fair and independent perspective for the client, while recognizing the political difficulties in public policy decision-making. He excels in developing alternative scenarios that meet the objectives of the municipality, while being reasonable and defensible for government decision makers that are held accountable to the residents and businesses in their communities.

Erik believes in providing local government officials and decision-makers recommendations that are based on the best available information so that public policy is sound, fair and logical. His passions lie in using available data and interpreting it into something that is understandable and has a positive real impact on communities. He is a registered Municipal Advisor with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board and has passed the Series 50 Municipal Advisor Representative Qualification Exam.

## Education:

- Master's of Urban Planning, University of Wisconsin—Milwaukee, 2009
- Bachelor of Business Administration, Marketing & Operations Management, University of Wisconsin—Whitewater, 2004

## Professional Affiliations:

- American Water Works Association, Wisconsin Chapter

## Professional Qualifications:

- MSRB Series 50 Municipal Advisor Representative Exam
- MSRB Series 54 Municipal Advisor Principal Exam

## Experience & Expertise

- Water and Sewer Rate Studies
- Cost-of-Service Rate Studies
- Specialized Rate Design, including Conservation Water Rates
- Capital Cost Allocation
- Storm Water Utility Rate Studies and Development
- Public Facilities Needs Assessments and Impact Fee Studies
- Utility Creation and Acquisition Feasibility Studies
- Land Use Planning Services
- Long-Term Capital Planning and Financial Analysis
- Geographic Information Systems (GIS) - Mapping & Spatial Analysis
- Tax Incremental Financing Planning and Analysis
- Expert Witness Testimony and Litigation Support
- Specialized Economic and Statistical Analysis
- Public Policy Research and Analysis
- Ordinance Review and Updating
- Fiscal Impact Analysis
- Life Cycle Cost Analysis
- Analysis of New Funding Methods
- Grant Funding Research and Preparation of Applications

# Erik A. Granum

## Recent Projects

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### **With Trilogy Consulting, Erik has prepared, implemented, and updated the following public facilities needs assessments and impact fees:**

- Police and Park Impact Fee Update, Grafton, WI, 2024
- Fire, Police, Park, Water and Sewer Impact Fee Study, Jackson, WI, 2023
- Park, Water, Sewer, Fire Impact Fee Update, Menomonee Falls, WI, 2023
- Library Impact Fee Update, Sussex, WI, 2023
- Water and Sewer Impact Fee Study, Sherwood, WI, 2023
- Fire, Library, Park, Police, and Transportation Impact Fee Study, Hudson, WI, 2022
- Water Impact Fee, Hudson, WI, 2020
- Park Impact Fee, Sherwood, WI, 2020
- Impact fee update for Police, Transportation, and Water Impact Fees, Oconomowoc, WI, 2019
- Park Impact Fee, Sussex, WI, 2015
- Library Impact Fee, Sussex, WI, 2015
- Water Impact Fee, River Falls, WI, 2014
- Sewer Impact Fee, Menomonee Falls, WI, 2014
- Park Impact Fee, Menomonee Falls, WI, 2014
- Fire Impact Fee, Menomonee Falls, WI, 2014
- Water Impact Fee, Menomonee Falls, WI, 2014
- Impact Fee Update for Law Enforcement, Library, Fire Station, Sewer and Water Impact Fees, Mukwonago, WI, 2013

### **While employed by Ruekert/Mielke, between 2007 and 2011, Erik prepared, implemented, and updated public facilities needs assessments and impact fees for the following municipalities:**

- Town of Cedarburg
- Village of Dousman
- City of Fitchburg
- Village of Hartland
- Village of Menomonee Falls
- City of Middleton
- Village of Mukwonago
- City of Oconomowoc
- City of Racine
- City of Waukesha

# Project Budget



Task	Hours	Hourly Rate	Total Cost
<b><u>Task 1: Inventory and Identification of Existing Deficiencies</u></b>			
Kickoff meeting (in person)	1.00		
Information gathering and review	7.00		
Population and development forecasts	5.00		
Police / Municipal Court	8.00		
Fire / EMS	8.00		
<b>Task Subtotal</b>	<b>29.00</b>	<b>\$120</b>	<b>\$3,480</b>
<b><u>Task 2: Needs Assessment and Identification of Costs Attributable to Future Development</u></b>			
Police / Municipal Court			
Determine prop. share of capacity attributable to serving future development	2.00		
Compile the capital cost estimate for the proposed future police/fire station facility	2.00		
Determine the share of capital costs attributable to serving future development	3.00		
Fire / EMS			
Determine prop. share of capacity attributable to serving future development	2.00		
Compile the capital cost estimate for the proposed future police/fire station facility	2.00		
Determine the share of capital costs attributable to serving future development	3.00		
<b>Task Subtotal</b>	<b>14.00</b>	<b>\$120</b>	<b>\$1,680</b>
<b><u>Task 3: Develop Recommended Impact Fees</u></b>			
Determine total amount to recover through impact fees on future development	3.50		
Allocate the amounts to categories of development	5.00		
Develop a recommended schedule of impact fees for each facility	3.00		
Evaluate impacts on housing affordability	1.50		
<b>Task Subtotal</b>	<b>13.00</b>	<b>\$120</b>	<b>\$1,560</b>
<b><u>Task 4: Report Preparation</u></b>			
Prepare draft report	10.00		
Attend one review meeting with City staff (in person)	1.00		
Revise and prepare final report	2.50		
<b>Task Subtotal</b>	<b>13.50</b>	<b>\$120</b>	<b>\$1,620</b>
<b><u>Task 5: Implementation Assistance</u></b>			
Prepare presentation	4.50		
Draft ordinance amendment	2.00		
Attend the Public Hearing / City Council meeting	2.00		
<b>Task Subtotal</b>	<b>8.50</b>	<b>\$120</b>	<b>\$1,020</b>
<b>Grand Total</b>	<b>78.00</b>	<b>\$120</b>	<b>\$9,360</b>

Additional services, if requested, will be provided at the hourly rates listed above.



# AGENDA ITEM MEMORANDUM

## City of Port Washington

**TO:** General Government and Finance Committee

**FROM:** Roger Strohm, City Engineer

**DATE:** June 18, 2024

**SUBJECT:** Consideration and Possible Recommendation of Ordinance 2024-7: An Ordinance Repealing and Recreating Chapter 450 of the City Code Relating to Floodplain Zoning

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**ISSUE:** Should the City update Ordinance 450 “Flood Plain Zoning”?

**STAFF RECOMMENDATION:** Staff recommends adopting Ordinance 2024-7 to repeal and replace Ordinance 450 “Flood Plain Zoning”.

**RECOMMENDED MOTION:** I move General Government and Finance Committee recommend that Common Council adopt Ordinance 2024-7

### **BACKGROUND/DISCUSSION:**

On January 31, 2024, the Federal Emergency Management Agency (FEMA) sent the City a notice that FEMA issued the final flood hazard determination for Ozaukee County (flood plain maps) which go in effect on July 31, 2024. For the City to remain covered by the National Flood Insurance Program (NFIP), it must

- Adopt the current effective Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM). In layman’s terms these documents are known as the flood study and flood plain maps. These flood plain maps are attached. I will bring them to the committee meeting also.
- Either amend existing regulations or adopt the standards of 44 CFR Par 60.3(d) and (e) into one new, comprehensive set of regulations.

On February 2, 2024, the Department of Natural Resources (DNR) provided the City with a model ordinance that accomplishes the two bullet points above. The attached ordinance follows the DNR model ordinance except to number the sections consistent with our ordinances.

The NFIP provides affordable flood insurance to residents of the City for flood damage. One notable change based on 2019 Act 175 is that there are instances where the repair/modification of an existing structure in the flood plain can exceed 50% of the value of the structure. A summary of differences between the current and proposed ordinance is attached.

### **STRATEGIC PLAN:**

1. **Strategic Direction:** Creating Accountability Through Policies & Procedures
2. **Impact on Strategic Direction:** We are helping the residents of Port Washington obtain affordable insurance and encouraging smart, environmentally conscious development.

**LEGAL:**

1. **City Attorney Review:** yes
2. **Legal Comments & Conclusions:**
3. **Statutory References:**

**FISCAL IMPACT:**

1. **Amount of Recommendation/Cost of Project:**  
Initial Project Cost Estimate: \$0  
Approved Budget Project Cost:  
    Prior Year Expenditures: \$0  
    Total Project Costs to Date: \$0
2. **Source of Funding:** N/A
3. **Operating and Maintenance Cost:** N/A

**BOARD/COMMITTEE/COMMISSION RECOMMENDATION:** Plan Commission recommends approval.

**PUBLIC OUTREACH:** None

**IF APPROVED, NEXT STEPS:** 2nd Reading at next Council Meeting.

**ATTACHMENTS:**

Ordinance 2024-7  
Comparison of Current Ordinance and Proposed Ordinance for Flood Plains  
Floodplain maps (7 total)

**CITY OF PORT WASHINGTON, WISCONSIN**  
**Ordinance No. 2024-7**

**An Ordinance Repealing and Recreating Chapter 450  
of the City Code Relating to Floodplain Zoning**

WHEREAS, 2019 Wisconsin Act 175 (the “Act”) was enacted in March 2020 and created § 87.30 (1d) (d), Wis. Stats., which modifies how Ch. NR 116, Wis. Admin. Code may require local governments to regulate nonconforming structures in the floodplain; and

WHEREAS, to participate in the National Flood Insurance Program (“NFIP”) cities must still adopt and enforce regulations that meet the NFIP’s minimum standards, which are unchanged by the Act; and

WHEREAS, the NFIP minimum standards require a participating city to regulate all development, including all improvements to all structures in special flood hazard areas, and the minimum standards must be applied to substantial improvements, modifications, additions, and repair or other improvement of substantially damaged buildings, without regard for whether such buildings are “nonconforming” under ordinances adopted to meet Ch. NR 116, Wis. Admin. Code regulations or other state or local zoning regulations; and

WHEREAS, § 87.30 (1d) (d) creates an exception to the state’s “50% rule” for structures in a floodplain. The “50% rule” provides that 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 the local floodplain ordinance; and

WHEREAS, in a floodplain zoning ordinance that has incorporated the Act, if a nonconforming structure is altered to meet federal minimum standards applicable to new construction and substantial improvements, and the living quarters in the nonconforming building are elevated to be at or above the flood protection elevation, then the state Department of Natural Resources (“DNR”) is prohibited from imposing cost-based regulation or restrictions to the structure (i.e., “50% Rule”); however, structures modified to meet the requirements of § 87.30 (1d) (d) would still be considered nonconforming structures, subject to all other non-cost-based regulations and restrictions applicable to nonconforming structures; and

WHEREAS, the DNR has promulgated a floodplain model ordinance that includes the regulatory standards required in Ch. NR 116, Wis. Admin. Code with supplemental provisions intended to ensure that the minimum requirements for participation in the NFIP (44 C.F.R. §§59-72) are met or exceeded in all circumstances, and said model ordinance includes language for communities choosing to adopt changes consistent with the Act; and

WHEREAS, the Common Council has decided to incorporate the provisions of the Act into the Floodplain Zoning Ordinance, Ch. 450, City Code, by adopting the DNR’s floodplain model ordinance,

NOW, THEREFORE, the Common Council of the City of Port Washington do ordain as follows:

**Section 1.** Chapter 450 of the City Code of the City of Port Washington, entitled “Floodplain Zoning,” is hereby repealed and recreated to read as follows:

**ARTICLE I**  
**STATUTORY AUTHORIZATION, FINDING OF FACT,**  
**STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS**

**450-1 STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in §§ 61.35 and 62.23 and the requirements in § 87.30, Wis. Stats.

**450-2 FINDING OF FACT**

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

**450-3 STATEMENT OF PURPOSE**

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**450-4 TITLE**

This ordinance shall be known as the Floodplain Zoning Ordinance of the City of Port Washington, Wisconsin.

**450-5 GENERAL PROVISIONS**

(1) **AREAS TO BE REGULATED**

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and the City may also be regulated under the provisions of this ordinance, where applicable.

(2) **OFFICIAL MAPS & REVISIONS**

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, VE, V1-30, or V on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and

listed in subd. (b) below. These maps and revisions are on file in the City of Port Washington Planning Department.

(a) OFFICIAL MAPS: Based on the Flood Insurance Study (FIS):

1. Flood Insurance Rate Map (FIRM), panel numbers 55089C0117G, 55089C0118G, 55089C0119G, 55089C0136G, 55089C0138G, 55089C0181G, 55089C0182G, and 55089C0205G, dated 7/31/2024.
2. Flood Insurance Study (FIS) for Ozaukee County, Volumes 55089CV001B, 55089CV002B, and 55089CV003B, dated 7/31/2024.

Approved by: The DNR and FEMA

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The flood hazard areas regulated by this ordinance are divided into districts as follows:

- (a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to § 450-18(5).
- (b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to § 450-18(5), within A Zones shown on the FIRM.
- (c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
- (d) The Coastal Floodplain District (CFP) is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms, including areas identified as zone V, V1-30, or VE on the FIRM. Where a riverine AE floodway extends into the CFP district, development within the floodway must comply with the regulations for both the FW and CFP districts. Where a riverine A zone or AE zone with no floodway determination abuts the CFP district, the riverine study's floodway limit must be determined based on standard floodway expansion principles within the CFP district and development within the floodway must comply with the standards for both the FW and CFP districts.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to § 450-30 *Amendments*. The Zoning Administrator or their designee 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 or their designee shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined.

Disputes between the Zoning Administrator or their designee and an applicant over the district boundary line shall be settled according to § 450-26(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to § 450-30 *Amendments*.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist for projects, including any boundary of zone A, AO, V1-30, VE, or V, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

- (a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article VIII *Amendments* and § 450-30.
- (b) The delineation of any of the Floodplain Districts may be revised by the City where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The Zoning Administrator or their designee shall not sign a City acknowledgement form unless all criteria set forth in the following paragraphs are met:
  - 1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
  - 2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- (c) Removal of lands from the floodplain may also occur by operation of § 87.30(1)(e), Wis. Stats. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

- (a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- (b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with § 450-31.
- (c) Floodplain development permits issued on the basis of plans and applications approved by the Zoning Administrator or their designee authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Zoning Administrator or their designee. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with § 450-33.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply 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. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the City is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under § 30.2022, Wis. Stats., then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Zoning Administrator or their designee that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under § 30.123(6)(d), Wis. Stats., the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

- (a) This ordinance supersedes all the provisions of any City zoning ordinance enacted under §§ 62.23 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.
- (b) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of 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 ordinance, required by Ch. NR 116, Wis. Admin. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the City or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Ozaukee County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the City for all annexed areas until the City adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Admin. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the City'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 City Zoning Administrator or their designee. 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**

**450-6 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**  
**STATUTORY AUTHORIZATION**

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

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

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in § 450-24(2).



#### **450-7 HYDRAULIC AND HYDROLOGIC ANALYSES**

- (1) No floodplain development shall:
  - (a) 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
  - (b) Cause any increase in the regional flood height due to floodplain storage area lost.
- (2) The Zoning Administrator or their designee 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 § 450-30 *Amendments* are met.

#### **450-8 WATERCOURSE ALTERATIONS**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the City 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 § 450-7 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to § 450-30 *Amendments*, the City 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.

#### **450-9 CHAPTERS 30, 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 § 450-30 *Amendments*.

#### **450-10 PUBLIC OR PRIVATE CAMPGROUNDS**

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

- (1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- (2) A land use permit for the campground is issued by the City Zoning Administrator or their designee;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) 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 floodplain zoning agency or Zoning Administrator or their designee, the local 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;

- (5) The above-referenced 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 § 450-10 (4) to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- (6) All mobile recreational vehicles placed on site must meet one of the following:
  - (a) Be fully licensed, if required, and ready for highway use; or
  - (b) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
  - (c) Meet the requirements in either Article III, Article IV, § 450-18 or § 450-19 for the floodplain district in which the structure is located;

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.

- (7) 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 consistent with § 450-10 (6) and shall ensure compliance with all the provisions of this section;
- (8) The City shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (9) 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
- (10) 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; and
- (11) Standards for structures in a campground:
  - (a) All structures must comply with § 450-10 or meet the applicable requirements in Article III, Article IV, § 450-18 or § 450-19 for the floodplain district in which the structure is located;
  - (b) Deck/landing- a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the City compliant with § 450-10 (4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

- (c) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
  - (d) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the City compliant with § 450-10 (4).
  - (e) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the City compliant with § 450-10 (4).
- (12) A land use permit shall be obtained as provided under § 450-24(2) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

**ARTICLE III**  
**FLOODWAY DISTRICT (FW)**

**450-11 APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to § 450-18(5).

**450-12 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 § 450-13 and § 450-14; and
  - all permits or certificates have been issued according to § 450-24.
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
  - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of § 450-13(4).
  - (4) Uses or structures accessory to open space uses or classified as historic structures that comply with § 450-13 and § 450-14.
  - (5) Extraction of sand, gravel or other materials that comply with § 450-13(4).

- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.
- (7) Public utilities, streets and bridges that comply with § 450-13(3).
- (8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of City ordinances and Ch. SPS 383, Wis. Admin. Code.
- (9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of City ordinances and Chs. NR 811 and NR 812, Wis. Admin. Code.
- (10) Wastewater treatment ponds or facilities permitted under § NR 110.15(3)(b), Wis. Admin. Code.
- (11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

#### **450-13 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY**

##### (1) GENERAL

- (a) Any development in the floodway shall comply with § 450-6 and have a low flood damage potential.
- (b) Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to § 450-7 and § 450-24(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- (c) Any encroachment in the regulatory floodway is prohibited unless the data submitted for § 450-13(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in § 450-5(5).

##### (2) STRUCTURES

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage;
- (b) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
  1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

2. Have structural components capable of meeting all provisions of § 450-13(2)(g); and
  3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with § 450-13(2)(g).
- (c) Must be anchored to resist flotation, collapse, and lateral movement;
- (d) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- (e) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (f) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets § 450-13(2)(a) through § 450-13(2)(e) and meets or exceeds the following standards:
1. The lowest floor must be elevated to or above the regional flood elevation;
  2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
  4. The use must be limited to parking, building access or limited storage.
- (g) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
  2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in § 450-14(4) and § 450-14(5);
  3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
  4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
  5. Placement of utilities to or above the flood protection elevation.
- (3) PUBLIC UTILITIES, STREETS AND BRIDGES  
Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of § 450-7.

(4) FILLS OR DEPOSITION OF MATERIALS

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

- (a) The requirements of § 450-7 are met;
- (b) 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;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

**450-14 PROHIBITED USES**

All uses not listed as permitted uses in § 450-12 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of City ordinances and Ch. SPS 383, Wis. Admin. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of City ordinances and Chs. NR 811 and NR 812, Wis. Admin. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Admin. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

**ARTICLE IV**  
**FLOODFRINGE DISTRICT (FF)**

**450-15 APPLICABILITY**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to § 450-18(5).

**450-16 PERMITTED USES**

Any structure, land use, or development is allowed in the Floodfringe District if the standards in § 450-17 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in § 450-24 have been issued.

**450-17 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE**

Article II shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article VI *Nonconforming Uses*;

(1) **RESIDENTIAL USES**

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

- (a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet § 450-5(5).
- (b) Notwithstanding § 450-17(1)(a), a basement or crawlspace floor may be placed one (1) foot above the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- (d) In developments where existing street or sewer line elevations make compliance with **subd. (c)** impractical, the City may permit new development and substantial improvements where roads are below the regional flood elevation, if:
  - 1. The City has written assurance from police, fire, ambulance, and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - 2. The City has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(2) **ACCESSORY STRUCTURES OR USES**

In addition to § 450-6, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

In addition to § 450-6, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of § 450-17(1). Subject to the requirements of § 450-17(5), 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.

(4) MANUFACTURING AND INDUSTRIAL USES

In addition to § 450-6, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in § 450-28. Subject to the requirements of § 450-17(5), 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.

(5) 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 § 450-28. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- a) 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 § 450-28.
- b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to § 450-28(3), to the flood protection elevation and meet the provisions of all City ordinances and Ch. SPS 383, Wis. Admin. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to § 450-28(3), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Admin. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.



(11) MANUFACTURED HOMES

- (a) 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.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
  - 1. have the lowest floor elevated to the flood protection elevation; and
  - 2. be anchored so they do not float, collapse, or move laterally during a flood.
- (c) 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 floodfringe in § 450-17(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

- (a) fully licensed and ready for highway use; or
- (b) shall meet the elevation and anchoring requirements in § 450-17(11)(b) and (c).

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**

**450-18 GENERAL FLOODPLAIN DISTRICT (GFP)**

(1) APPLICABILITY

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in § 450-5(2)(a).

(2) FLOODWAY BOUNDARIES

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in § 450-5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to § 450-18(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of Article III. If the development is located entirely within the floodfringe, the development is subject to the standards of Article IV.

(3) PERMITTED USES

Pursuant to § 450-18(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (§ 450-12) and Floodfringe (§ 450-

16) Districts are allowed within the General Floodplain District, according to the standards of § 450-18(4) provided that all permits or certificates required under § 450-24 have been issued.

(4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

Article III applies to floodway areas, determined pursuant to § 450-18(5); Article IV applies to floodfringe areas, determined pursuant to § 450-18(5).

- (a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
  - 1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade plus one additional foot of freeboard; or
  - 2. If the depth is not specified on the FIRM, three (3) feet above the highest adjacent natural grade or higher.
- (b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- (c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
- (d) All development in zones AO and zone AH shall meet the requirements of Article IV applicable to flood fringe areas.

(5) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Zoning Administrator or their designee shall:

- (a) 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 flood proofing measures and the flood zone as shown on the FIRM.
- (b) 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.
  - 1. A Hydrologic and Hydraulic Study as specified in § 450-24(2)(c).
  - 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
  - 3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

**450-19 COASTAL FLOODPLAIN DISTRICT (CFD)**

(1) APPLICABILITY

The provisions of this section apply to all Coastal Floodplain Districts (CFD) shown on the floodplain zoning maps, which includes zones V, V1-30, and VE. Where a floodway shown on the floodplain zoning maps, or a floodway determined as explained in § 450-5(3)(d) or a regulatory floodway identified pursuant to § 450-18(5), extends into a Coastal Floodplain District, development shall comply with the standards of Article III and § 450-19.

(2) STANDARDS FOR DEVELOPMENT IN THE COASTAL FLOODPLAIN DISTRICT

Development in the CFD district shall meet the requirements of § 450-6, as well as the following:

- (a) New construction shall be located landward of the Ordinary High-Water Mark.
- (b) Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected to the foundation or superstructure of a building and shall be designed and constructed so as not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.
- (c) Man-made alterations of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.
- (d) The use of fill for structural support of buildings is prohibited.
  - 1. Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause runoff, ramping, or deflection of floodwaters that cause damage to buildings.
- (e) New construction and substantial improvement of buildings shall be elevated, consistent with SPS 321.34, on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the FPE.
  - 1. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 *Minimum design loads and associated criteria for buildings and other structures*, or other equivalent standard.
  - 2. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of § 450-19(2)(e).
- (f) New construction and substantial improvement of buildings shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

1. For the purpose of § 450-19(2)(f), a breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot.
2. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by City or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
  - a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
  - b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 *Minimum design loads and associated criteria for buildings and other structures*, or equivalent standard.
3. All space enclosed by breakaway walls, open wood latticework, or insect screening below the lowest floor shall be used solely for parking, building access, or storage.
  - (g) Require within flood-prone areas:
    1. New and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
    2. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
  - (h) All mobile recreation vehicles must be on site for less than 180 consecutive days and be either:
    1. fully licensed and ready for highway use; or
    2. shall meet the standards of § 450-19(2)(a) through § 450-19(2)(g), inclusive.

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 type utilities and security devices and has no permanently attached additions.
  - (i) Manufactured homes placed or substantially improved within the Coastal Floodplain District shall meet the standards of § 450-19(2)(a) through § 450-19(2)(g), inclusive.

**ARTICLE VI**  
**NONCONFORMING USES**

**450-20 GENERAL**

(1) **APPLICABILITY**

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

- (b) 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 ordinance;
- (c) The City 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;
- (d) 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 ordinance. Contiguous dry land access must be provided for residential and commercial

uses in compliance with § 450-17(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

- (e) No maintenance on a per event basis 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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 450-17(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- (f) If on a per event basis the total value of the work being done under (d) and (e) 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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 450-17(1).
- (g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (h) 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 following minimum requirements are met, and all required permits have been granted prior to the start of construction:

#### 1. Residential Structures

- a. 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 § 450-28(2).
- b. 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.
- c. 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.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state, or other source.

- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 450-18(4).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

## 2. Nonresidential Structures

- a. Shall meet the requirements of §§ 450-20(2)(h)1.a. through 1.f., inclusive.
  - b. 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 § 450-28(1) or (2).
  - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 450-18(4).
- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with § 450-13(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with § 450-28 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of § 450-20(2)(h)1. 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.
- (4) Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
- (a) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
  - (b) The lowest floor of the nonconforming building, including the basement, is elevated one foot above the regional flood elevation;
  - (c) The nonconforming building is permanently changed to conform to the applicable requirements of § 450-6;
  - (d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 3.3(1), 3.3(2)(b) through (e), 3.3(3), 3.3(4), and 6.2. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with § 450-18(5). If the encroachment is in the floodway, it must meet the standards in section § 450-13(4);
  - (e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of § 450-17 and § 450-22;
  - (f) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated one foot above the base flood elevation;

- (g) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
1. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 450-20(4)(g), above.
  2. The City must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
- (h) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
1. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
  2. The bottom of all openings must be no higher than one foot above the adjacent grade.
  3. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- (i) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- (j) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is one foot above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;



- (k) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:
1. Be on site for fewer than 180 consecutive days; or
  2. Be fully licensed and ready for highway use (a 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 type utilities and security devices, and has no permanently attached additions); or
  3. Meet the elevation and anchoring requirements for manufactured homes in § 450-20(4)(i), above;
- (l) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the City during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (m) In zone A, the City must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet §§ 450-20(4)(f) through (l), inclusive, above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with § 450-18(5). If the encroachment is in the floodway, it must meet the standards in § 450-13(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (n) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with § 450-18(5). If the encroachment is in the floodway, it must meet the standards in § 450-13(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (o) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot more than the depth number specified in feet on the FIRM (at least three feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or
- (p) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the

standard specified in § 450-20(4)(g), above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

#### **450-21 FLOODWAY DISTRICT**

- (1) 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:
  - (a) Has been granted a permit or variance which meets all ordinance requirements;
  - (b) Meets the requirements of § 450-20;
  - (c) Shall not increase the obstruction to flood flows or regional flood height;
  - (d) Any addition to the existing structure shall be floodproofed, pursuant to § 450-28, by means other than the use of fill, to the flood protection elevation; and,
  - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in 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 City ordinances, § 450-28(3) and Ch. SPS 383, Wis. Admin. Code.
- (3) 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 City ordinances, § 450-28(3) and Chs. NR 811 and NR 812, Wis. Admin. Code.

#### **450-22 FLOODFRINGE DISTRICT**

- (1) 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 City and meets the requirements of § 450-17, except where § 450-22(2) is applicable.

- (2) Where compliance with the provisions of subd. (1) 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 Board of Appeals, using the procedures established in § 450-26, may grant a variance from those provisions of subd. (1) 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:
- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - (b) Human lives are not endangered;
  - (c) Public facilities, such as water or sewer, shall not be installed;
  - (d) Flood depths shall not exceed two feet;
  - (e) Flood velocities shall not exceed two feet per second; and
  - (f) The structure shall not be used for storage of materials as described in § 450-17(5).
- (3) 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 City ordinances, § 450-28(3) and Ch. SPS 383, Wis. Admin. Code.
- (4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, § 450-28(3) and Chs. NR 811 and NR 812, Wis. Admin. Code.

**450-23 COASTAL FLOODPLAIN DISTRICT (CFD)**

- (1) New construction and substantial improvement shall meet the standards of § 450-19.
- (2) No structural repairs, modifications or additions to an existing building, the cost of which exceeds, over the life of the existing building, 50% of its present equalized assessed value, may be allowed in a coastal floodplain area unless the entire building is permanently changed to conform with the standards prescribed in § 450-19.

**ARTICLE VII**  
**ADMINISTRATION**

The Zoning Administrator or their designee appointed to administer the City Zoning Ordinance adopted under § 62.23(7), Wis. Stats. shall administer this ordinance.

**450-24 ZONING ADMINISTRATOR**

(1) **DUTIES AND POWERS**

The Zoning Administrator or their designee is authorized to administer this ordinance and shall have the following duties and powers:

- (a) 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.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
  - 1. All permits issued, inspections made, and work approved;
  - 2. Documentation of certified lowest floor and regional flood elevations;
  - 3. Floodproofing certificates.
  - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
  - 5. All substantial damage assessment reports for floodplain structures.
  - 6. List of nonconforming structures and uses.
  - 7. In the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements.
  - 8. In the Coastal Floodplain District, certification by a licensed professional engineer or architect where required for new construction and substantial improvement under § 450-19.
- (e) Submit copies of the following items to the Department Regional office:
  - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
  - 2. Copies of case-by-case analyses and other required information.
  - 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, and report violations of this ordinance to the City zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT

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

(a) GENERAL INFORMATION

- 1. Name and address of the applicant, property owner and contractor;

2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area, and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. 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);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether the requirements of Article III or Article IV are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to § 450-7. This may include any of the information noted in § 450-13(1).

(c) 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.

1. Zone A floodplains and in AE zones within which a floodway is not delineated:
  - a. Hydrology
    - i. The appropriate method shall be based on the standards in § NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
  - b. Hydraulic modeling  
The regional flood elevation shall be based on the standards in § NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. 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.
  - ii. channel sections must be surveyed.
  - iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
  - iv. 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.
  - v. the most current version of HEC-RAS shall be used.
  - vi. a survey of bridge and culvert openings and the top of road is required at each structure.
  - vii. 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.
  - viii. 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.
  - ix. 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.
- c. 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.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
  - ii. 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.

## 2. Zone AE Floodplains

### a. 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. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

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

i. 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.

ii. 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.

iii. 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.

iv. 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.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. 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.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i. 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.

- ii. 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.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. 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.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. 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.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance 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. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(3) 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 or their designee, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building, premises, or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) 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;
- (d) 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 § 450-28 are met.

- (e) Where applicable pursuant to § 450-18(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- (f) Where applicable pursuant to § 450-18(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by § 450-18(4).

(4) **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.

**450-25 ZONING AGENCY**

(1) The City Building Inspector shall:

- (a) oversee the functions of the office of the Zoning Administrator or their designee; and
- (b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
- (c) publish adequate notice pursuant to Ch. 985, Wis. Stats., specifying the date, time, place, and subject of the public hearing.

(2) The City Building Inspector shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
- (b) amend the text or zoning maps in place of official action by the governing body.

**450-26 BOARD OF APPEALS**

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

(1) **POWERS AND DUTIES**

The Board of Appeals shall:

- (a) 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 ordinance;
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

(c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

(a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the City affected by any decision of the Zoning Administrator or their designee 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.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
- c. 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.

2. Hearing - Any party may appear in person or by agent. The board shall:

- a. Resolve boundary disputes according to § 450-26(3);
- b. Decide variance applications according to § 450-26(4); and
- c. Decide appeals of permit denials according to § 450-27.

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

- 1. Be made within a reasonable time;
- 2. Be sent to the Department Regional office within 10 days of the decision;
- 3. Be a written determination signed by the chairperson or secretary of the Board;
- 4. State the specific facts which are the basis for the Board's decision;
- 5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
- 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

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

(a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.

- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (c) 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 § 450-30 *Amendments*.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
  - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - 3. The variance is not contrary to the public interest; and
  - 4. The variance is consistent with the purpose of this ordinance in § 450-3.
- (b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
  - 1. The variance shall not cause any increase in the regional flood elevation;
  - 2. The applicant has shown good and sufficient cause for issuance of the variance;
  - 3. Failure to grant the variance would result in exceptional hardship;
  - 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing City laws or ordinances;
  - 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- (c) A variance shall not:
  - 1. Grant, extend or increase any use prohibited in the zoning district;
  - 2. Be granted for a hardship based solely on an economic gain or loss;
  - 3. Be granted for a hardship which is self-created.
  - 4. Damage the rights or property values of other persons in the area;
  - 5. Allow actions without the amendments to this ordinance or map(s) required in § 450-30 *Amendments*; and

6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

- (d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

**450-27 TO REVIEW APPEALS OF PERMIT DENIALS**

- (1) The Zoning Agency (§ 450-25) or Board shall review all data related to the appeal. This may include:
  - (a) Permit application data listed in § 450-24(2);
  - (b) Floodway/floodfringe determination data in § 450-18(5);
  - (c) Data listed in § 450-13(1)(b) where the applicant has not submitted this information to the Zoning Administrator or their designee; and
  - (d) Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
  - (a) Follow the procedures of § 450-26;
  - (b) Consider zoning agency recommendations; and
  - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
  - (a) 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 § 450-30 *Amendments*; and
  - (b) 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.

**450-28 FLOODPROOFING STANDARDS**

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in §§ 450-6, Article III, Article IV, § 450-18 or § 450-19.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

- (a) certified by a registered professional engineer or architect; or
  - (b) meeting or exceeding the following standards:
    - 1. 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;
    - 2. the bottom of all openings shall be no higher than one foot above grade; and
    - 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
- (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - (b) Protect structures to the flood protection elevation;
  - (c) Anchor structures to foundations to resist flotation and lateral movement;
  - (d) Minimize or eliminate infiltration of flood waters;
  - (e) Minimize or eliminate discharges into flood waters;
  - (f) Placement of essential utilities to or above the flood protection elevation; and
  - (g) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    - 4. The use must be limited to parking, building access or limited storage.

**450-29 PUBLIC INFORMATION**

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.

- (3) Real estate transfers should show what floodplain district any real property is in.

**ARTICLE VIII**  
**AMENDMENTS**

**450-30 AMENDMENTS**

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with § 450-31.

- (1) 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 ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with § 450-31. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) 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 ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with § 450-31.

**450-31 GENERAL**

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in § 450-32, 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:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in § 450-5(2)(b);
- (4) 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;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Admin. Code, or otherwise required by law, or for changes by the City; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

**450-32 PROCEDURES**

Ordinance amendments may be made upon petition of any party according to the provisions of § 62.23, Wis. Stats. The petitions shall include all data required by § 450-18(5) and § 450-24(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) 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.

- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

## **ARTICLE IX** **ENFORCEMENT AND PENALTIES**

### **450-33 ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the City attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the City a penalty of not more than \$50.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the City, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats

## **ARTICLE X** **DEFINITIONS**

### **450-34 DEFINITIONS**

Unless specifically defined, words and phrases in this ordinance 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.

- (1) A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (2) AH ZONE – See “AREA OF SHALLOW FLOODING”.
- (3) AO ZONE – See “AREA OF SHALLOW FLOODING”.
- (4) ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure, or building. An accessory structure shall not be used for human habitation.
- (5) ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- (6) AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on the City’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding

to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

- (7) **BASE FLOOD** – Means 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.
- (8) **BASEMENT** – Any enclosed area of a building having its floor sub-grade on all sides.
- (9) **BREAKAWAY WALL** – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- (10) **BUILDING** – See **STRUCTURE**.
- (11) **BULKHEAD LINE** – A geographic line along a reach of navigable water that has been adopted by a City 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 highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- (12) **CAMPGROUND** – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- (13) **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, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
- (14) **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 the provisions of this ordinance.
- (15) **CHANNEL** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (16) **COASTAL FLOODPLAIN** – An area along the coast of Lake Michigan or Lake Superior which is inundated by the regional flood, and which is also subject to additional hazard due to wave runup.
- (17) **COASTAL HIGH HAZARD AREA** – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms.
- (18) **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.
- (19) **DECK** – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
- (20) **DEPARTMENT** – The Wisconsin Department of Natural Resources.



- (21) **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.
- (22) **DRYLAND ACCESS** – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (23) **ENCROACHMENT** – Any fill, structure, equipment, use or development in the floodway.
- (24) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency that administers the National Flood Insurance Program.
- (25) **FLOOD INSURANCE RATE MAP (FIRM)** – A map of the City on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the City. This map can only be amended by the Federal Emergency Management Agency.
- (26) **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:
- The overflow or rise of inland waters;
  - The rapid accumulation or runoff of surface waters from any source;
  - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
  - 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.
- (27) **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.
- (28) **FLOODFRINGE** – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (29) **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.
- (30) **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, which accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

- (31) FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
- (32) FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (33) FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (34) 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.
- (35) 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.
- (36) FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
- (37) FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (38) FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (39) 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.
- (40) HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
- (41) 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 (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. City ordinances or bylaws may require additional notice, exceeding these minimums.
- (42) 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.

- (43) HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (44) HISTORIC STRUCTURE – Any structure that is either:
- 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;
  - 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;
  - 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
  - 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.
- (45) 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.
- (46) LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- (47) LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
- (48) LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in § 450-19(2)(f), is not considered the building's lowest floor.
- (49) MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.
- (50) 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."
- (51) 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.
- (52) 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 ordinance. 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.

- (53) 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.
- (54) 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."
- (55) 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.
- (56) MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- (57) MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- (58) 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.
- (59) 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.
- (60) MODERATE WAVE ACTION AREA (MoWA) – A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet, where the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate Wave Action, where identified. (Also known as "coastal A zone").
- (61) MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
- (62) NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
- (63) NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.

- (64) NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by the City and includes any subsequent improvements to such structures.
- (65) NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
- (66) NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- (67) NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (68) 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.
- (69) OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in § 450-5(2), which has been approved by the Department and FEMA.
- (70) OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
- (71) ORDINARY HIGHWATER 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.
- (72) PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
- (73) PRIMARY FRONTAL DUNE – A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.
- (74) 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.
- (75) 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.

- (76) REASONABLY SAFE FROM FLOODING – Means base flood waters 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.
- (77) 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.
- (78) SAND DUNES – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- (79) 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 that alteration affects the external dimensions of the building.
- (80) 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 lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.
- (81) SUBDIVISION – Has the meaning given in § 236.02(12), Wis. Stats.
- (82) SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- (83) SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent 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 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.
- (84) 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 ordinance.

- (85) VARIANCE – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- (86) VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- (87) WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.
- (88) 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.
- (89) WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

**Section 2.** This ordinance shall take effect upon adoption and publication as provided by law.

Adopted and dated this \_\_\_\_\_ day of June, 2024.

**ATTEST:**

\_\_\_\_\_  
Susan L. Westerbeke, City Clerk

\_\_\_\_\_  
Theodore Neitzke IV, Mayo

## COMPARISON OF CURRENT ORDINANCE AND PROPOSED ORDINANCE FOR FLOODPLAINS

<b>Current Ordinance</b>	<b>Proposed Ordinance</b>	<b>Comments</b>
Areas to be regulated include areas covered by the regional flood or base flood	Regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, VE, V1-30, or V	With the 2007 FIRM, FEMA started to identify the flood zone based on the water type, ie River, Lake, Pond, Coastal, etc
References the 2007 FIRM and FIS	References the 2024 FIRM and FIS	
	Definitions of the various districts changed (floodway, flood fringe, etc)	
	Removal of Lands from Floodplain process is established	
	Compliance section includes additional language	
	A Severability section has been added.	If one section of the ordinance is declared unconstitutional the remaining sections are still in effect.
Allows an increase in the regional flood height due to floodplain storage area lost of 0.01 feet	No increase in the regional flood storage height due to floodplain storage area lost.	
	Further defines requirements for campgrounds located in the flood plain.	
	Allows the following uses in the floodway: Portable latrines, wells, wastewater treatment ponds or facilities, sanitary sewer or water supply lines,	
	Requires a certification from a professional engineer for permitted structures and utilities within the floodway	
Term “floodproofed” is used in various sections	Phrase “ minimize or eliminate infiltration of flood waters” is used	
Flood storage district is used	This district is incorporated into the definition of flood fringe	



<b>Current Ordinance</b>	<b>Proposed Ordinance</b>	<b>Comments</b>
	Adds Coastal Floodplain District and requirements	
	Allows for modifications of a structure exceeding the 50% rule.	The 50% rule allowed a structure in a floodplain to be improved up to 50% of its value.

In general, the old ordinance is 28 pages. The new ordinance is 44 pages. Much has been added to clarify meaning and intent.

43° 24'22.53" N,  
87° 52'30.02" W

Ozaukee County  
Unincorporated Areas  
550310

Ozaukee County  
Unincorporated Areas  
550110

43° 24'22.53" N,  
87° 50'37.52" W

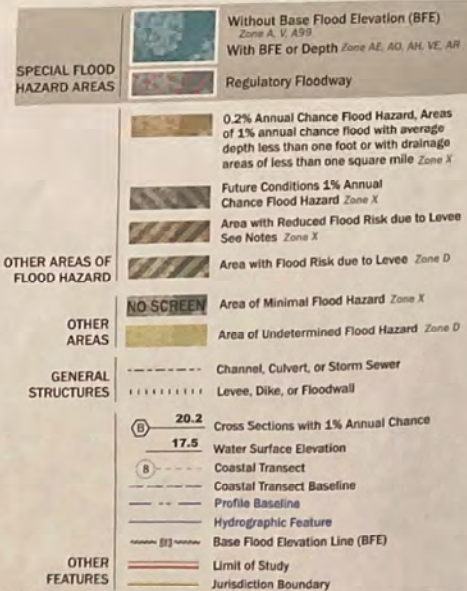


43° 22'30.03" N,  
87° 52'30.02" W

43° 22'30.03" N,  
87° 50'37.52" W

**FLOOD HAZARD INFORMATION**

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT. THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)



**NOTES TO USERS**

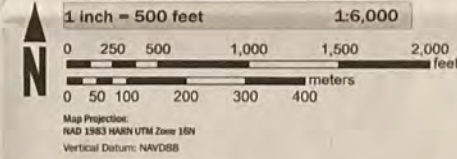
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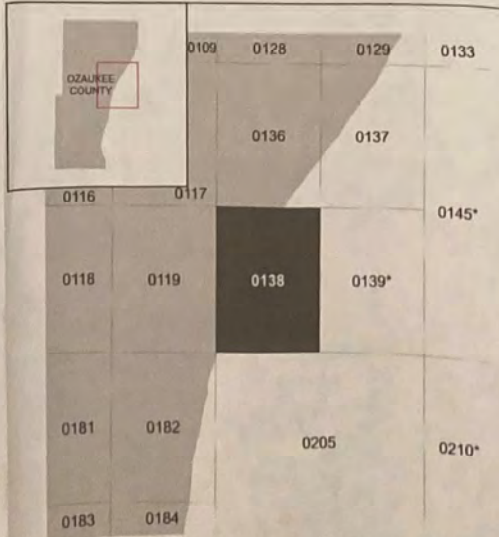
Basemap information shown on this FIRM was provided in digital format by the United States Geological Survey (USGS). The basemap shown is the USGS National Map: Orthorectified, Last refreshed October, 2020.

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**SCALE**



**PANEL LOCATOR**



\*PANEL NOT PRINTED

**FEMA**  
National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP

**OZAUKEE COUNTY WISCONSIN AND INCORPORATED AREAS**

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CITY OF PORT WASHINGTON	550316	0138	G
OZAUKEE COUNTY UNINCORPORATED AREAS	550310	0138	G

MAP NUMBER  
55089C0138G  
EFFECTIVE DATE  
July 31, 2024



**FLOOD HAZARD INFORMATION**

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- SPECIAL FLOOD HAZARD AREAS**
  - Without Base Flood Elevation (BFE) Zone A, V, A99
  - With BFE or Depth Zone AE, AO, AH, VE, AR
  - Regulatory Floodway
  - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
  - Future Conditions 1% Annual Chance Flood Hazard Zone X
  - Area with Reduced Flood Risk due to Levee See Notes Zone X
  - Area with Flood Risk due to Levee Zone D
- OTHER AREAS OF FLOOD HAZARD**
  - NO SCREEN Area of Minimal Flood Hazard Zone X
  - Area of Undetermined Flood Hazard Zone D
- OTHER AREAS**
- GENERAL STRUCTURES**
  - Channel, Culvert, or Storm Sewer
  - Levee, Dike, or Floodwall
- OTHER FEATURES**
  - 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
  - 17.5 Coastal Transect
  - Coastal Transect Baseline
  - Profile Baseline
  - Hydrographic Feature
  - Base Flood Elevation Line (BFE)
  - Limit of Study
  - Jurisdiction Boundary

**NOTES TO USERS**

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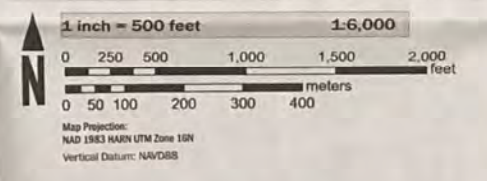
For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6622.

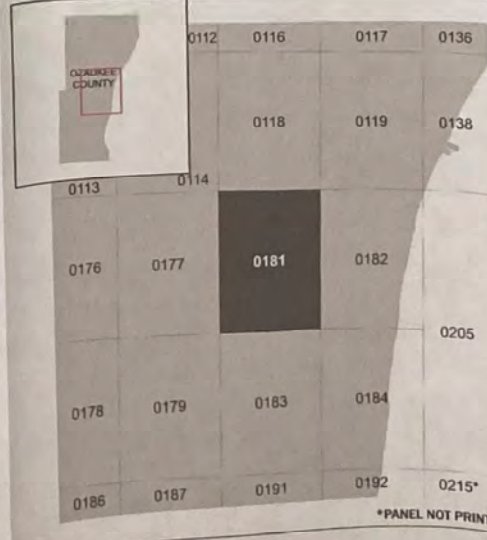
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**SCALE**



**PANEL LOCATOR**



**FEMA**  
National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM  
FLOOD INSURANCE RATE MAP**

**OZAUKEE COUNTY  
WISCONSIN  
AND INCORPORATED  
AREAS**

Panel Contains:

COMMUNITY	NUMBER	PANEL	SU
CITY OF PORT WASHINGTON	550316	0181	G
OZAUKEE COUNTY UNINCORPORATED AREAS	550310	0181	G
VILLAGE OF SAUKVILLE	550317	0181	G

MAP N 55089C EFFECTIVE July 31



43° 26'15.03" N,  
87° 54'22.52" W

43° 26'15.03" N,  
87° 54'22.52" W

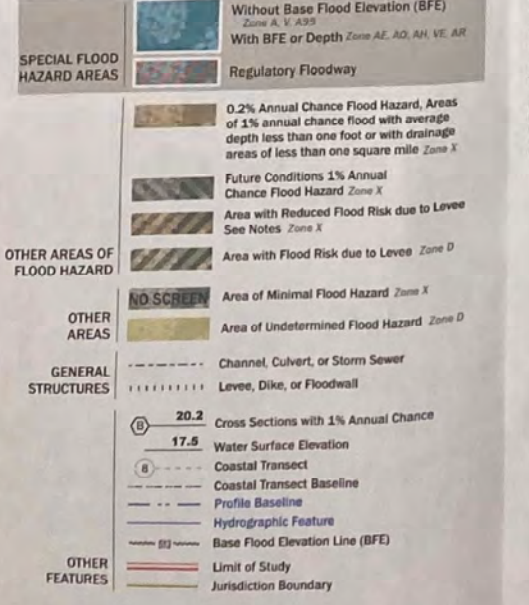


43° 24'22.53" N,  
87° 54'22.52" W

43° 24'22.53" N,  
87° 52'30.02" W

**FLOOD HAZARD INFORMATION**

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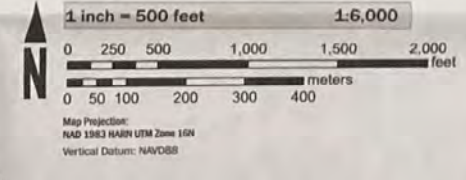
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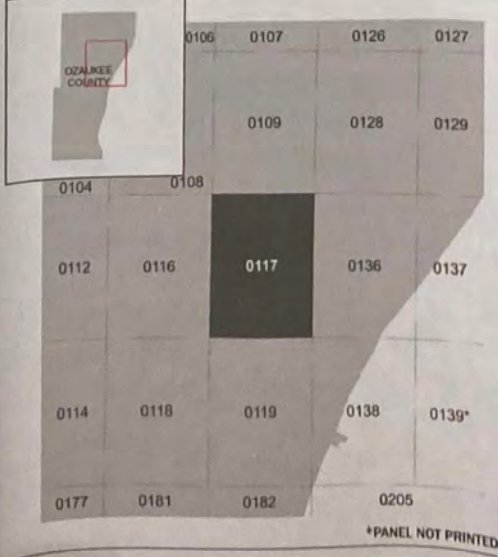
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**SCALE**



**PANEL LOCATOR**



**National Flood Insurance Program**

**NATIONAL FLOOD INSURANCE PROGRAM  
FLOOD INSURANCE RATE MAP**

**OZAUKEE COUNTY  
WISCONSIN  
AND INCORPORATED  
AREAS**

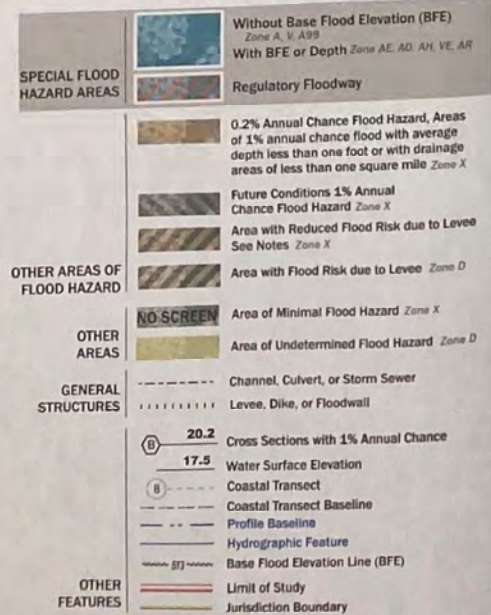
COMMUNITY	NUMBER	PANEL SU
CITY OF PORT WASHINGTON	050318	0117 0
OZAUKEE COUNTY UNINCORPORATED AREAS	050310	0117 0

MAP NUM  
55089C01  
EFFECTIVE D  
July 31, 2



**FLOOD HAZARD INFORMATION**

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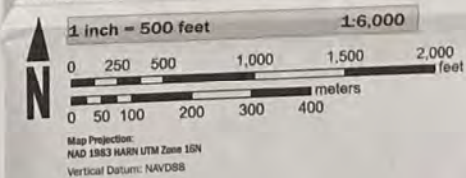
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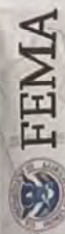
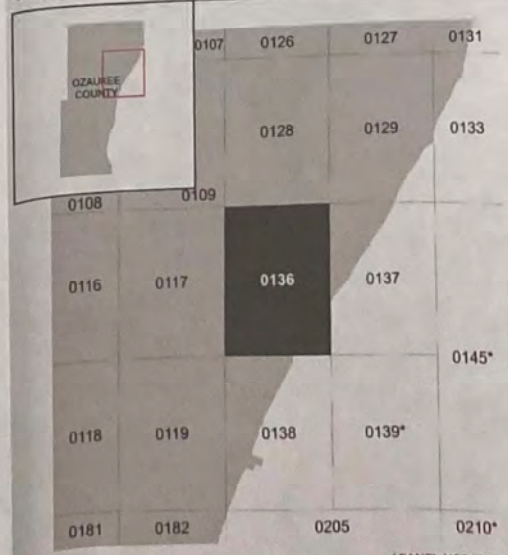
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**SCALE**



**PANEL LOCATOR**



**National Flood Insurance Program**

NATIONAL FLOOD INSURANCE PROGRAM  
FLOOD INSURANCE RATE MAP

**OZAUKEE COUNTY  
WISCONSIN  
AND INCORPORATED  
AREAS**

Panel Contains:

COMMUNITY	NUMBER	PANEL
CITY OF PORT WASHINGTON	550316	0136
OZAUKEE COUNTY UNINCORPORATED AREAS	550310	0136



43° 24'22.53" N,  
87° 56'15.02" W

43° 24'22.53" N,  
87° 54'22.52" W

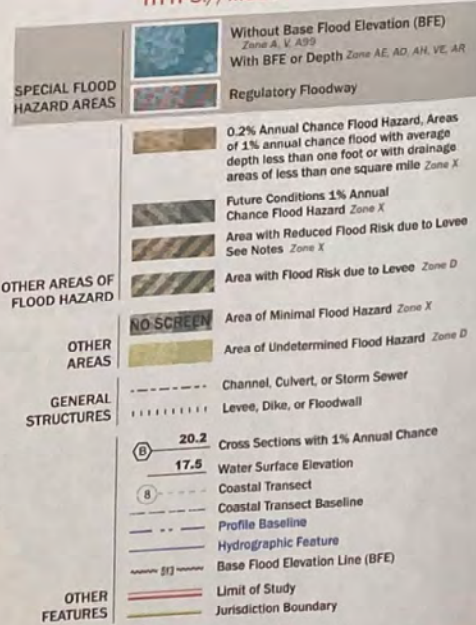


43° 22'30.03" N,  
87° 56'15.02" W

43° 22'30.03" N,  
87° 54'22.52" W

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**NOTES TO USERS**

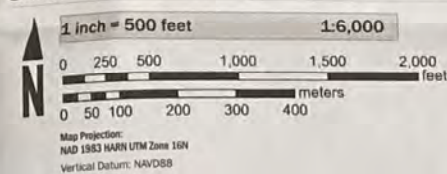
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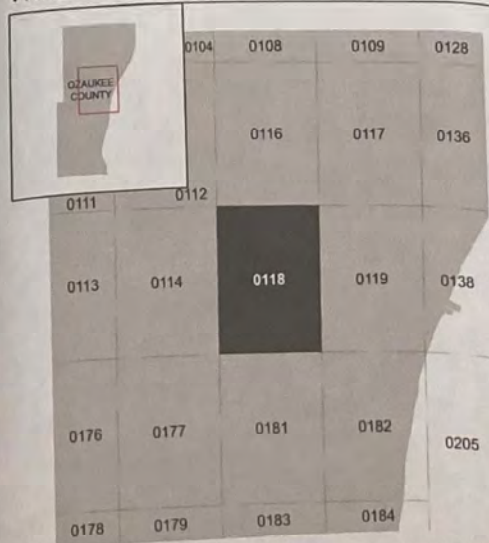
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**SCALE**



**PANEL LOCATOR**



**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP

OZAUKEE COUNTY  
WISCONSIN  
AND INCORPORATED  
AREAS



Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
VILLAGE OF SAUKVILLE	550317	0118	G
CITY OF PORT WASHINGTON	550318	0118	G
OZAUKEE COUNTY UNINCORPORATED AREAS	550310	0118	G

MAP NUMBER  
55089C0118G  
EFFECTIVE DATE  
July 31, 2024



# AGENDA ITEM MEMORANDUM

## City of Port Washington

**TO:** General Governance and Finance Committee

**FROM:** Mark Mitchell, Fire Chief

**DATE:** June 13, 2024

**SUBJECT:** Consideration and Recommendation to Order and Purchase a 2028 Pierce Enforcer 100' Aerial Tower Truck

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**ISSUE:** The current 5-year Capital Budget forecast calls for replacing the Department's current 1997 Pierce Lance 100' Aerial Tower truck in 2027. Due to a backlog of orders, the earliest a new apparatus would be able to be built and delivered would be 2028. The fire department's apparatus replacement committee has been meeting with a representative from our Pierce dealership to work on specifications for a new apparatus. These specifications resulted in the attached proposal that the Police and Fire Commission acted on at their 06/10/2024 meeting. That action is seen below.

**STAFF RECOMMENDATION:** At the June 10, 2024 meeting of the Port Washington Police and Fire Commission, Chief Mitchell presented a proposal from Reliant Fire Apparatus, Inc. which is the dealership for Pierce Manufacturing, for the purchase of a 2028 Pierce Enforcer 100' Aerial Tower truck for \$2,096,590.00. The Police and Fire Commission reviewed the proposal and the pre-payment options that were within the proposal. It was noted that there will be a 1.75% price increase on August 1, 2024. After discussion, Chief Mitchell recommended that this proposal be accepted. A motion was duly made, seconded, and unanimously passed, to recommendation to the Common Council to accept the proposal from Reliant Fire Apparatus for the order and purchase of a 2028 Pierce Enforcer 100' Aerial Tower truck for \$2,096,590.00. The motion also included to note the price increase of 1.75% on August 1, 2024.

**RECOMMENDED MOTION:** The motion to be made would be: Move to accept the proposal from Reliant Fire Apparatus and to enter into a contract to order and purchase a 2028 Pierce Enforcer 100' Aerial Tower truck for \$2,096,590.00, noting that there will be a 1.75% price increase on August 1, 2024.

**BACKGROUND/DISCUSSION:** The following is the narrative in the current 5-year Capital Budget request: The Fire Department's Aerial Platform Truck 460 will be 30 years old in 2027. The NFPA standard 1900 recommends 15 years of frontline service for an aerial apparatus and 10 years in reserve. By 2027 Truck 460, the Department's only aerial truck, will have 30 years as only a frontline apparatus. An aerial apparatus is required by the Insurance Services Office (ISO) to maintain the City's Fire Protection Class 3 rating. Although a building's height is the main reason for a fire department to have an aerial apparatus (Truck 460's reach is 100'), even building between 2-5 stories require an aerial truck for roof access due to setbacks and other obstructions. When Truck 460 was placed in service, there was only one building over 3 stories in height, the Harbor Village building. Today, there are over a dozen either existing or approved for construction, including the 9-story condo building on Lake Street.

Another feature of a modern aerial platform truck is its ability to extend below grade to a certain degree. This allows the Department's Bluff Rescue Team the opportunity to use the extended platform to serve to access a possible victim below by rappelling down from above.

### STRATEGIC PLAN:

- 1. Strategic Direction:** The replacement of the Department's 1997 Aerial Tower truck keeps the Department compliant with National Fire Protection Association (NFPA) Standard 1900 for the

timely replacement of an aerial truck. It also satisfies the Insurance Services Office (ISO) requirement of, the need to have an aerial device to maintain the City's Class 3 fire protection rating.

2. **Impact to Strategic Direction:** See the above.

**LEGAL:**

1. **City Attorney Review:** Pending the City Administrator's review.
2. **Legal Comments & Conclusions:**
3. **Statutory References:**

**FISCAL IMPACT:** (If there is no fiscal impact, please write, "there is no fiscal impact.")

1. **Amount of Recommendation/Cost of Project:** \$2,096,590.00  
Initial Project Cost Estimate: \$ 2,096,590.00  
Approved Budget Project Cost: Approval request will be in 2025 for the 2028 Capital Projects Fund.  
Prior Year Expenditures: \$0  
Total Project Costs to Date: \$0
2. **Source of Funding:** 2028 Capital Projects Fund.
3. **Operating and Maintenance Cost:** Annual operational budgets for aerial tower maintenance, testing, tires. etc.

**BOARD/COMMITTEE/COMMISSION RECOMMENDATION:** After discussion at their June 10, 2024 meeting, the Police and Fire Commission passed a motion to recommend the proposal to order and purchase of a 2028 Pierce Enforcer 100' Aerial Tower truck. This is pending consideration by the General Governance and Finance Committee at their June 18, 2024 meeting.

**PUBLIC OUTREACH:** None

**IF APPROVED, NEXT STEPS:** This request is to obtain Council approval just place the order prior to 8/1/2024, when the next price increase occurs. There will be no financial obligation until 10 days prior to the delivery of the apparatus in 2028, unless for some reason the order is canceled prior to delivery. If canceled, there is a graduated scale of fees that the City would be obligated to pay.

**ATTACHMENTS:**

- Proposal #696 from reliant fire apparatus.
- Diagram and photo of similar apparatus for reference.

# RELIANT FIRE APPARATUS, INC.

P.O. BOX 470 • SLINGER, WISCONSIN 53086 • PHONE (262) 297-5020



June 3, 2024

Port Washington Fire Department  
Fire Chief Mark Mitchell  
104 W. Washington Street  
Port Washington, WI 53074

Proposal Detail: Reliant Fire Apparatus Proposal #696 dated June 3, 2024 for one (1) Pierce 100' Aerial Tower Platform Apparatus mounted on an Enforcer Chassis.

Dear Chief Mitchell,

Thank you for the opportunity to present this Proposal Detail to the Port Washington Fire Department. Attached you will find the completed proposal for the apparatus to be furnished. The pricing information for the Proposal Detail is as follows:

### **Pricing Summary:**

Base Unit Price Prior to Payment Discount Options Detailed Below: **\$2,096,590.00**

### **100% Prepayment Option:**

Should the Port Washington Fire Department elect to make 100% payment at contract execution an advanced payment discount can be subtracted from the Base Unit Price, resulting in the following contract amount:

Base Unit Price Prior to Payment Discount:	\$2,096,590.00
Less Advanced Payment Discount:	<u>(\$286,850.00)</u>
Contract Purchase Price:	<b><u>\$1,809,740.00</u></b>

### **Progress Payment Option:**

Should the Port Washington Fire Department elect to make a progress payment a discount can be subtracted from the Base Unit Price, resulting in the following contract amount:

Base Unit Price Prior to Progress Payment Discount:	\$2,096,590.00
Less Chassis Progress Payment Discount:	(\$21,669.00)
Less Aerial Progress Payment Discount:	<u>(\$11,048.00)</u>
Contract Purchase Price:	<b><u>\$2,063,873.00</u></b>

Chassis progress payment due will be in the amount of \$830,677.00. Aerial progress payment due will be in the amount of \$635,297.00 for payment scheduled detailed below in Payment Terms.

### **Other Payment Option:**

The above prepayment options are the most common taken. However, custom prepayment options are available on any funds prepaid prior to their due dates. Should the opportunity exist to have other

prepayment amounts or intervals other than the proposed above, please provide and a custom prepayment option quote can be calculated for your review.

**100% Performance Bond:**

Should the Port Washington Fire Department elect to have a Performance Bond provided \$7,136.00 will need to be added to the above pricing detail.

**Pricing Increase Notification:**

The next price increase for budgetary purposes will take effect on August 1, 2024 and be in the amount of 1.75%. For pricing that is for contract and purchase on or after August 1, 2024 the base price will be increased by the amount of 1.75%.

**Terms and Conditions:**

Pricing Validity – Proposal pricing is valid for thirty (30) calendar days.

Delivery – Unit(s) to be completed and prepared for final inspection within approximately 44.0 – 47.0 months from receipt and acceptance of contract or purchase order. Delivery lead time is based on current lead time at time of proposal. Lead time will be determined at time of contract/purchase order award.

Taxes – Any State, Federal, or local taxes are not included. If subject to taxes the amount will be added to the final invoice amount. For a tax-exempt purchase, the purchasing entity tax exempt form is required.

Freight – Delivery shall be F.O.B. Pierce Manufacturing, Appleton, WI.

Payment Form – Payment to be made in the form of cash or check.

**Payment Terms:**

**Base Option:**

Payment due in full to Reliant Fire Apparatus, Inc. N10 days prior to final inspection and delivery from the Pierce Manufacturing, Inc. build location. No payment is due in advance or during the build process to enter into contract.

**100% Prepayment Option:**

Payment due in full at time of receipt and acceptance of contract or purchase order.

**Custom Chassis Aerial Progress Payment Option:**

The chassis progress payment is due 120 days after receipt and acceptance of contract or purchase order. The aerial progress payment is due 150 days after receipt and acceptance of contract or purchase order. The remaining balance is due in full N10 days prior to final inspection and delivery from Pierce Manufacturing, Inc. build location.

Said apparatus and equipment are to be built and shipped in accordance with the proposal hereto attached. Delays due to strikes, war, conflicts, pandemics, supply chain issues, or other causes beyond our control, could alter the delivery schedule.

The proposal herein contained shall form part of the final contract and are subject to changes as desired by the purchaser, provided such changes are acknowledged and agreed to in writing by the purchaser.

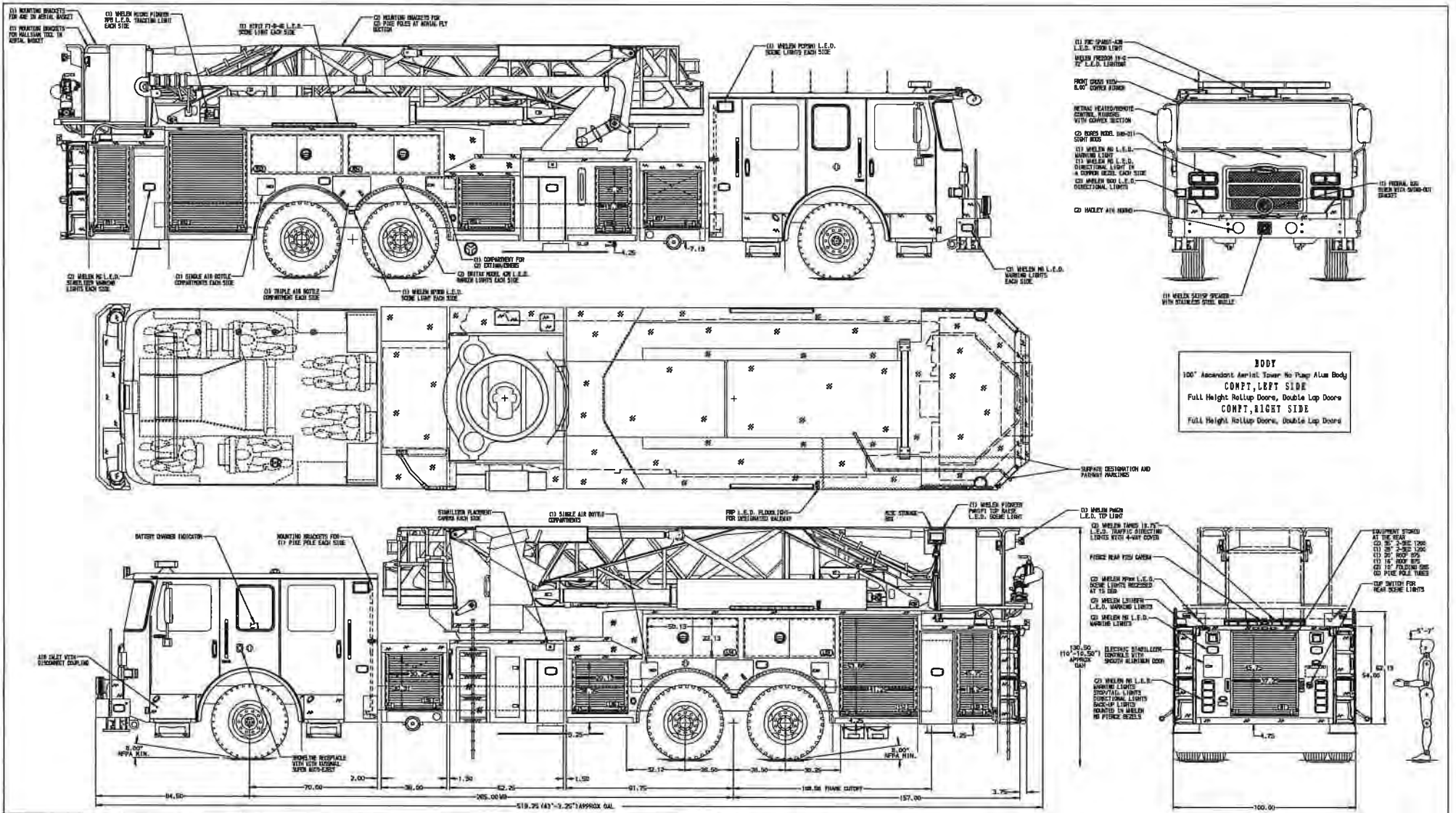
This proposal for fire apparatus conforms with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of proposal, except for any items deemed to be "non-compliant" by the purchaser. All "non-compliant" items are detailed on the NFPA Statement of Exceptions included with the proposal.

We thank the Port Washington Fire Department for the opportunity to submit Reliant Fire Apparatus proposal #696 to you. Should you have any questions or require any additional information, please do not hesitate contacting me directly, or contacting Reliant Fire Apparatus directly at (262) 297-5020.

Respectfully,

*Brett Krueger*

Brett Krueger  
Reliant Fire Apparatus, Inc.



**BODY**  
 100" Ascendant Aerial Tower No Flag Alum Body  
 COMPT, LEFT SIDE  
 Full Height Roll-Up Doors, Double Lap Doors  
 COMPT, RIGHT SIDE  
 Full Height Roll-Up Doors, Double Lap Doors

<b>CHASSIS</b> Enforcer Chassis ENGINE 500 HP Cummins X12 Engine	<b>CAB</b> 6000 Enforcer Cab BUMPER 15" Polished Aluminum	<b>AXLE, FRONT, CUSTON</b> 24,000 Lb TAC-4 Axle AXLE, REAR 52,000 Lb Maritor Axle	<b>TRANSMISSION</b> Allison 400 Gen, 4500 EYE H	<b>COMPARTMENT-NO POXY</b> 36 Compartment, No Pump, Double Lap Doors	<b>SAFETY</b> Side Roll and Frontal Impact Protection
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**NOTE**  
 DIMENSIONS SHOWN ARE APPROXIMATE AND ARE SUBJECT TO MINOR DEVIATIONS AS MAY OCCUR OR BE NECESSARY IN CONSTRUCTION.  
 MINOR DETAILS NOT SHOWN.

<b>Pierce MANUFACTURING INC.</b>		JOB NO.	39789
		SCALE	1:24
		DATE	06JUN23
		DESIGN BY	ANZ
		CHECKED BY	NAK
		DRAWN BY	NAK
		DATE	13JUN23
		DWG NO.	39789AD
		REV	1 of 1

