



# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org

Phone: 262-245-2700

## NOTICE

### COMMITTEE MEETINGS

**WEDNESDAY, FEBRUARY 16, 2022 AT 6:30 PM**  
**LION'S CLUB FIELD HOUSE**

## AGENDA

The following agenda items may be considered for Discussion, Consideration, or Action

**I. Parks & Lakefront Committee – D'Alessandro, Stanek, Wright**

- a. Call to Order
- b. Roll Call
- c. Parks & Lakefront Committee Meeting Minutes of January 12, 2022
- d. Community Garden Discussion and Alternatives
- e. R-4-22 Amending Fee Schedule for beach fees
- f. R-7-22 Amending fee schedule for kayak and paddleboard rental fees
- g. Robert J. Carlson Memorial Park
- h. Williams Bay Fine Art and Crafts Fest Edgewater Park Use Application for July 29-31 2022
- i. Adjourn

**II. Protective Services Committee – Vlach, Umans, D'Alessandro**

- a. Call to Order
- b. Roll Call
- c. Protective Services Committee Meeting Minutes of January 12, 2022
- d. Protective Services Committee Meeting Minutes of January 14, 2022
- e. Santa Cause Inc. Farmer's Market Temporary Class "B" and "Class B" License Application for multiple dates in 2022
- f. Williams Bay Women's Civic League Temporary Class "B" and "Class B" License Application for May 7, 2022
- g. Chief's Report
- h. Monthly Numbers
- i. Adjourn

**III. Streets & Highways Committee – Stanek, Umans, Vlach**

- a. Call to Order
- b. Roll Call

- c. Streets & Highways Committee Meeting Minutes of January 12, 2022
- d. BIL (Bipartisan Infrastructure Law) Funding
- e. Adjourn

**IV. Finance & Personnel Committee – Parker, D’Alessandro, Wright**

- a. Call to Order
- b. Roll Call
- c. Finance & Personnel Committee Meeting Minutes of January 12, 2022
- d. Finance & Personnel Committee Meeting Minutes of January 17, 2022
- e. Finance & Personnel Committee Meeting Minutes of January 28, 2022
- f. R-8-22 Resolution to Amend the 2022 Budget
- g. Village Employee Credit Card Policy
- h. Village Surplus Property
- i. Adjourn

**V. Water & Sewer Committee – Umans, Parker, Stanek**

- a. Call to Order
- b. Roll Call
- c. Water & Sewer Committee Meeting Minutes of January 12, 2022 5:45pm
- d. Water & Sewer Committee Meeting Minutes of January 12, 2022 6:30pm
- e. Water & Sewer Committee Meeting Minutes of January 17, 2022
- f. Adjourn

**VI. Building, Zoning & Ordinance Committee – Wright, Vlach, Parker**

- a. Call to Order
- b. Roll Call
- c. Building, Zoning & Ordinance Committee Meeting Minutes of January 12, 2022
- d. Updated Contract with SafeBuilt
- e. Ordinance #2022-04 - An Ordinance creating SECTIONS 281-1H. (9) AND 281-1L. (8) OF THE CODE OF ORDINANCES OF THE VILLAGE OF WILLIAMS BAY ESTABLISHING WHARF AND PIER NUMBER REQUIREMENT AND PENALTY FOR VIOLATION
- f. Ordinance #2022-03 - An Ordinance Amending Sections 390-0212C., 390-0214C., 390-0215C., 390-0216C., and 390-0310M. of the Code of Ordinances of the Village of Williams Bay Concerning Tourist Rooming Houses - REVIEW ONLY
- g. Ordinance #2022-05 - An Ordinance Creating Section 390-0504B. of the Code of Ordinances of the Village of Williams Bay Concerning Utility Setback - REVIEW ONLY
- h. Floodplain Ordinance Update
- i. Adjourn

*Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Village Clerk's office in advance so the appropriate accommodations can be made.*





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## UNOFFICIAL MINUTES PARKS AND LAKEFRONT COMMITTEE WEDNESDAY, JANUARY 12, 2022 AT 6:30 PM VILLAGE HALL COUNCIL ROOM

### Call to Order

Meeting was called to order by Chairman D'Alessandro at 7:02pm

### Roll Call

Present: Trustees D'Alessandro, Stanek and Wright

Also Present: President Duncan, Trustee Parker, Vlach and Umans, Administrator Tobin, Treasurer Peternell, Public Works Director Edwards, Police Chief Timm and Recreation Director Edwards.

### Meeting Minutes

Stanek/Wright motion to approve meeting minutes of December 15, 2021. Unanimously carried.

### Austin Pier repair estimates

Wright/Stanek motion to recommend Village Board approval of Austin Pier repair estimates in the amount of \$8,544.80. Unanimously carried.

### Gage Marine pier repair estimates

Wright/Stanek motion to recommend Village Board approval of Gage repair estimates in the amount of \$31,523.80 for the East Piers and \$35,089.93 for the West Piers. Unanimously carried.

### Kayak Rental fees and Policies

Discussion was held regarding the rental fees and creating a cancellation policy. Peternell stated that during the 2022 budget meetings an increase was included to cover the cost of additional Recreation Department part-time staff and to have the fees consistent with rental rates of neighboring communities. Wright stated that a profit and loss review needs to be done before proceeding with increasing fees. Discussion was held regarding creating a cancellation policy. D'Alessandro stated that he would like to see a cancellation policy put in place that would require payment for cancelled reservations. Rowland stated that the majority of cancellations were done by staff due to inclement weather. The few cancellations that weren't weather related were filled by other customers. No action taken on creating a cancellation policy.

### R-4-22 Amending Fee Schedule for beach fees, kayak and paddleboard fees

Wright/Stanek motion to table item until February 16, 2022. Unanimously carried.

### Adjourn

Wright/Stanek motion to adjourn at 7:29pm. Unanimously carried.

/s/ Lori Peternell, Village Treasurer

*These are not official minutes until approved by the Parks and Lakefront Committee*



**Sent:** Wednesday, December 29, 2021, 09:09:47 AM CST

**Subject:** Re: Meeting

Fellow Lions,

As a Williams Bay Lion, and as a Village Trustee, I need your opinion on Village matter that relates to the Lion's Club. Many of you have made comments to me over the years that you would like to see the "Village Garden" located at Lion's Field moved from its current location right next to the Lion's Field House to possibly Theatre Road.

On December 15th, the Village Parks and Lakefront Committee held a meeting on the Community Garden issue and the Question: Should the Garden be relocated to Theatre Road? Many of you and others in the Village has questioned the condition, unsightliness, and how a Garden does not fit in Lion's Park. Several plot owners spoke in favor of leaving the Garden at Lion's Field, citing the cost of relocation, optimal soil conditions, and the educational value of the garden by those who visit the Park.

Prior to the Village Committee Meeting, we mapped out a location at Theatre Road in a location next to the Well, which is operational.

Because the Park and Field House bears our Lion's Club name, and quite a few Garden Plot Owners have emailed the Village in favor of keeping the Garden at its current location, I need to hear your opinions. Valuable input would be: Do you feel the Garden looks unsightly? Are you not opposed to the location, but you would like it to be cleaned up and upgraded? You like Community Gardens, but prefer a different location? No opinion?

Again, any input would be very valuable!

Thank you,

Lion Jim DAlessandro

Forwarded Message -----

**From:** ROBBINS, Matt <mrobbins@novaresteam.com>

**To:** Jim D'alessandro <harborview\_wb@yahoo.com>

**Sent:** Wednesday, December 29, 2021, 09:14:51 AM CST

**Subject:** RE: Meeting

Hi Jim,

Absolutely unsightly and should be relocated to Theatre Rd.

Thanks,

Matt

**Sent:** Wednesday, December 29, 2021, 09:46:47 AM CST

**Subject:** Re: Meeting

Dear Jim, Thank you for the opportunity to speak up on this subject. The wblc worked hard with the Village to build up the park for recreation for youth . I acknowledge that gardening can be recreation for adults...but the ascetic look of the park has been greatly diminished with the garden,fence, buckets, etc looking disheveled. Please move the garden out to the farm fields out on theater road. I would suggest that my future support rests on this move. Bruce Nelson

**Sent:** Wednesday, December 29, 2021, 10:48:43 AM CST

**Subject:** RE: Meeting

Good Morning, Jim.

As a long time resident of WB, I cringe when coming into town southbound on Hy. 67 while looking at the gardens. The term I use is "dumpy". Although not the Taj Mahal, the Field House and Lions Park are familiar and welcoming visages to many folks year 'round.

As a family, our preference would be to relocate the gardens to the Theatre Road location. With time & effort, the soils up above can be conditioned to match or exceed the quality of the Field House soils. The water well will provide the needed moisture, along with the rain barrels currently in use.

Please encourage the Village to mandate this move.

Lion Bob Morava

m D'alessandro

to me ▼

Wed, Dec 29, 2021, 11:2

JIMMY D....

OUR FAMILY FEELS THAT THEATRE ROAD WOULD BE A MUCH BETTER LOCALE FOR THE GARDENS AS LIONS PARK HAS BEEN TRADITIONALLY USED FOR YOUTH RECREATION....THE PRESENT LOCATION HAS BECOME KNOWN AS THE WB EYESORE...OUR PARK WILL BE A MUCH BETTER PLACE FOR A PLAYGROUND WITHOUT THE GARDENS PRESENT.....

THNX

**Jim D'alessandro**

to me ▾

Wed, Dec 29, 2021, 11:3

[rpinel@ymail.com](mailto:rpinel@ymail.com)>

To: Jim D'alessandro, Alvin Olsen, Anthony Devant, Berlyn Hoette, Bill White and 49 more...

Wed, Dec 29 at 11:24 AM

Jimmy,

I echo the sentiment of those previously responding. I am 100% in favor of relocating the garden to Theater Rd.

*Lion RP*

- <39deano39@charter.net>  
To: 'harborview\_wb@yahoo.com'

Wed, Dec 29 at 12:16 PM

Hi Jim,

Hope all is well, I think the garden is unsightly, and should be in a different location, I think it would be a better fit on Theatre road. Happy New year!

**Jim D'alessandro**

Thu, Dec 30, 2021, 11:4

to me ▾

[ttreichel54@gmail.com](mailto:ttreichel54@gmail.com)>

Wed, Dec 29 at 12:08 PM



Jim, I also echo the responses of the other members. I would like to see the garden relocated.  
I'm sure the soil on Theater Road is just fine.

Tom Treichel



[six.foot.12@gmail.com](mailto:six.foot.12@gmail.com)> Jack Lothian

Wed, Dec 29 at 1:02 PM

Jim,

I completely agree with the previous responses that the garden is an eyesore and should be removed from Lions Field.

I would like to add that there were plots at Theatre Road in the mid-80s. This was before the development of the sports fields and was located on the south half of what is now the parking lot. I see no good reasons why the plots can't or shouldn't be relocated back to their previous home. Although the parking lot is not the ideal location, there is plenty of land at the Theatre Road fields that can be made suitable for gardening. With the use of the well, it would be a great improvement filling old milk jugs to water the plants.

I strongly believe that the gardens need to be moved to Theatre Road. If not, they should at least be relocated to a less conspicuous location.

Thanks!  
Jack

[ccjll60@gmail.com](mailto:ccjll60@gmail.com)> Chris Lovendahl

Wed, Dec 29 at 2:24 PM

Jim,

Thanks for reaching out to all of us Lions.

Theater Road would be a better location. Return Lions Field to its former - better looks. In order to help the move, perhaps the Lions could donate some funds and muscle to help the Plot Owners make the move?

This could be a request for funding and help presented to the Lions - like our other community contributions...

Best regards, Chris Lovendahl

christopherpeck21@yahoo.com>

To: Jim D'alessandro

Mon, Jan 3 at 8:30 AM

Jim,

I know I am responding late on this. I agree with my fellow lions that the garden has become an eyesore for the community and if there is an alternative location I would be much in favor of moving it to this new location on Theatre Road. Hope this helps.

Lion Chris Peck



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## OOPS

1 message

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**Jim D'alessandro** <harborview\_wb@yahoo.com>

Tue, Feb 8, 2022 at 5:04 PM

To: Becky Tobin <admin@williamsbay.org>

Here are the comments from the Survey.

Support Kishwauketoe, more learning programs and excursions: Grow gardens and conservationists!

I'd like to see more support of the Rec. Dept. - specifically help with the community garden

No improvements needed-the Lions field is despicable! What was a beautiful green area is now a segregated fenced in mess!

It is most unfortunate that the first thing you see when entering our village is the unsightly dog park and community garden.

It looks disastrous!

Move that Garden out to Theatre Rd, It is such an eyesore coming into village. I wouldn't rent the Field House for any parties with that weed/Garden outside of it.

Add to dog park - some plantings to disguise fence.



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## RESOLUTION R-4-22

### **A RESOLUTION AMENDING THE FEE SCHEDULE FOR BEACH FEES**

**WHEREAS**, the Village of Williams Bay Village Board, Walworth County, State of Wisconsin has determined that it is prudent that fees be reviewed for cost effectiveness; and,

**WHEREAS**, the Village of Williams Bay desires to not reference specific dollar amounts within the Village Ordinances and instead, will provide a Resolution setting fees for passage; and,

**THEREFORE BE IT RESOLVED** that the Village of Williams Bay, Walworth County, Wisconsin by this resolution approves amendment to the fee schedule as defined in the attached Exhibit A.

Approved by the Village Board of the Village of Williams Bay this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF WILLIAMS BAY

By:\_\_\_\_\_

William Duncan, President

Attest:\_\_\_\_\_

Jackelyn Pankau-Daniels, Clerk

# Resolution R-4-22 Exhibit A

|                                                                                     |  |  |
|-------------------------------------------------------------------------------------|--|--|
|                                                                                     |  |  |
| Fees are changed by resolution of the Village Board of the Village of Williams Bay. |  |  |

[illegible]

[illegible]



# VILLAGE OF WILLIAMS BAY

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## RESOLUTION R-7-22

### **A RESOLUTION AMENDING THE FEE SCHEDULE FOR RENTAL FEES FOR KAYAK AND PADDLEBOARDS**

**WHEREAS**, the Village of Williams Bay Village Board, Walworth County, State of Wisconsin has determined that it is prudent that fees be reviewed for cost effectiveness; and,

**WHEREAS**, the Village of Williams Bay desires to not reference specific dollar amounts within the Village Ordinances and instead, will provide a Resolution setting fees for passage; and,

**THEREFORE BE IT RESOLVED** that the Village of Williams Bay, Walworth County, Wisconsin by this resolution approves amendment to the fee schedule as defined in the attached Exhibit A.

Approved by the Village Board of the Village of Williams Bay this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF WILLIAMS BAY

By:\_\_\_\_\_

William Duncan, President

Attest:\_\_\_\_\_

Jackelyn Pankau-Daniels, Clerk



## Resolution R-7-22 Exhibit A

Fees are changed by resolution of the Village Board of the Village of Williams Bay.

| Description                              | Fee   | Chapter Reference |
|------------------------------------------|-------|-------------------|
| <b>Kayak and Paddleboard rental fees</b> |       |                   |
| <u>Resident Rates</u>                    |       |                   |
| Kayak Tandem - 1 hour                    | \$20  | N/A               |
| Kayak Tandem - 2 hours                   | \$40  | N/A               |
| Kayak Tandem - 4 hours                   | \$55  | N/A               |
| Kayak Tandem - Day                       | \$90  | N/A               |
| Kayak Single - 1 hour                    | \$15  | N/A               |
| Kayak Single - 2 hours                   | \$25  | N/A               |
| Kayak Single - 4 hours                   | \$45  | N/A               |
| Kayak Single - Day                       | \$80  | N/A               |
| Stand Up Paddle Board - 1 hour           | \$15  | N/A               |
| Stand Up Paddle Board - 2 hours          | \$25  | N/A               |
| Stand Up Paddle Board - 4 hours          | \$45  | N/A               |
| Stand Up Paddle Board - Day              | \$80  | N/A               |
| <u>Non- Resident Rates</u>               |       |                   |
| Kayak Tandem - 1 hour                    | \$30  | N/A               |
| Kayak Tandem - 2 hours                   | \$55  | N/A               |
| Kayak Tandem - 4 hours                   | \$80  | N/A               |
| Kayak Tandem - Day                       | \$130 | N/A               |
| Kayak Single - 1 hour                    | \$25  | N/A               |
| Kayak Single - 2 hours                   | \$40  | N/A               |
| Kayak Single - 4 hours                   | \$55  | N/A               |
| Kayak Single - Day                       | \$105 | N/A               |
| Stand Up Paddle Board - 1 hour           | \$25  | N/A               |
| Stand Up Paddle Board - 2 hours          | \$40  | N/A               |
| Stand Up Paddle Board - 4 hours          | \$55  | N/A               |
| Stand Up Paddle Board - Day              | \$105 | N/A               |



## MEMORANDUM

**DATE:** FEBRUARY 16, 2022  
**TO:** PARKS & LAKEFRONT COMMITTEE  
**FROM:** JACKIE PANKAU-DANIELS, VILLAGE CLERK  
**RE:** ROBERT J. CARLSON MEMORIAL PARK

The Parks and Memorials Committee voted to recommend approval of placing a standard park sign in the center of the park that is east of the beach that matches the other Village park signs titled "Carlson Park". They also recommended approval of placing a bronze plaque on a boulder just east of the entrance to the eastern municipal boat slips with a short biography about Bob Carlson and his dedication to the Village of Williams Bay.

Attached is a quote and vector image of the standard park sign from Brushfire Signs and the verbiage for the plaque that Bob's wife, Joan, wrote. We are waiting on a quote for the bronze plaque.

If the Parks and Lakefront Committee is in agreeance with these recommendations, and after a quote for the plaque has been provided, these items will go to the Finance and Personnel Committee to find the funds before going to the Village Board for final approval.



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## UNOFFICIAL MINUTES PARKS AND MEMORIALS COMMITTEE 01/25/22 MEETING TUESDAY, JANUARY 25, 2022 AT 4:00 PM VILLAGE HALL COUNCIL ROOM

### I. Call to Order

Chairman Pat Watts called the meeting to order at 4:00pm.

### II. Roll Call

Present: Pat Watts, Bob Kantor, Mike Fieweger, Connie Gluth and Kendra Wachs

Also Present: Administrator Tobin, Trustee Umans, Clerk Pankau and DPW Director Edwards

### III. Parks and Memorials Committee Meeting Minutes of November 30, 2021

The motion to the Parks and Memorials Committee Meeting Minutes of November 30, 2021 was initiated by Mike Fieweger and seconded by Bob Kantor. Unanimously carried.

### IV. Bob Carlson Park

Chairman Watts explained that the land will be the eastern part of the lakefront, east of the beach.

Bob Kantor stated that he liked the idea of keeping the park signs uniform throughout the Village, but also liked the idea of a bronze plaque with a description of Bob Carlson and his service to the Village. He stated that he thinks the best placement would be just to the east of the Municipal East Boat Slips.

Kendra Wachs stated that she thinks that would be a good spot for a boulder with a plaque, but thinks the park sign should go more towards the center, closer to the road.

Joan Carlson (wife of the late Bob Carlson) stated that she believes the wooden post and panel signs tend to rot and need a lot of maintenance, so a plaque on a boulder would be better for the long-term.

There was discussion with Joan about the title of the park and the consensus was that it should be called "Robert J. Carlson Memorial Park".

The motion to recommend approval of placing a boulder with a plaque of a description of Bob Carlson's service to the Village just east of the entrance to the Eastern Boat Slips and placing a standard park sign in the center of the park by the road titled "Robert J. Carlson Memorial Park" was initiated by Bob Kantor and seconded by Kendra Wachs. Unanimously carried.

Bob Kantor made a motion to amend the motion to change the standard park sign verbiage to "Carlson Park" as the boulder will say "Robert J. Carlson Memorial Park". Mike Fieweger seconded it. Unanimously carried.

### V. Judy Wiltse request for a Memorial Tree

It was discussed that there is no space to add benches or trees to the lakefront parks, but there are other parks that

have space.

Connie Gluth made a motion to have the Parks and Memorial Committee work with the DPW Director to go to the parks and see how many memorials could be placed at each one and in the meantime, place on the Village's website that memorials are currently not available but are being worked on. Bob Kantor seconded it. Unanimously carried.

The Committee came to a consensus that the memorial application form should be removed from the website until a plan is created.

**VI. Ted Wachholz request for a Memorial option**

The motion to table agenda items V and VI until a plan for more available space was initiated by Bob Kantor and seconded Kendra Wachs. Unanimously carried.

**VII. Adjourn**

The motion to adjourn was initiated by Kendra Wachs and seconded by Connie Gluth at 4:32pm. Unanimously carried.

/s/ Jackie Pankau-Daniels, Village Clerk

*These are not official Minutes until approved by the Governing Body.*



# Carlson Park

Village Of Williams Bay



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## Carlson Park Signs

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**Brushfire Signs** <brushfiresigns@yahoo.com>  
Reply-To: Brushfire Signs <info@brushfire-signs.com>  
To: Jackie Pankau <clerk@williamsbay.org>

Mon, Feb 7, 2022 at 5:26 PM

Jackie,

The cost for the Carlson Park sign will be \$3,559.25, installed by the village.  
We need more information to quote the bronze plaque.

[Quoted text hidden]

[Quoted text hidden]



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## Fwd: Bob's plaque

1 message

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**Patrick Watts** [REDACTED]  
To: Jackie Pankau <clerk@williamsbay.org>

Tue, Feb 15, 2022 at 5:32 AM

Hi Jackie,  
This is the wording that Joanie provided. Please review and have Jim D make any comments.  
Pat

----- Forwarded message -----

From: **Patrick Watts** [REDACTED]  
Date: Tue, Feb 15, 2022 at 5:29 AM  
Subject: Re: Bob's plaque  
To: Robert J. Carlson [REDACTED]

Thank you Joanie,  
I will forward to Jackie and Laurie for their review.  
Pat

On Mon, Feb 14, 2022 at 7:27 PM Robert J. Carlson [REDACTED] wrote:

Robert Carlson was a smart, generous, and loving man. He loved his family abundantly and was proud to call Williams Bay his home. He devoted over 30 years of service to this beautiful village. The long-lasting effects he had on Williams Bay will carry on through decades to come. Through this memorial we celebrate his life, his family, and his contribution. Rest in Peace Bob, thank you.

(If there are any changes to this could you please let me know before it is finalized)

Thank you

Joanie

Sent from [Mail](#) for Windows



## EDGEWATER PARK USE AND POLICY CONTRACT

The Village of Williams Bay will allow use of the park, shelter building, some park equipment, electricity, water and sewer, natural gas and waiver of alcoholic beverage license fees.

### IN RETURN THE UNDERSIGNED AGREES TO THE FOLLOWING:

- 1) You must specify, in writing, your purpose for using the park with date and time requested and documentation for the event a minimum of four (4) weeks prior to the event.
- 2) Organizations requesting the park must be non-profit, civic-minded Williams Bay based groups or have a constituency composed primarily of Williams Bay residents. Organization must also possess liability and worker's compensation insurance as required by the Village Board for your particular event.
- 3) A Five Hundred Dollar (\$500.00) refundable deposit shall accompany this signed contract to assure compliance with the following rules governing use of the park.
- 4) Organization using the Park agrees to repair or replace any items broken, stolen or lost, such as mops, brooms or cleaning equipment; lights or bathroom fixtures, lawn turf, etc., during the time the Park is used.
- 5) Organization using the Park must keep the park clean and orderly during your event, including allowing others to freely access the park and the bathrooms. Also, agrees to pick up litter as it accumulates and clean rest rooms during the time of your event. All clean up must be performed by 10:00 AM of the day following the event unless specifically changed by the Village Administrator.
- 7) Organization must supply chairs, garbage receptacles and dumpster and must be responsible for removing trash and garbage at close of event and to leave that portion of the park in a clean manner. All park tables shall be returned to their original placement in the park.
- 8) These rules apply to beer and/or wine sales. Beer and/or Wine requests must be submitted to the Village Clerk a minimum of four (4) weeks prior to the event.
  - a) Use of alcoholic beverages on village property is prohibited. However, when fermented malt beverages and/or wine are to be sold and/or served at any event authorized by the village board, a valid license shall be obtained and the provisions of village ordinance Chapter 8.01 shall be in full compliance. The license must be held by the person who filed the original application and shall be presented to any law enforcement officer upon request. Prior to the issuance of a license, the applicant must attend a pre-event informational meeting to be held prior to the Village Board meeting preceding this event with the Chief of Police and the Director of Public Works. This meeting is required as specific requirements are to be met for license approval that will be outlined and reviewed.
  - b) It is expected that an organization issued such a license will post in one or more conspicuous locations, including sales outlet, signs disclosing that no fermented malt beverages or wine will be served to any underage person or any person without adequate age identification.
  - c) A fence is to be installed around the licensed premises to control ingress and egress with designated personnel posted at the entrance for the purpose of checking age identification.
  - d) No underage person is allowed to assist in the sale of beer and/or wine, nor are they allowed to loiter in the area of beer/wine sales.

Applicant initials \_\_\_\_\_

Handwritten initials, possibly "m" or "n", written in dark ink.





Page 2 EDGEWATER PARK USE AND POLICY CONTRACT

e) There shall be one point of sale only. Licensee shall comply with regulations specified in Wisconsin Statutes for Class "B" licenses.

f) A list of those serving alcoholic beverages at this event must accompany this contract.

9) All group members must be informed and agree to abide by these rules prior to the occurrence of the event.

After approval of a park request has been granted, the Village Board, Village Administrator, Chief of Police, or Public Works Director may revoke same if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, administrative or clerical error or likelihood of a breach of the peace.

The applicant agrees by signing this Park Application that the security deposit, when required, shall be held by the Village of Williams Bay, and may be applied to property damage to the premises resulting during the time of the activity or may be forfeited as a result of police action required at the activity. The Village may also seek further action to recover damages to the occupied premises. The applicant agrees not to use the premises for any unlawful activity including those posted in the parks, and also agrees to abide by park rules, regulations and ordinances of the Village of Williams Bay.

The applicant agrees to indemnify the Village and hold it harmless for all expenses, liability and claims of any kind arising out of harm to or activities of attendees to the event. For certain events, the Village may require the applicant to file evidence of insurance in force or other evidence of adequate financial responsibility. The Village may also require the applicant to provide trained security personnel at the event.

Indemnification:

Prior to approving any application for reserved use of any village facility, the village may require the applicant to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, protecting third parties as may be injured or damaged and naming the Village of Williams Bay as an additional insured, in any amount depending upon the likelihood of injury or damage as a direct and proximate result of the reserved use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the applicant, its agents or participants.

General Information

Name: MARIO PETULLO Organization: WB FINE ARTS FEST

Address: 49 GARFIELD PKWY

Phone: [REDACTED]

Email: [REDACTED]

Date requested: JULY 29, 30, 31 Is event open to public? (circle one) yes no

Contact Information (if different than above)

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant initials

me



### VILLAGE USE ONLY

Date application received: 2/7/2022 Received by: Jacqie

All documentation attached? ☒ yes ☐ no

Date and time of pre-event informational meeting: \_\_\_\_\_

Committee approval? yes/no Date: \_\_\_\_\_

Village Board approval? yes/no Date: \_\_\_\_\_

Comments:

#### STATEMENT CONCERNING LIABILITY AND WORKER'S COMPENSATION INSURANCE FOR USE OF EDGEWATER PARK

We hereby acknowledge and confirm that the undersigned non-profit group or organization, together with all of its members, are not acting or serving in the service of the Village of Williams Bay in any respect in connection with the use we are about to make of or event we are about to hold in Edgewater Park. Our organization, including all members thereof, is not acting under any contract of hire, express or implied with the Village of Williams Bay nor is our organization, or any members thereof serving the Village of Williams Bay as an independent contractor. Our organization, including all members thereof, will not employ any other persons or firms in connection with the use we are about to make of or event we are about to hold in Edgewater Park as our use or event will be run using our membership or immediate family members of our membership only. This statement is made to clarify and confirm that our organization, including all members thereof, is not subject to Worker's Compensation coverage of the Village of Williams Bay.

We further acknowledge and confirm that the undersigned non-profit group or organization has liability insurance coverage of at least \$1,000,000 (one million dollars) and liquor liability insurance coverage (if applicable) in the same amount of coverage provided to it by its parent organization as set forth below that does provide liability insurance coverage to our local group or organization for the use or event about to take place under our exclusive control in Edgewater Park. We acknowledge that we are responsible, and all of our members and our member's immediate family who may also be participating in our event, for the safe and careful conduct of our event. As an express condition of our event therein under our exclusive use and control we do hereby agree to indemnify the Village of Williams Bay and all of its officials, agents and employees against all liability or loss that the Village of Williams Bay may sustain as a result of claims, demands, costs or judgments arising from the use or event we are about to hold in Edgewater Park.

DATED this 7 day of Feb, 2022

Group or organization WB FINE ARTS FEST

Our liability insurance provided by: JOHANNESSEN-FARRAR  
(a certificate of insurance is attached hereto naming the Village of Williams Bay as an additional named insured)

Signed by: m. Petullo  
President or other authorized signatory

Applicant initials mp



---

## Williams Bay Arts Fest

1 message

**Matt Becker** [REDACTED]

Tue, Feb 15, 2022 at 8:33 AM

To: Marijo Petullo [REDACTED]

Cc: Jackie Pankau <clerk@williamsbay.org>

Hi Jackie,

Please see the attached special event insurance application that we have on file for the event happening 7/29-7/31/22. We can submit for a policy until we are within 60 days of the event. Hopefully this completed application is enough for the insured to get their permit. Please let me know if you have any questions.

Thanks,

Matthew Becker

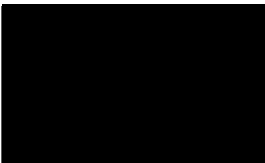
Johannesen Farrar Inc.

Owner-Principal

Executive Vice President Commercial Lines

[www.jfinsurance.com](http://www.jfinsurance.com)

Connect with me on LinkedIn



---

**From:** Marijo Petullo [REDACTED]

**Sent:** Monday, February 14, 2022 4:12 PM

**To:** Matt Becker [REDACTED]

**Cc:** Jackie Pankau <clerk@williamsbay.org>

**Subject:** Insurance coverage

clerk@williamsbay.org (Jackie Pankau) for the policy for Art Fest.

Thanks!



## Special Event Application

### GENERAL INFORMATION:

Agency Name \_\_\_\_\_ # \_\_\_\_\_  
Producer \_\_\_\_\_ Effective Date \_\_\_\_\_  
Premium Payment Method: ☒ Full - (Full payment is due at inception)

### APPLICANT INFORMATION:

Applicant's Name Williams Bay Arts Fest  
Mailing Address: \_\_\_\_\_  
Street \_\_\_\_\_ City Williams Bay WI State WI ZIP 53191  
Contact Person Mario Petullo Phone # \_\_\_\_\_  
Applicant is a: ☐ Individual ☐ Partnership ☐ Corporation ☐ Other (specify \_\_\_\_\_)  
☐ Website \_\_\_\_\_

### EVENT LOCATION:

Location # \_\_\_\_\_ Street, City, County, State, ZIP

|  |                                                                   |
|--|-------------------------------------------------------------------|
|  | <u>Edgewater Park, Geneva St</u><br><u>Williams Bay, WI 53191</u> |
|  |                                                                   |

### PRIOR INSURANCE INFORMATION

Has this event ever been held previously? ☒ YES ☐ NO

If yes, complete the following "Prior Coverage" and "Loss History" sections.

#### Prior Coverage

| Prior Carrier    | Eff./Exp. Date | Policy Number     | Policy Premium |
|------------------|----------------|-------------------|----------------|
| <u>West Bend</u> |                | <u>A938352 00</u> | <u>543.00</u>  |
|                  |                |                   |                |

#### Loss History: Note any prior claims or losses for this event.

☒ Check here if there are no prior claims.

| Date of Occurrence | Description of Claim | Amount Paid | Claim Status                                                  |
|--------------------|----------------------|-------------|---------------------------------------------------------------|
|                    |                      |             | <input type="checkbox"/> Open <input type="checkbox"/> Closed |
|                    |                      |             | <input type="checkbox"/> Open <input type="checkbox"/> Closed |
|                    |                      |             | <input type="checkbox"/> Open <input type="checkbox"/> Closed |





## Special Event Application

### GENERAL LIABILITY SECTION

#### PER OCCURRENCE/AGGREGATE LIMITS

☐ \$100,000/200,000    ☐ \$300,000/600,000    ☐ \$500,000/1,000,000    ☒ \$1,000,000/2,000,000    ☐ \$1,000,000/3,000,000

#### PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

1. Date of Event: 7/29, 7/30, 7/31      Expected Daily Attendance: (Required to rate) 200      Hours of Operation: 9-5PM
2. Describe the event, including a complete list of activities. Please attach a flyer if available. juried art show and sale, concessions, live music
3. Does the event include overnight camping? ☐ YES ☒ NO
4. What is your involvement in the event? Check all that apply: ☐ SPONSOR    ☐ VENDOR    ☒ ORGANIZER    ☐ PARTICIPANT
5. Is a Certificate of Insurance required from all exhibitors/vendors? ☒ YES ☐ NO  
If no, what exhibitors must submit a certificate, if any? \_\_\_\_\_  
If sponsoring this event, are you requesting to be named as an additional insured on vendor's policy? ☐ YES ☐ NO
6. ANY ADDITIONAL INSURED ☒ YES ☐ NO  
☐ Manager or Lessors village of Williams Bay  
☐ NOC
7. What precautionary measures have been taken in the event of a medical emergency or injury: prior arrangements w/ Williams Bay public safety
8. Briefly describe what security measures will be taken. Include the number of security personnel and the name of the firm providing the security: as above
9. Is there a barrier between the exhibition and the spectators? ☐ YES ☒ NO ☐ N/A  
(A barrier is required for events with vehicles)  
If yes, please explain the type of barrier and distance to the spectators: \_\_\_\_\_
10. Please submit a photo or diagram of race area.
11. Are spectators allowed to participate in any of the sponsored events? ☒ YES ☐ NO  
If yes, please explain: children's art / craft activities
12. Are participants required to sign any releases of waivers? ☐ YES ☒ NO  
If so, please attach a copy.
13. Will you be using any mobile equipment? Check all that apply:  
☐ ATV's    ☐ Golf Carts    ☐ Snowmobiles    ☐ Bobcats    ☐ Cranes    ☐ Tractors    ☐ Horse drawn wagons    ☐ Other \_\_\_\_\_  
What is the use of this equipment? Check all that apply:  
☐ Transporting People    ☐ Transporting Supplies or Equipment    ☐ Operated/Driven by Public    ☐ Officials/Staff Only  
☐ Other \_\_\_\_\_  
Where is the equipment stored when not in use? \_\_\_\_\_  
Who is responsible for the insurance of the mobile equipment? \_\_\_\_\_
14. Will the applicant serve alcohol? ☐ YES ☒ NO  
If yes: a. Who is providing the liquor liability coverage? \_\_\_\_\_  
b. Who is providing the security in the area where the liquor is being served? \_\_\_\_\_
15. Will applicant allow others to serve alcohol at this event? ☐ YES ☒ NO  
If so, certificates of insurance are required.
16. Are guests allowed to bring their own alcohol to the event? ☐ YES ☒ NO



## Special Event Application

IF LIQUOR LIABILITY COVERAGE IS DESIRED, PLEASE COMPLETE THE FOLLOWING LIQUOR LIABILITY SECTION. IF YOU ARE NOT APPLYING FOR LIQUOR LIABILITY, DO NOT COMPLETE THIS SECTION.

NOTE: LIQUOR LIABILITY IS ONLY AVAILABLE IF WEST BEND IS PROVIDING THE GENERAL LIABILITY COVERAGE FOR THIS EVENT.

### LIQUOR LIABILITY SECTION

1. Liquor Liability Limit, Per Occurrence/Aggregate  
☐ \$100,000/100,000    ☐ \$300,000/300,000    ☐ \$500,000/500,000    ☐ \$1,000,000/1,000,000
2. What are anticipated alcohol sales for this special event? Beer \$ \_\_\_\_\_ Wine \$ \_\_\_\_\_ Liquor \$ \_\_\_\_\_
3. What is the lowest price offered for an alcoholic beverage? \_\_\_\_\_
4. Can patrons purchase more than 2 alcoholic beverages at a time? ☐ YES ☐ NO
5. What is the anticipated attendance for the event? 200-300
6. Does the event attract a predominantly youthful attendance ranging from 21-25 years old? ☐ YES ☒ NO
7. During what hours will alcohol be served? \_\_\_\_\_
8. Is a liquor license required for this event? ☐ YES ☒ NO  
a. If yes, provide the name on the liquor license, type of liquor license, and liquor license number: \_\_\_\_\_
9. Have the servers of alcoholic beverages been through alcohol awareness server training? ☐ YES ☐ NO  
a. If yes, provide the courses / designations: \_\_\_\_\_
10. What procedures are in place regulating the sale of alcohol to those under the influence? \_\_\_\_\_
11. Describe the types of security that will be present during the event: \_\_\_\_\_
12. Are procedures in place for handling disruptive patrons? ☐ YES ☐ NO  
a. If yes, provide details: \_\_\_\_\_
13. Is there a designated driver program or safe ride service available? ☐ YES ☐ NO  
a. If yes, provide details: \_\_\_\_\_
14. Will IDs be checked? ☐ YES ☐ NO  
a. If yes, do you use an electronic ID scanner? ☐ YES ☐ NO
15. Will anyone under the age of 21 be permitted in the area where alcohol is served? ☐ YES ☐ NO  
a. If yes, will wristbands be used? ☐ YES ☐ NO
16. Are alcohol sales / consumption contained by fencing / barriers within a designated area? ☐ YES ☐ NO
17. Have you hosted similar events with the sale of alcohol? ☐ YES ☒ NO  
a. Has the event ever involved an incident of assault & battery, fines, police calls, disturbances, litigation, insurance claims, etc.? ☐ YES ☐ NO  
If yes, provide details: \_\_\_\_\_



## Special Event Application

IF EVENT CANCELLATION COVERAGE IS DESIRED, PLEASE COMPLETE THE FOLLOWING EVENT CANCELLATION SECTION. IF YOU ARE NOT APPLYING FOR EVENT CANCELLATION COVERAGE, DO NOT COMPLETE THIS SECTION.

**NOTE:**

- **EVENT CANCELLATION COVERAGE IS ONLY AVAILABLE IF WEST BEND IS PROVIDING THE GENERAL LIABILITY COVERAGE FOR THIS EVENT.**
- **COVERAGE MUST BE BOUND AT LEAST 14 DAYS PRIOR TO EVENT**
- **COVERAGE NOT AVAILABLE FOR EVENTS LASTING LONGER THAN 5 DAYS**
- **THIS POLICY DOES NOT PROVIDE COVERAGE FOR LACK OF INTEREST OR LOWER THAN ANTICIPATED ATTENDANCE.**

### EVENT CANCELLATION COVERAGE SECTION

- Event Date(s) and Time(s): \_\_\_\_\_
- Setup Date(s) and Time(s): \_\_\_\_\_
- Provide the following:
  - Anticipated Revenue from the Event: \$ \_\_\_\_\_
  - Total Refundable Expenses if the Event Does Not Occur: - \_\_\_\_\_
  - Total Unincurred Expenses if the Event Does Not Occur: - \_\_\_\_\_
  - Total Net Loss if Event is Cancelled: = \$ \_\_\_\_\_

\* Total Net Loss if Event is Cancelled (letter d. above) should be used to help determine an appropriate limit.
- Limit of Insurance\*:
 

☐ \$7,500 ☐ \$15,000 ☐ \$25,000 ☐ \$35,000 ☐ \$50,000 ☐ \$75,000 ☐ \$100,000 ☐ \$125,000 ☐ \$150,000 ☐ \$175,000

\*Limits in excess of \$75,000 will require at least 3 years of prior experience and prior event financial information will be required.
- Select all perils for which you are requesting coverage:
 

☐ Severe Wind with Average Sustained Wind Speed over \_\_\_\_\_ mph (not available below 30 mph)

☐ Newly Fallen Snow measuring at least \_\_\_\_\_ inches (not available below 1")

☐ Rainfall measuring at least \_\_\_\_\_ inches (not available below 1")

☐ Extreme Temperatures measuring greater/less than \_\_\_\_\_ degrees Fahrenheit (not available below 95° F or above 32° F)

☐ Adverse Weather Warning

☐ Hurricane

☐ Non-appearance of a performer or speaker named: \_\_\_\_\_
- Does the performer or speaker have a history of non-appearance at a scheduled event in the past 3 years? ☐ YES ☐ NO
- Will the event be held indoors or outdoors? ☐ Indoor ☐ Outdoor ☐ Both
- Has the applicant held this event previously? ☐ YES ☐ NO
  - If yes, provide the following:
    - How many times has applicant previously held this event? \_\_\_\_\_
    - Gross Revenue generated at the 3 most recent events (if applicable): \_\_\_\_\_
    - Costs/Expenses incurred at the most recent event: \_\_\_\_\_
  - If no, please describe any experience organizing events: \_\_\_\_\_



## Special Event Application

I have read the above questions and I hereby declare to the best of my knowledge and belief that all of the foregoing statements are true.

**NOTICE: PLEASE READ BEFORE SIGNING!**

In order to underwrite the insurance applied for above, an investigation consumer report may be requested and made, including information as to the character of the applicant for insurance and the persons to be insured under the policy applied for, their general reputations, business characteristics and credit standing. You are advised that you may make a request within a reasonable time after receipt of this Notice for a disclosure by West Bend Mutual Insurance Company of the nature and scope of the investigation requested.

**Fraud Warning**

Please refer to Acord 63 for state specific fraud warnings.

**All Other States:** Any person who knowingly conceals or provides materially false, incomplete, or misleading information on an application or concerning a claim to an insurance company for the purpose and intent of defrauding the company, may be guilty of insurance fraud in violation of state law. Penalties may include imprisonment, fines, or denial of insurance benefits.

Date 2/10/22 Time 11AM Applicant's Signature Navarro J. Petullo  
Agency Name and Producer's Signature Johanna Farrar Mark Bad



Village of Williams Bay  
PO Box 580  
250 Williams Street  
Williams Bay WI 53191

(262) 245-2700

Receipt No: 10.003423

Feb 15, 2022

WILLIAMS BAY FINE ART & CRAFTS INC

|                                         |        |
|-----------------------------------------|--------|
| REC DEPARTMENT - EDGEWATER PARK DEPOSIT | 500.00 |
| 100-44108 EDGEWATER DEPOSIT             |        |

|        |        |
|--------|--------|
| Total: | 500.00 |
|--------|--------|

|        |                |        |
|--------|----------------|--------|
| CHECKS | Check No: 1089 | 500.00 |
|--------|----------------|--------|

Payor: WILLIAMS BAY FINE ART & CRAFTS INC

|                |        |
|----------------|--------|
| Total Applied: | 500.00 |
|----------------|--------|

|                  |     |
|------------------|-----|
| Change Tendered: | .00 |
|------------------|-----|

02/15/2022 10:16 AM



# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org  
Phone: 262-245-2700

## UNOFFICIAL MINUTES PROTECTIVE SERVICES COMMITTEE WEDNESDAY, JANUARY 12, 2022 AT 6:30 PM VILLAGE HALL COUNCIL ROOM

### Call to Order

Meeting was called to order by Trustee Vlach at 6:32pm

### Roll Call

Trustees Vlach, D'Alessandro and Umans

Also Present: President Duncan, Trustees Parker, Stanek and Wright, Administrator Tobin, Treasurer Peternell, Public Works Director Edwards, Police Chief Timm, Recreation Director Rowland, Engineer Snyder and Elizabeth Sanchez, Juan Basurto, Leoncio Agaton; Bay Cooks, LLC.

### Meeting Minutes

D'Alessandro/Umans motion to approve meeting minutes of December 15, 2021. Vlach abstained; motion carried.

Umans/D'Alessandro motion to approve meeting minutes of December 20, 2021. Unanimously carried.

### Reserve "Class B" Liquor License

Discussion was held that the 2020 census numbers resulted in the Village having an additional Class B liquor license.

### Reserve "Class B" Liquor License Application – Bay Cooks LLC

Discussion was held regarding the Reserve "Class B" liquor license application for Bay Cooks LLC for a Mexican restaurant located at 99 N. Walworth with an opening date of February 14, 2022. Vlach stated that if alcohol will be served outside, they will need to submit an updated map of the premises and install a lock on the outdoor gate. Umans/D'Alessandro motion to recommend Village Board approval of the Reserve "Class B" Liquor License Application for Bay Cooks LLC. Umans/D'Alessandro amended motion to recommend Village Board approval of the Reserve "Class B" Liquor License Application for Bay Cooks LLC contingent upon submitting an updated map of premises indicating that alcohol will be served outdoors and a lock will be installed on outdoor gate. Unanimously carried.

### Monthly Police Activity Report

Chief Timm presented the monthly report and answered any questions.

### 2021 Numbers

Chief Timm provided an overview of the 2021 Police Activity.

*These are not official minutes until approved by the Protective Services Committee*

**Police Chief's Report**

Chief Timm provided an update on current activities within the Village.

**Adjourn**

Vlach/Umans motion to adjourn at 7:01pm. Unanimously carried.

/s/ Lori Peternell, Village Treasurer



# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | [williamsbay.org](http://williamsbay.org)

Phone: 262-245-2700

## UNOFFICIAL MINUTES PROTECTIVE SERVICES COMMITTEE 01/14/22 MEETING FRIDAY, JANUARY 14, 2022 AT 8:30 AM VILLAGE HALL COUNCIL ROOM

### I. Call to Order

Trustee Vlach called the meeting to order at 8:33am.

### II. Roll Call

Present: George Vlach, Jim D'Alessandro, Robert Umans

Also Present: Trustee Wright, Administrator Tobin, Clerk Pankau, Fire Chief Smith, Fire Lieutenant Nicholson, Rescue Squad Captains McKean and Gluth

### III. Emergency Medical Services (EMS)

Trustee Vlach gave an overview of correspondence between Administrator Tobin and Village of Fontana Administrator Loomer about the need for hiring three Village of Williams Bay Rescue Squad employees, who would be their supervisor, and where ambulances would be housed. Fontana stated that Chief Nitsch would be the supervisor and that the housing would be at the Village of Fontana.

Trustee Vlach stated that they have spoken with the Town of Delavan before, but that their option was not as beneficial as partnering with the Village of Fontana because our Village would be able to keep our own squad and it would be better financially. Administrator Tobin confirmed that this would be a temporary solution until we can go to a referendum after figuring out a long-term plan.

Trustee Umans stated that he thinks there are many calls where an ambulance is not necessarily needed and people just call because we do not charge them for the response. He stated that we should be charging for each call.

Trustee D'Alessandro expressed concerns about differences between Village of Fontana's benefits and wages and Village of Williams Bay's. He stated that he'd like to see something in the agreement where we would need to give notice to each other before making any of those types of changes.

Captain Gluth stated that if we only get three employees, there will probably be enough overtime pay between those three to add up to the amount of hiring a fourth person, so we should hire four employees right away.

Trustee Vlach stated that Village of Fontana is offering a nice agreement with us only needing to hire 3-4 employees rather than 6-7 and for housing them, so we need to allow them to keep billing for their calls. He stated that we need to go into this short-term plan and then create a long-term plan to go to a referendum to build a new station and see what the plan is for the current one.

Administrator Tobin stated that Village of Fontana asked the Village of Williams Bay to try and hire paramedics, but if they are not available, to hire AEMTs. Captain Gluth stated that looking ahead, if for some reason the Villages decide to split the squads, the Village of Williams Bay will need paramedics. Administrator Tobin stated that the cost differences of the positions are not substantial, so it would be a matter of finding the trained people.

Trustee Vlach stated that the current volunteer EMTs can still be used for community and school events like they have been and also respond directly to calls if they are able to. Captain Gluth said he would still like to look for and recruit volunteers. Trustee Vlach stated that would be a good recruitment tool because then maybe they would like to work full-time in the future. Trustee D'Alessandro stated that we need to be prepared to not have any volunteers in the future as well, since the number of them is declining.

The Committee agreed that looking to hire four employees rather than three would be best, otherwise, we would be paying a good amount of overtime wages anyway.

The motion to Recommend Village Board Approval to hire four paramedics or lower level and to enter into an intergovernmental agreement with the Village of Fontana for Emergency Medical Services (EMS) was initiated by George Vlach and seconded by Jim D'Alessandro. Unanimously carried.

The motion to pass this item to the Finance and Personnel Committee to find the funding for the four employees was initiated by George Vlach and seconded by Robert Umans. Unanimously carried.

#### **IV. Adjourn**

The motion to adjourn was initiated by Jim D'Alessandro and seconded by Robert Umans at 9:28am. Unanimously carried.

/s/ Jackie Pankau-Daniels, Village Clerk

*These are not official Minutes until approved by the Governing Body.*



## MEMORANDUM

**DATE:** FEBRUARY 16, 2022  
**TO:** PROTECTIVE SERVICES COMMITTEE  
**FROM:** JACKIE PANKAU-DANIELS, VILLAGE CLERK  
**RE:** SANTA CAUSE INC. FARMER'S MARKET TEMPORARY CLASS "B" AND "CLASS B"  
LICENSE APPLICATION FOR MULTIPLE DATES IN 2022

Santa Cause Inc. has applied for a Temporary Class "B" (beer) and "Class B" (wine) Retailer's License for their weekly Farmer's Market throughout the summer. I reached out to the Department of Revenue to confirm if these weekly occurrences are considered one event, or multiple. Please see attached the response from the DOR.

If it is deemed that the weekly Farmer's Market is considered multiple events since they do not happen on consecutive days, then the organization is only allowed to apply for 2 "Class B" licenses to serve wine in any 12 month period, according to [State Statute 125.51\(10\)\(a\)](#).

It is possible to issue a regular Retailer's license for a 6-month period to Santa Cause Inc. if it is deemed that the Farmer's Market is not a temporary event. If that is the case, Santa Cause Inc. would need to apply for the license just like the local businesses do, and the fee will be 50% of the regular annual fee. They could apply for this six-month license once each calendar year. This would require Santa Cause Inc. to obtain a Seller's Permit from the State of Wisconsin if they do not already have one. Please see [State Statute 125.26\(5\)](#) and [State Statute 125.51\(9\)](#) about six-month licenses.

# Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00 waived

Application Date: 2-11-22

☐ Town ☒ Village ☐ City of Williams Bay

County of WAUWATOSH

The named organization applies for: (check appropriate box(es).)

☒ A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

☒ A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 5/22/22 and ending 5/27/22 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

## 1. Organization (check appropriate box) →

☐ Bona fide Club ☐ Church ☐ Lodge/Society

☒ Chamber of Commerce or similar Civic or Trade Organization

☐ Veteran's Organization ☐ Fair Association

(a) Name Santa Cause INC.

(b) Address PO BOX 519 Williams Bay WI 53191  
(Street) ☐ Town ☒ Village ☐ City

(c) Date organized 6-2-2016

(d) If corporation, give date of incorporation 4-3-16

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box: ☒

(f) Names and addresses of all officers:

President William Gage - Williams Bay

Vice President Nancy Waspi - Genoa City

Secretary Michael Trainor - Fontana

Treasurer Frank Stellato - Fontana

(g) Name and address of manager or person in charge of affair: Nancy Waspi 409 PARKER DR. WATA  
GENOA CITY WI 53128

## 2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number EDGEWATER PARK

(b) Lot \_\_\_\_\_ Block \_\_\_\_\_

(c) Do premises occupy all or part of building? \_\_\_\_\_

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: \_\_\_\_\_

## 3. Name of Event

(a) List name of the event FARMER MARKET By: Santa Cause Charity

(b) Dates of event FRIDAY'S 5/27/22, 6/3-6/10-6/17-6/24-7/1-7/8-7/15-  
7/22-7/29-8/5-8/19-8/26 **DECLARATION** 9/2/22

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer Nancy Waspi V.P.  
(Signature/date)

Officer \_\_\_\_\_  
(Signature/date)

Officer \_\_\_\_\_  
(Signature/date)

Officer \_\_\_\_\_  
(Signature/date)

Date Filed with Clerk 2/14/2022

Date Reported to Council or Board Committee 2/16/22

Date Granted by Council \_\_\_\_\_

License No. \_\_\_\_\_









## VILLAGE OF WILLIAMS BAY

### OPERATOR'S LICENSE

**LICENSE NO: 506**

WHEREAS, the local governing body of the Village of Williams Bay, County of Walworth, State of Wisconsin, has upon application duly made, granted and authorized the issuance of an "Operator's License" to:

**RITA PILARSKI**

AND WHEREAS, the said applicant has paid to the Treasurer the sum of \$40.00 as required by the Municipal Ordinances, and has complied with all requirements necessary for obtaining said license;

NOW THEREFORE, An "Operator's License" pursuant to §125.32 (2) and 125.68 (2) of the Wisconsin State Statutes, and local ordinances, is hereby issued to said applicant,  
**FOR THE PERIOD OF July 1, 2021- June 30, 2023.**

Given Under My hand and the Great Seal of the Village of Williams Bay, County of Walworth, State of Wisconsin,  
this 8<sup>th</sup> day of June, 2021.



---

Jackie Pankau, Village Clerk

# Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00 waived

Application Date: 2/9/2022

☐ Town ☒ Village ☐ City of Williams Bay

County of Walworth

The named organization applies for: (check appropriate box(es).)

☒ A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

☒ A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 5/7/2022 and ending 5/7/2022 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

## 1. Organization (check appropriate box) →

☒ Bona fide Club

☐ Church

☒ Lodge/Society

☐ Chamber of Commerce or similar Civic or Trade Organization

☐ Veteran's Organization

☐ Fair Association

CIVIC LEAGUE

(a) Name Williams Bay Women's Civic League

(b) Address PO BOX 374  
(Street)

☐ Town

☒ Village

☐ City

(c) Date organized 1948

(d) If corporation, give date of incorporation 1954

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box: ☒

(f) Names and addresses of all officers:

President MARY UMANS 528 MORGAN DR. WMS. BAY

Vice President RITA PILARSKI 556 HIGHLAND WAY

Secretary LOIS FREDRICKSON 25 GARFIELD PKWY

Treasurer LINDA CHOYCE 319 MORGAN DR.

(g) Name and address of manager or person in charge of affair: SHEILA MASON  
508 WISWELL DRIVE

## 2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number Lions Fieldhouse

(b) Lot \_\_\_\_\_ Block \_\_\_\_\_

(c) Do premises occupy all or part of building? PART

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: AVAILABLE ROOM

## 3. Name of Event

(a) List name of the event Chili Cook-Off

(b) Dates of event MAY 7, 2022

## DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Williams Bay Women's Civic League, Inc  
(Name of Organization)

PRES. Officer Mary Umans  
(Signature/date)

V.P. Officer Rita Pilariski  
(Signature/date)

SEC. Officer Lois Fredrickson  
(Signature/date)

TREAS. Officer Linda Choyce  
(Signature/date)

Date Filed with Clerk 2/10/2022

Date Reported to Council or Board Committee 2/16/22

Date Granted by Council \_\_\_\_\_

License No. \_\_\_\_\_





**SERVING INDOORS OF THE LIONS FIELD HOUSE ONLY**



## VILLAGE OF WILLIAMS BAY

### OPERATOR'S LICENSE

LICENSE NO: 506

WHEREAS, the local governing body of the Village of Williams Bay, County of Walworth, State of Wisconsin, has upon application duly made, granted and authorized the issuance of an "Operator's License" to:

**RITA PILARSKI**

AND WHEREAS, the said applicant has paid to the Treasurer the sum of \$40.00 as required by the Municipal Ordinances, and has complied with all requirements necessary for obtaining said license;

NOW THEREFORE, An "Operator's License" pursuant to §125.32 (2) and 125.68 (2) of the Wisconsin State Statutes, and local ordinances, is hereby issued to said applicant,  
**FOR THE PERIOD OF July 1, 2021- June 30, 2023.**

Given Under My hand and the Great Seal of the Village of Williams Bay, County of Walworth, State of Wisconsin, this 8<sup>th</sup> day of June, 2021.



---

Jackie Pankau, Village Clerk





# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org  
Phone: 262-245-2700

## UNOFFICIAL MINUTES STREETS AND HIGHWAYS COMMITTEE WEDNESDAY, JANUARY 12, 2022 AT 6:30 PM VILLAGE HALL COUNCIL ROOM

### Call to Order

Meeting was called to order by Chairman Stanek at 7:01pm.

### Roll Call

Trustees Stanek, Vlach and Umans

Also Present: President Duncan, Trustee D'Alessandro, Parker and Wright, Administrator Tobin, Treasurer Peternell, Public Works Director Edwards, Police Chief Timm, Recreation Director Rowland and Engineer Snyder.

### Meeting Minutes

Umans/Vlach motion to approve meeting minutes of December 15, 2021. Unanimously carried.

### Adjourn

Vlach/Umans motion to adjourn at 7:02pm. Unanimously carried.

/s/ Lori Peternell, Village Treasurer

*These are not official minutes until approved by the Streets & Highways Committee*



January 19, 2022

Dear Local Government Partners,

Wisconsin Department of Transportation (WisDOT) is asking local governments to review existing local program project opportunities in a new statewide effort to use expected federal Bipartisan Infrastructure Law (BIL) funding. While the exact amount of additional funding is unknown, solid planning estimates show the increase will be significant. Once final funding amounts are known from the United States Department of Transportation, WisDOT will submit a funding distribution plan to the Wisconsin State Legislature for review and approval, or modification and approval.

Time is of the essence in planning for the use of 2022 federal funding. Accordingly, WisDOT announced at the Wisconsin County Highways Association Road School on 1/18/22 that solicitations for local program projects will begin this month to prepare for use of BIL funding.

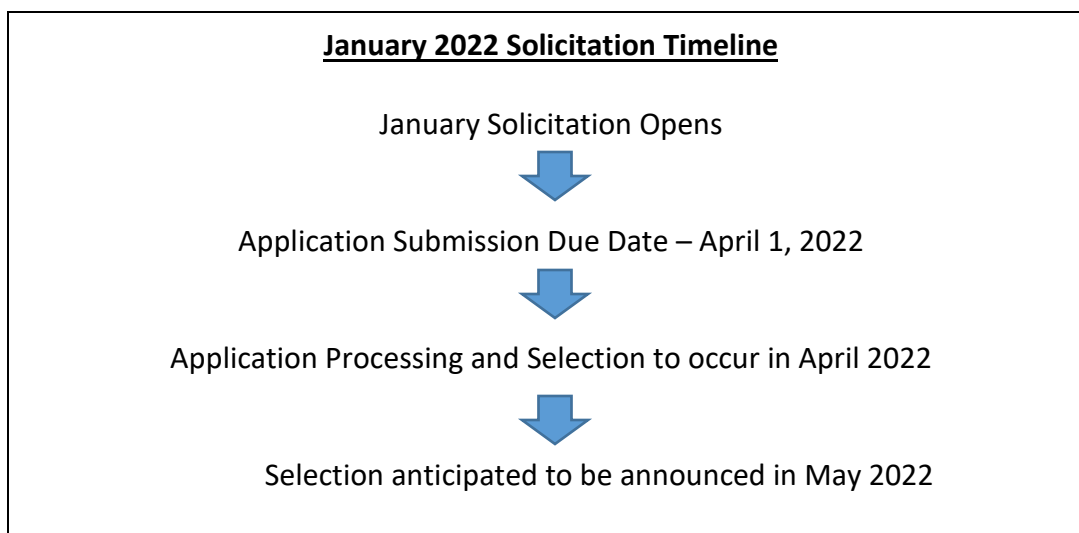
WisDOT will start with two solicitations for supplemental local program projects – a January 2022 solicitation to generate a list of construction projects that might be able to utilize the Federal Fiscal Year (FFY) 2022 funding, and a February 2022 solicitation to generate a list of design and construction projects to utilize funding in FFY 2023 - 2026. The BIL is a five-year bill covering FFY 2022 through 2026.

#### **What Must Be Done to Apply for FFY 2022 Funding – The January Solicitation**

To apply for the January 2022 solicitation, local governments must move very quickly. The Federal Highway Association (FHWA) requires FFY 2022 funding to be “obligated” by September 30<sup>th</sup>, 2022. As such, to use the FFY 2022 funding, WisDOT will be soliciting for local program construction projects only; design will not be considered in the January solicitation. If a construction project is selected to use FFY 2022 funding, locals must submit project Plan, Specification, and Estimate (PS&E) packages no later than August 1, 2022 to facilitate project construction lettings that will meet federal obligation deadlines.

To meet the tight timelines to use FFY 2022 federal funding for construction, these projects must have designs completed or designs that could be completed quickly. Project applications submitted in the January 2022 solicitation must also be eligible for federal funding. As stated earlier, project design funding will not be considered until the February local program solicitation. The January solicitation will exclusively focus on construction projects. Examples of construction projects typically eligible for federal funding include:

- Preservation – mill & overlay
- Resurface
- Pavement Replacement
- Bridge Rehabilitation – deck repairs
- Bridge Replacement – replace deck, girders, or abutments



For the January 2022 solicitation, it is recommended to avoid projects with complexities that would add time to the construction readiness process. For example, it would be prudent to avoid projects with significant environmental work, real estate, utility, or railroad issues.

In January, WisDOT will be soliciting for projects in the following programs:

- Surface Transportation Program (STP)
- Local Bridge Improvement Assistance Program

WisDOT will be using the current Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality Program (CMAQ) solicitation processes to evaluate project readiness for these two separate programs for FFY 2022. If you have questions about the FFY 2022 TAP or CMAQ programs, please contact WisDOT.

Please also note that while FFY 2022 Local Bridge projects will be included in the January solicitation, FFY 2022 BIL bridge funding does not have to be obligated by 9/30/2022, like it does for STP. Therefore, applicants have more time to submit bridge applications and could elect to utilize the February 2022 BIL supplemental local project solicitation for those bridge projects.

#### **What Must Be Done to Apply for FFY 2023 Through 2026 Funding – The February Solicitation**

The February 2022 supplemental solicitation will start the application process for local design and construction projects seeking to receive funding in FFY 2023 and beyond. Project applications will be considered in the following programs:

- Surface Transportation Program (STP)
- Local Bridge Improvement Assistance Program
- Transportation Alternatives Program (TAP)
- Congestion Mitigation and Air Quality (CMAQ)

Applications may be submitted for design and construction, or construction only. Projects must be eligible for federal funding.



### **February 2022 Solicitation Timeline**

February Solicitation Opens



February Solicitation Application Due Date – June 1, 2022



Application Processing and Selection to occur in June and July 2022



Selection anticipated to be announced in August 2022

WisDOT greatly appreciates your time and diligence in working on this call for supplemental local program projects. Both the January and February solicitations are meant to provide WisDOT with a list of candidate projects when the new BIL funding becomes available. It is expected that funding amounts will be posted to the WisDOT Local Programs website when WisDOT has the Wisconsin Legislature's approval to utilize federal dollars. Project selections are expected to be announced between May and August, depending upon the solicitation. Notification of project selection will be in both follow up emails to local governments and on the WisDOT website. WisDOT will continue to release updated program information as it becomes available.

In the next week, more details will be posted on WisDOT's website about the solicitations at [www.wisconsinstate.gov](http://www.wisconsinstate.gov). We are working to best position Wisconsin to administer and use the federal dollars, when directed, to the best of our abilities. Working together with you, our local partners, we will improve the transportation network across Wisconsin.

Sincerely,



Jennifer Murray, AICP

Director – Bureau of Transit, Local Roads, Railroads & Harbors  
Division of Transportation Investment Management



# Local Programs Action Plan

in response to the

**Bipartisan Infrastructure Law (BIL)**

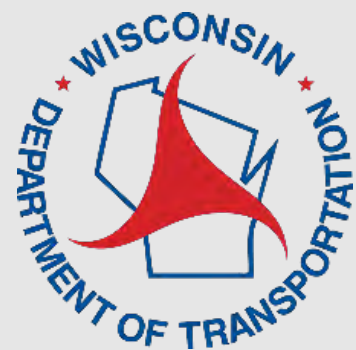
**Merrill Mechler-Hickson**

**Local Programs Section Chief**

**Wisconsin County Highway Association**

# BIL/IIJA

Funding For Roads & Bridges  
~\$1.29 Billion Over 5-Years



|               | Amount \$       | SFY-22              | SFY-23              | SFY-24              | SFY-25              | SFY-26              |
|---------------|-----------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Road & Bridge | \$1,064,000,000 | \$173,000,000       | \$193,000,000       | \$213,000,000       | \$232,000,000       | \$253,000,000       |
| Bridge Only   | \$225,000,000   | <u>\$45,000,000</u> | <u>\$45,000,000</u> | <u>\$45,000,000</u> | <u>\$45,000,000</u> | <u>\$45,000,000</u> |
| Total         | \$1,289,000,000 | \$218,000,000       | \$238,000,000       | \$258,000,000       | \$277,000,000       | \$298,000,000       |

Caution: Many Requirement Details Unknown



# 2022 Action Plan Timeline

## Late January 2022 Solicitation

- Obligate **FFY 2022** funding
- STP, Local Bridge – **New solicitation**
- TAP, CMAQ – **Use current projects/applications**
- Construction projects only
  - June 2022 PS&E → Sept 2022 lets
  - August 2022 PS&E → Nov 2022 lets



## February 2022 Solicitation

- Focus on scheduling **FFY 2023 and forward**
- STP, Local Bridge, TAP, CMAQ – **New solicitation**
- Design and construction projects



## Resourcing Needs

- Provide applicant assistance in concentrated and highly available manner
- DTSD Region Staff
  - LES application entry
- DTIM Central Office Staff
  - Webinar
  - Email Q&A responses
  - STP-Local program facilitation

# Late January 2022 Solicitation Rough Schedule

## Goal: Fully utilize all BIL/IIJA FFY 2022 funding

(i.e., obligation by 9/30/2022)

- **Construction projects**
- **Keep it simple! – Minimal to no environmental, real estate, utilities, railroad**
- **Solicitation Opens: End of January**
- **Anticipated Application Deadline: April 1, 2022**
- **April/May: Project selection**
- **Plan, Specifications and Estimate (PS&E) Deadlines**
  - **June 1, 2022 for September 2022 letting**
  - **August 1, 2022 for November 2022 letting**



# Late January 2022 Solicitation Programs

- **Surface Transportation Program (STP) – 80/20 Funding Split Action Plan:**
  - o Metropolitan Planning Organizations (MPOs) select STP-Urban projects
  - o STP-Local (15% Flex), projects selected by special stakeholder committee
    - Eligibility determined by location and road classification
  - o New STP-Tribal program funded from the 15% Flex
- **Local Bridge – Action Plan:**
  - o Working to focus on critical needs across Wisconsin
  - o Additional time to obligate funding – 4 years (9/30/25 for FFY-2022 funds)
- **Transportation Alternatives Program (TAP) – 80/20 Action Plan:**
  - o Complete review of 2022-2026 Program Cycle applications
    - 2022-26 TAP Program Cycle application Deadline: 1/28/2022
- **Congestion Mitigation and Air Quality (CMAQ) Program Action Plan**
  - o Accelerate 2022-2026 CMAQ Program Cycle and scheduled TSTs





# Late January 2022 Solicitation Project Types

- Focus on simple projects than can be expedited through the letting process
- Surface Transportation Program

## Examples:

- Preservation -mill & overlay
- Resurface
- Pavement Replacement
- Bridge Rehabilitation– deck repairs
- Bridge Replacement – replace deck, girders, or abutments

- **Multimodal Projects**

- o Follow Transportation Alternatives Program Guidelines for applicability to bike/ped facilities, etc...
- o CMAQ; eligibility in air quality areas

**Design isn't the Endpoint**

- Follow Facilities Development Manual, Chapter 15
- Develop Plans, Specifications and Estimates Package
- Load into AASHTOWare

# February 2022 Solicitation

## Goal: Schedule projects for FFY 2023 and forward

- Design and Construction projects
- Anticipated Application Deadline: June 1, 2022
- **STP/Local Bridge Action plan (similar to January solicitation parameters):**
  - Metropolitan Planning Organizations (MPOs) select STP-Urban projects
  - STP-Local (15% Flex)
  - STP-Tribal
- **Transportation Alternatives Program (TAP) Action Plan:**
  - Solicit for additional projects
- **Congestion Mitigation and Air Quality (CMAQ) Program Action Plan:**
  - Solicit for additional projects



# WisDOT Support

- **DTSD Region Staff**

- o Project delivery and Plan, Specifications & Estimate (PS&E) questions
- o Application eligibility checks
- o General program questions from stakeholders

- **DTIM Central Office Staff**

- o Programmatic and scheduling questions
- o Informational webinars
- o Email inbox with dedicated Point-of-Contact
  - ❖ [dotlocalprograms@dot.wi.gov](mailto:dotlocalprograms@dot.wi.gov)



# Region Local Program Manager Contacts

SE Region - Jacob Varnes

(262) 548-8789

[jacob.varnes@dot.wi.gov](mailto:jacob.varnes@dot.wi.gov)

NC Region - Ben Roskoskey

(715) 365-5783

[benjamin.roskoskey@dot.wi.gov](mailto:benjamin.roskoskey@dot.wi.gov)

SW Region - Michael Erickson

(608)-264-5361

[michael.erickson@dot.wi.gov](mailto:michael.erickson@dot.wi.gov)

NE Region - Alex Dums

(920) 492-5707

[alex.dums@dot.wi.gov](mailto:alex.dums@dot.wi.gov)

NW Region - Bill Zimmer

(715) 635-5014

[william.zimmer@dot.wi.gov](mailto:william.zimmer@dot.wi.gov)



Draft Concept

# Central Office Local Programs Contacts

**Merrill Mechler-Hickson**

**Program & Policy Chief**

**(608) 261-8977**

**[merrill.mechlerhickson@dot.wi.gov](mailto:merrill.mechlerhickson@dot.wi.gov)**

**Tim Olusegun**

**Program & Policy Supervisor**

**(608) 266-0254**

**[tim.olusegun@dot.wi.gov](mailto:tim.olusegun@dot.wi.gov)**

**Jason Starke**

**BIL Primary Point of Contact**

**(608) 266-0436**

**[jasonj.starke@dot.wi.gov](mailto:jasonj.starke@dot.wi.gov)**

**Michael Loughran**

**STP & Local Bridge Statewide Program Manager**

**(608) 266-2870**

**[michael.loughran@dot.wi.gov](mailto:michael.loughran@dot.wi.gov)**

**Travis Houle**

**TAP & CMAQ Statewide Program Manager**

**(608) 266-9656**

**[travis.houle@dot.wi.gov](mailto:travis.houle@dot.wi.gov)**



**Draft Concept**

# Additional Considerations

- Final legislative approvals (and final Federal funding tables) are still pending, and likely will be pending until Late Spring/Early Summer 2022
- **Cost share**
  - Most projects: 80/20 cost share
  - Some Local Bridges may be eligible for 100%
- **Promptness**
  - Prepare and convene committees
  - Urgency of expedited project selection





Thank You!



# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org  
Phone: 262-245-2700

## UNOFFICIAL MINUTES FINANCE AND PERSONNEL COMMITTEE WEDNESDAY, JANUARY 1, 2022 AT 6:30 PM VILLAGE HALL COUNCIL ROOM

### Call to Order

Meeting was called to order by Chairman Parker at 7:29pm

### Roll Call

Trustees Parker, D'Alessandro, and Wright.

Also Present: President Duncan, Trustees Stanek, Vlach and Umans, Administrator Tobin, Treasurer Peternell, Public Works Director Edwards, Police Chief Timm and Recreation Director Rowland.

### Meeting Minutes

D'Alessandro/Wright motion to approve meeting minutes of December 15, 2021. Unanimously carried.

D'Alessandro/Wright motion to approve meeting minutes of December 20, 2021. Unanimously carried.

### Village Farmland Lease RFP

The Committee reviewed the proposals that were received for the Farmland lease. There were (4) proposals submitted with a range of \$265 - \$285/acre. It was the consensus of the Committee to award it to the highest bidder. The Finance Committee will meet prior to the Village Board meeting on January 17<sup>th</sup> to make a recommendation to the Village Board.

### R-5-22 Establishing salaries and expense reimbursement levels of Village President and Village Trustees

Tobin stated Village Ordinances requires the salaries of the Village Board be established by resolution annually in January. Tobin stated that in the future this will be done when the budget is adopted. Wright/D'Alessandro motion to recommend Village Board approval of Resolution R-5-22 Establishing salaries and expense reimbursement levels of Village President and Village Trustees. Unanimously carried.

### Investigative Work on Fire Station Sanitary Sewer Gravity Line

Discussion was held regarding the proposal for televising 2000 feet of sanitary sewer lines near the Fire Station and Lift Station #5. Parker stated that there is \$35,000 included in the 2022 budget for I&I reduction therefore no formal recommendation is required.

### Adjourn

D'Alessandro/Wright motion to adjourn at 7:42pm. Unanimously carried.

/s/ Lori Peternell, Village Treasurer

*These are not official minutes until approved by the Finance & Personnel Committee*



# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org

Phone: 262-245-2700

## **UNOFFICIAL MINUTES FINANCE AND PERSONNEL COMMITTEE 01/17/22 MEETING MONDAY, JANUARY 17, 2022 AT 1:30 PM VILLAGE HALL COUNCIL ROOM**

### **I. Call to Order**

Parker called the meeting to order at 1:30pm.

### **II. Roll Call**

Present: Don Parker, Lowell Wright, Jim D'Alessandro

Also Present: President Duncan, Trustee Umans, Administrator Tobin and Treasurer Peternell

### **III. Farmland Lease**

The motion to Recommend Village Board Approval the Farmland Lease with Charles Pearce at a cost of \$285/acre was initiated by Jim D'Alessandro and seconded by Lowell Wright. Unanimously carried.

### **IV. Emergency Medical Services (EMS)**

Discussion was held regarding concerns about how an Intergovernmental Agreement would work with Williams Bay hiring the employees and Fontana supervising the employees. Other concerns raised included what would happen if a referendum wouldn't pass. Tobin stated that a short term solution would be to amend the 2022 General Fund budget to reallocate committed funds to fund (3) full-time EMS personnel. D'Alessandro requested a joint meeting with Fontana to discuss proposal. It was the consensus of the Committee to direct staff to start the budget amendment process. Discussion was held regarding utilizing a portion of the committed fund balance for 2022.

### **V. Adjourn**

The motion to adjourn was initiated by Jim D'Alessandro and seconded by Lowell Wright at 3:02pm. Unanimously carried.

/s/ Lori Peternell, Village Treasurer

*These are not official Minutes until approved by the Governing Body.*



# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org

Phone: 262-245-2700

## UNOFFICIAL MINUTES FINANCE & PERSONNEL COMMITTEE 01/28/22 MEETING FRIDAY, JANUARY 28, 2022 AT 10:00 AM VILLAGE HALL COUNCIL ROOM

### I. Call to Order

Trustee Parker called the meeting to order at 10:00am.

### II. Roll Call

Present: Trustees Jim D'Alessandro, Don Parker and Lowell Wright

Also Present: Trustee Umans, Administrator Tobin, Clerk Pankau-Daniels, Fire Chief Smith, Fire Lieutenant Nicholson, Rescue Squad Captain McKean and Rescue Squad Lieutenant Vavra

### III. Emergency Medical Services (EMS)

Trustee Parker stated that the purpose of this meeting is to help give directions to the staff on how to solve the problem of there being a shortage of Rescue Squad members. He stated that there have been conversations with the Village of Fontana and they are experiencing the same issues. Both the Village of Fontana and the Town of Delavan have tried contracting with Metro, but they have a hard time getting employees as well because most of the employees would like to be municipal employees to receive the benefits and pension, rather than be employees of Metro.

Parker stated that a referendum would be needed to raise the Tax Levy Limit to be able to hire full-time Rescue Squad employees. In the short-term, the Village of Fontana is looking to hire seven employees and the Village of Williams Bay would like to hire four, to create a joint squad of eleven members. He stated that we need to financially plan for the long-term solution, but that the joint crew would operationally work for the short-term.

It was the consensus of the Committee that Administrator Tobin and staff should continue to work on a Budget Amendment to have ready for the Committee to review in February, that the Village Attorney should create a draft agreement for a joint squad and that Administrator Tobin and the Village Attorney should set-up a meeting with the Administrator and Attorney from the Village of Fontana to work together on potential short-term and long-term plans. The Committee asked Administrator Tobin to bring back an outline or draft plan to them after this meeting with the Village of Fontana occurs.

Trustee Wright excused himself from the meeting at 10:50am.

There was conversation about where employees would be found, and it was discussed that other company's employees would probably find our positions attractive because they can make the same amount of money, or more, plus receive benefits and a pension.

Trustee D'Alessandro stated for informational purposes that the School District may be looking into going to a referendum in November this year too because they need more money for operational purposes since the enrollment is going down and starter families are not moving in. It was discussed that the Village cannot delay their Rescue Squad referendum because of this.

### IV. Adjourn

The motion to adjourn was initiated by Jim D'Alessandro and seconded by Don Parker at 11:26am. Unanimously carried.

/s/ Jackie Pankau-Daniels, Village Clerk

*These are not official Minutes until approved by the Governing Body.*



# VILLAGE OF WILLIAMS BAY

## RESOLUTION

R-8-22

### A RESOLUTION AMENDING THE VILLAGE OF WILLIAMS BAY'S 2022 GENERAL FUND OPERATING BUDGET

**THE VILLAGE BOARD OF THE VILLAGE OF WILLIAMS BAY, WALWORTH COUNTY,  
WISCONSIN, RESOLVES AS FOLLOWS:**

**WHEREAS**, the Village of Williams Bay's 2022 General Fund annual budget was approved by the Village Board of Trustees on November 15, 2021; and,

**WHEREAS**, pursuant to Wis. Statutes section 65.90(5)(a), the Village Board of Williams Bay is permitted to approve budget amendments to its adopted budget; and

**WHEREAS**, Wisconsin State law requires all municipalities to provide Emergency Medical Services (EMS) to its residence; and,

**WHEREAS**, Williams Bay has historically provided EMS on a volunteer basis with mutual aid support from other communities and backup from private sector professionals; and,

**WHEREAS**, this current model is no longer working for the Village; and,

**WHEREAS**, the Village Board and Village staff are exploring operational solutions which include hiring full-time EMS employees or contracting EMS services with another community; and,

**WHEREAS**, it is the intent of the Village Board to amend the 2022 Budget to address the immediate EMS needs for the Village of Williams Bay; and,

**NOW THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Williams Bay, Wisconsin the sum of \$300,000 is hereby transferred from the General Fund Unassigned Fund Balance to the 2022 General Fund Operating Budget (100-49200) with expenditures to be budgeted in Contingency (100-51560-000), and

**BE IT FURTHER RESOLVED**, that this resolution be published within 15 days of the adoption as prescribed under Wis. Statutes section 65.90 (5)(a).

Passed and adopted this \_\_\_\_\_ day of February 2022.

VILLAGE OF WILLIAMS BAY:

\_\_\_\_\_  
Williams Duncan, President

ATTEST:

\_\_\_\_\_  
Jackelyn Pankau-Daniels, Clerk



# **VILLAGE OF WILLIAMS BAY**

## **VISA**

### **PURCHASE CARD POLICY**

**Procedures Manual for Village of Williams Bay**

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## Introduction

Purchase Cards may be issued to Department Heads and certain employees at the discretion of the Village Administrator. Purchase Cards shall only be used for Village business and in accordance with this Policy. Misuse of a Purchase Card is subject to discipline up to and including termination. All Purchase Cards are issued at the request of the Village of Williams Bay and card usage will be audited and may be rescinded at any time.

This manual provides the guidelines under which you may utilize your Purchase Card. Please read it carefully. Your signature on the Cardholder Application Form indicates that you understand the intent of the program and agree to adhere to the guidelines established for the program.

Record keeping will be essential to ensure the success of this program. This is not an extraordinary requirement since standard reimbursement policies require the retention of all receipts.

Finally, remember each time you use the Purchase Card, you are expending Village funds and decreasing your available budget.

After you have read this manual and understand the outlined procedures, please complete, and sign the Cardholder Form and return to the Village Administrator.

Once you have received your card, it can be activated by telephone number 800-553-7650 or on-line at [myaccountaccess.com/activate](http://myaccountaccess.com/activate).

Always keep the card in a safe place. Although the card is issued in your name, it is the property of the Village of Williams Bay and is only to be used for Village purchases as defined in this manual.

## General Information

- ☞ The Purchase Card may be used at any merchant that accepts Visa credit cards.
- ☞ The Purchase Card is not to be used for personal purchases.
- ☞ You are responsible for the security of your card and any transactions made against the card. The Purchase Card is issued in your name, and it will be assumed that any purchases made against the Purchase Card will have been made by you.
- ☞ Use of the Purchase Card not in accordance with the guidelines established for this program will result in revocation of the card, and potential discipline up to and including termination.
- ☞ The appropriate department budget is reduced by each transaction.
- ☞ Original receipts and a copy of your monthly statement should be forwarded to the Department Head. The Department Head shall verify with their signature that all the information is accurate and that all the proper documentation is attached. All documentation should be submitted to the Treasurer in a timely manner for processing.

## Acceptable Visa Card Purchases

The following information provides examples of purchases that are appropriate for the Purchase Card:

- ☺ Services that have been budgeted or approved by the Village Board
- ☺ Fuel, when not available from fuel card
- ☺ Approved supplies/equipment
- ☺ Approved conference/seminar registrations
- ☺ Approved travel/conference expenses
- ☺ Other miscellaneous items that apply to your program and budget

## Unacceptable Visa Card Purchases

The following items are examples of inappropriate purchases. It is not an exhaustive list.

- ☹ Alcoholic Beverages/tobacco
- ☹ Lottery Tickets
- ☹ Cash Advances or ATM
- ☹ Any form of Gambling
- ☹ Any purchase of personal items

This list is not intended to be all-inclusive. If you have specific questions, please call the Village Administrator for assistance. In the event of an unintentional improper use of a Purchase Card, or any other non-compliance with this Policy, the card holder shall immediately notify the Department Head and the Village Administrator.

## Program Restrictions

Each Visa Purchase Card has been assigned a monthly credit limit of \$3,000. All requests for changes to the above limits must first be approved by the Village Administrator.

The Visa Card will be accepted for purchases of generally approved Village of Williams Bay commodities. Businesses and services determined not to offer products commonly accepted for the Village of Williams Bay can be blocked from accepting the Purchase Card. **If your card is declined by a merchant and you feel the decline should not have occurred, please contact the Village Administrator.**

## Reconciliation and Payment

A single invoice from First National Bank covering all the Village of Williams Bay purchase cards will be paid each month by the Village Treasurer. You should not directly pay any invoice. The purchase card does not impact your personal credit rating in any way.

**It is required that you retain all original receipts for goods purchased.** If you purchase via phone, internet or mail, require the merchant to include a receipt with the goods when the product is shipped to you. If that is not possible, you must obtain a packing slip when the shipment is received to document the purchase.

**Every cardholder will be able to review their statement online at any time once the cardholder sets up their account online. Original receipts and a copy of your monthly statement must be turned in and received by the Treasurer no later than the 25<sup>th</sup> of the month.**

## When Your Records Do Not Agree with Your Monthly Statement

There may be an occasion when you find items on your transaction log that do not correlate with your retained receipts or monthly cardholder statement. Reconciliation of your monthly statement is very important to determine if you made a particular transaction, the amount of the transaction is correct, or you have a quality or service issue.

Your first recourse is to contact the merchant involved to try to resolve the error. If the merchant agrees that an error has been made, your account should be credited. Highlight the transaction in question on your statement as a reminder that the item is still pending resolution. Be sure to check that the credit is received on your next monthly statement.

If you are unable to resolve the issue directly with the merchant, contact the customer service department at Elan Financial Services, 1-866-552-8855. When calling be sure you have detailed information regarding the dispute. State that you would like to dispute a charge on your Purchase Card. You are required by law to submit the information in writing to initiate a claims dispute with Elan.

Any charge you wish to dispute must be identified in writing within 30 days of the statement date to Elan. The Village Administrator and the Treasurer shall be immediately notified of any dispute and a copy of any written dispute shall be provided to those individuals.

You are responsible for the transactions identified on your statement. When an audit is conducted on your account, you must be able to produce receipts that a Village of Williams Bay approved transaction occurred. If an error is discovered, you are responsible to show that the error or dispute resolution process has been followed.

## Lost or Stolen Cards

The Visa Purchase Card is the property of the Village of Williams Bay and should be secured just as you would secure your personal credit cards. If your card is lost or stolen, contact the Elan customer service number (866-552-8855) immediately and notify the Village Administrator and the Treasurer. When calling customer service, be prepared to provide the last four numbers of your social security number.

Upon notifying Elan, the card will be deactivated immediately. The Village Administrator is also able to deactivate the card if necessary. If the card is reported lost or stolen and is later used, the Merchant will decline it. Prompt action in these circumstances is very important to reduce the Village of Williams Bay liability for fraudulent charges.

## Sales Tax

Merchants are usually required by taxing authorities to include sales tax when goods are purchased. The amount is dependent on a variety of factors, including the state and city where you are purchasing the goods.

Purchases of items by public governments for their use are generally exempt from sales tax.

It is the cardholder's responsibility to notify the merchant that the Village of Williams Bay **is tax exempt**. If a copy of the tax-exempt form is needed, please contact the Village Administrator or the Treasurer. Please note that use of the Village's tax-exempt status for personal gain is both grounds for discipline and may constitute a crime.

## In Summary

The Village of Williams Bay's Purchase Card Program is an opportunity to reduce paperwork, expedite the purchasing process at the department level and reduce the Village's administrative expenses. The Purchase Card process will allow the Village to realize significant savings in administrative processing costs while providing a customer friendly, efficient, and effective method to buy low dollar value goods and services.

Exercise good judgment and act within your authorized budget when using your card. The Purchase Card is issued in your name and all activity will be assumed to have been incurred by you. We ask you to maintain simple but accurate records and receipts for auditing purposes.

The Village of Williams Bay is working to continually improve the way business is conducted and your feedback is critical to achieving that goal. Your use of a Visa Community Card for appropriate purchases can help the Village achieve significant savings by decreasing the amount of checks we process each month while participating in a rewards program.

If you have any questions about the program or need additional information, please contact the Village Administrator.

## CARDHOLDER FORM

Visa Card applicants need to acquire authorization from the Village Administrator to apply for the Purchase Card.

### USER INFORMATION: (Please print clearly)

Department \_\_\_\_\_ Phone Number \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Applicant's Job Title \_\_\_\_\_

Applicant's E-Mail address \_\_\_\_\_

Monthly Limit: \$ \_\_\_\_\_

Reason for Request \_\_\_\_\_

I agree to review and sign the monthly Visa Purchase Card statements issued to the above applicant. If the applicant's employment with the Village of Williams Bay is terminated, I agree to notify the Village Administrator immediately.

Supervisor/Dept. Head Name \_\_\_\_\_

Supervisor/Dept. Head Signature \_\_\_\_\_

### AUTHORIZED BY:

I hereby grant the above-mentioned Applicant authorization to apply for, and use, the Village of Williams Bay Visa Purchase Card.

Name (Print) \_\_\_\_\_

Signature \_\_\_\_\_

Title Village President

Date \_\_\_\_\_



## **ACKNOWLEDGEMENT OF RECEIPT OF THE VISA PURCHASE CARD**

I acknowledge that, on the date indicated below, I received my Purchase Card. I have previously received a copy of the procedure manual explaining the use and responsibilities of the Purchase Card. I understand that:

- The Purchase Card is a cost-effective method for the purchase and payment of small dollar material transactions and reoccurring monthly expenses.
- The Purchase Card is to be used solely for business purchases, not personal purchases.
- I am responsible for reconciling monthly statements and maintaining accurate accounting records.
- Should my employment with the Village of Williams Bay terminate, I am responsible for returning the Purchase Card to the Village Administrator

Employee Signature \_\_\_\_\_

Employee Name \_\_\_\_\_  
(Please Print)

Date: \_\_\_\_\_

**Please return this form to the Village Administrator**

## CARDHOLDER MISUSE REPORT

*To be completed by Department Supervisor/Treasurer/Administrator*

**Date:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**DESCRIPTION OF MISUSE:** \_\_\_\_\_

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**ACTION TAKEN:** \_\_\_\_\_

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**RECOMMENDATION:** \_\_\_\_\_

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**SUBMITTED BY:** \_\_\_\_\_

**GIVE THIS FORM TO THE VILLAGE ADMINISTRATOR  
IMMEDIATELY FOR REVIEW AND PROCESSING**



# BY THE NUMBERS

auctions conducted

# 24/7

# 100+

NEW BIDDERS  
ADDED WEEKLY

# 3million+

AVERAGE HITS A MONTH ON  
**WISCONSINSURPLUS.COM**

# IT'S EASY

1. **YOU** DESCRIBE IT
2. **YOU** PICTURE IT
3. **YOU** SEND IT
4. **WE** LIST IT
5. **WE** PAY **YOU**

# OUR HISTORY

Wisconsin Surplus is a family-owned business based in Mount Horeb, WI. We enjoy a respected name and reputation for providing professional, full-service, online auction solutions. Wisconsin Surplus owners, Richard & Matthew Lust, (Father & Son) have been auctioneers since 1975 and 1993 respectively, operating Lust Auction Services, LLC. In 2003, WisconsinSurplus.com was established as the internet division of our 44+ year old company when we secured the contract to be the online auction provider for the State of Wisconsin.



*The owners and staff of Wisconsin Surplus are proud to call Wisconsin and the Midwest our home. We take great pride in offering an efficient way of turning unused equipment and surplus property into cash. By bringing sellers and buyers together, enabling the sustainable reuse and repurposing of unneeded assets. Our buyers are pleased to find what they need and our sellers can use their auction proceeds for new items.*

**WISCONSIN**  
**SURPLUS**  
**ONLINE AUCTION**  
[www.WisconsinSurplus.com](http://www.WisconsinSurplus.com)



# BID. BUY. SELL.



# WE'RE HERE FOR YOU

## We are dedicated to selling surplus assets for states and municipalities via online auction.

Over the past 16+ years, Wisconsin Surplus has conducted thousands of auctions for hundreds of state & local government agencies and municipalities in Wisconsin, Illinois, Michigan, Iowa & Minnesota. We offer auctions at the seller's location or the use of our auction sales lot & warehouses in Mt. Horeb, WI. Our online auctions run 24 hours a day, 7 days a week so you can turn your surplus equipment into cash—quickly, easily and at little or **NO COST!**



# WE'RE DIFFERENT

## WE ARE PERSONABLE

- Family-owned and operated
- 44+ years of experience with a personable, friendly, honest and accurate team
- One-on-One Service—working with the same contact every time
- We manage your auction from beginning to end
- We promote & advertise your items via TV, radio, social media, print, email & online
- We can come to you, teach you how to best capture, list, and upload your items to our site
- We handle all programming—you simply need to supply photos and descriptions
- We call you at your auction conclusion to verify bids
- We handle all buyer payments and mail you a check

## WE ARE CONVENIENT

- Millions of hits a month
- Little to **NO COST** to sell
- Wide variety of items—bringing buyers and sellers together
- No minimum number of items for an auction
- Ability to set a minimum selling price
- Multiple forms of payment accepted
- Easy to use website
- New, worldwide bidders daily
- New auctions added daily

Inventories are always changing, and good deals can be had if you know what to look for. Items that I purchased were available quickly, and **the entire transaction went smoothly** once I arrived at their location.”

—Ryan Williams

**Convenient, easy to use website interface, helpful and friendly staff.** Nice place to find hard-to-locate items and recycle/reuse municipal assets to give them another life.”

—Nick Wilkes

**Wisconsin Surplus was able to sell it in a matter of days when it's been listed with the other site for several months with no serious inquiries”**

—Melissa Krier, Lake City, Minnesota

I used GovDeals to give them the opportunity to prove to me their site would reach a greater audience and in turn generate us higher returns, that doesn't appear to be the case, **I will be using Wisconsin Surplus going forward”**

—Jake Alverson, Green Bay Area Public School District

As a teacher, it is very difficult to buy, sell, and maintain a budget and you have made it such a smooth, even rewarding process for my students. **To see their faces after they see a check come in is priceless.”**

—Josh Kasubowski, Wautoma High School





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## Public Works Auction Items

1 message

**Wayne Edwards** <wedwards@williamsbay.org>  
To: Village Administrator <admin@williamsbay.org>

Wed, Feb 2, 2022 at 2:02 PM

2001 Ford F550 Plow truck Vin: 1FDAF57F91EC19310

1991 Ford E350 Ambulance Vin: 1FDKE30M4NHA05172

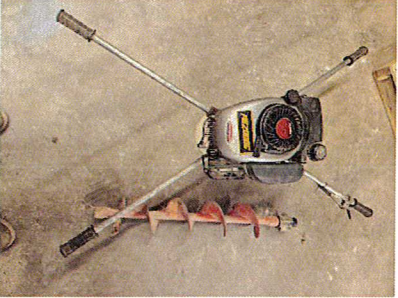
Ford 3pt. post hole auger frame - no augers

CargoPro pickup truck bed sliding tray - 8ft bed

Hoffco 2 man post hole auger - 6 inch auger

---  
Best regards,  
Wayne Edwards DPW  
Village of Williams Bay





|                                                       |  |  |  |
|-------------------------------------------------------|--|--|--|
| <b>Items</b>                                          |  |  |  |
|                                                       |  |  |  |
|                                                       |  |  |  |
|                                                       |  |  |  |
| Bin of Misc Lightbulbs                                |  |  |  |
|                                                       |  |  |  |
| Tool Bin with Misc Tools                              |  |  |  |
|                                                       |  |  |  |
| Lumber Crayons                                        |  |  |  |
|                                                       |  |  |  |
| Stihl BR700 Leaf BLower                               |  |  |  |
|                                                       |  |  |  |
| Setina Push Bumper for 2014 Ford Explorer             |  |  |  |
|                                                       |  |  |  |
| Setina rear prisoner transport for 2014 Ford Explorer |  |  |  |
|                                                       |  |  |  |
| "Green Gas" (5 bottles)                               |  |  |  |
|                                                       |  |  |  |
| Bushnell Halo sights (x2)                             |  |  |  |
| Bushnell 3x9x32 (x2)                                  |  |  |  |
|                                                       |  |  |  |
| Big mable tow behind tube                             |  |  |  |
|                                                       |  |  |  |
| Box of Misc shotgun shells                            |  |  |  |
|                                                       |  |  |  |
| Brother Printer                                       |  |  |  |
|                                                       |  |  |  |
| Tactical Vests                                        |  |  |  |
|                                                       |  |  |  |
| 5 boxes of 357 ammo                                   |  |  |  |
|                                                       |  |  |  |
|                                                       |  |  |  |
| 2014 Ford Explorer VIN 1FM5K8AR9EGC26009              |  |  |  |
|                                                       |  |  |  |
| HP Design Jet 500 Large Format Plotter                |  |  |  |





# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org

Phone: 262-245-2700

## UNOFFICIAL MINUTES WATER AND SEWER COMMITTEE MEETING 01/12/22 MEETING

WEDNESDAY, JANUARY 12, 2022 AT 5:45 PM  
VILLAGE HALL COUNCIL ROOM

### I. Call to Order

Umans called the meeting to order at 5:50pm.

### II. Roll Call

Present: Robert Umans, Don Parker, Matt Stanek

Also Present: Trustees D'Alessandro and Wright, Administrator Tobin, Treasurer Peternell, Director of Public Works Edwards, Engineer Snyder and Jodi Dobson; Baker Tilly Representative

### III. PSC Correspondence - Water Rate Increase

The motion to Recommend Village Board Approval of the PSC Correspondence dated December 29, 2021 regarding the Water Rate Increase was initiated by Don Parker and seconded by Matt Stanek. Unanimously carried.

### IV. Investigative Work on Fire Station Sanitary Sewer Gravity Line

(Reference Doug's memo for detail)

The motion to Recommend Village Board Approval of the Investigative Work on Fire Station Sanitary Sewer Gravity Line with a cost not to exceed \$15,000 was initiated by Don Parker and seconded by Matt Stanek. Unanimously carried.

### V. Adjourn

The motion to adjourn was initiated by Matt Stanek and seconded by Don Parker at 6:32pm. Unanimously carried.

/s/ Lori Peternell, Village Treasurer

*These are not official Minutes until approved by the Governing Body.*



# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org  
Phone: 262-245-2700

## UNOFFICIAL MINUTES WATER AND SEWER COMMITTEE WEDNESDAY, JANUARY 12, 2022 AT 6:30 PM VILLAGE HALL COUNCIL ROOM

### Call to Order

Meeting was called to order by Chairman Umans at 7:42pm

### Roll Call

Trustees Umans, Parker and Stanek

Also Present: President Duncan, Trustee D'Alessandro, Vlach and Wright, Administrator Tobin, Treasurer Peternell, Public Works Director Edwards, Police Chief Timm and Recreation Director Rowland.

### Meeting Minutes

Parker/Stanek motion to approve the December 15, 2021 meeting minutes. Unanimously carried.

### Adjourn

Parker/Stanek motion to adjourn at 7:42pm. Unanimously carried.

/s/ Lori Peternell, Village Treasurer

*These are not official minutes until approved by the Water and Sewer Committee*



# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org

Phone: 262-245-2700

## UNOFFICIAL MINUTES WATER AND SEWER COMMITTEE 01/17/22 MEETING MONDAY, JANUARY 17, 2022 AT 6:45 PM VILLAGE HALL COUNCIL ROOM

### I. Call to Order

Umans called the meeting to order at 6:45pm.

### II. Roll Call

Present: Robert Umans, Don Parker, Matt Stanek

Also Present: President Duncan, Trustees D'Alessandro, Vlach and Wright, Administrator Tobin, Treasurer Peternehl, Engineer Snyder, Harold Friestad, Jim Killian and Sparky Lungren

### III. Southwick Creek preliminary design review and possible grant application by the Geneva Lake Conservancy

Umans discussed the plans and needs for relocating Southwick Creek. The estimated cost to relocate Southwick Creek is approximately \$1,000,000. Grants will be applied for by Geneva Lake Conservancy in addition to private fundraising. Snyder reviewed the detailed plans that will be utilized for the final plan design to be used for Geneva Lake Conservancy to obtain grants and the Utility companies to provide cost estimates.

### IV. Adjourn

The motion to adjourn was initiated by Don Parker and seconded by Matt Stanek at 6:59pm. Unanimously carried.

/s/ Lori Peternehl, Village Treasurer

*These are not official Minutes until approved by the Governing Body.*



# VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org  
Phone: 262-245-2700

## UNOFFICIAL MINUTES BUILDING, ZONING AND ORDINANCE COMMITTEE WEDNESDAY, JANUARY 12, 2022 AT 6:30 PM VILLAGE HALL COUNCIL ROOM

### Call to Order

Meeting was called to order by Chairman Wright at 7:42pm

### Roll Call

Trustees Wright, Parker and Vlach

Also Present: President Duncan, Trustee D'Alessandro, Stanek and Umans, Administrator Tobin, Treasurer Peternell, Public Works Director Edwards, Police Chief Timm and Recreation Director Rowland.

### Meeting Minutes

Vlach/Parker motion to approve the meeting minutes of December 14, 2021. Vlach abstained; motion carried.

### Resolution R1-22 International Migratory Bird Day

Wright stated that this resolution is adopted annually to recognize the second Saturday in May as International Migratory Bird Day. Parker/Vlach motion to recommend Village Board approval of Resolution R1-22 International Migratory Bird Day. Unanimously carried.

### Resolution R-2-22 Resolution for the Purpose of Planning, Constructing or Operating a Recycling Program Authorizing the Village Administrator to Act on its Behalf

Tobin stated that the previous resolution named James Weiss as the person authorized to act on behalf of the Village and this resolution removes him and replaces it with the title of Village Administrator. Parker/Vlach motion to recommend Village Board approval of Resolution R-2-22 Resolution for the Purpose of Planning, Constructing or Operating a Recycling Program Authorizing the Village Administrator to Act on its Behalf. Unanimously carried.

### Update on Floodplain Ordinance

Wright stated that minor changes are needed to the Floodplain Ordinance. The language states that if a property in the floodplain is destroyed, in order to reconstruct the damage needs to be more than 50% of its equalized value. The Water Plant is the only property currently located in the floodplain, therefore the DNR recommends using insured value or having an appraisal done.

### Tourist Rooming Houses

Discussion was held regarding removing the limit of tourist rooming houses in the Village but allowing them only in Village Center and Small Business District. It was the consensus of the Committee to have the Village Attorney draft a revised Ordinance. Current license holders will be notified when topic is being discussed again.

### Update on Comprehensive Plan Focus Groups and Public Meeting

Tobin stated that there is expected to be a good turnout and will be live streamed on YouTube at the high school.

### Adjourn

Vlach/Parker motion to adjourn at 8:13pm. Unanimously carried.

/s/ Lori Peternell, Village Treasurer

*These are not official minutes until approved by the BZO Committee*

**AMENDMENT ONE**  
**PROFESSIONAL SERVICES AGREEMENT**  
**BETWEEN VILLAGE OF WILLIAMS BAY, WISCONSIN**  
**AND SAFEbuilt WISCONSIN, LLC**

**This Amendment is entered into to amend the Professional Services Agreement** previously entered into on October 26, 2021, by and between Village of Williams Bay, Wisconsin, (Municipality) and SAFEbuilt Wisconsin, LLC, a wholly owned subsidiary of SAFEbuilt, LLC, (Consultant). Municipality and Consultant shall be jointly referred to as the "Parties".

**Amendment Effective Date:** This Amendment shall be effective on the latest date fully executed by both Parties.

**RECITALS AND REPRESENTATIONS**

Parties entered into a Professional Services Agreement (Agreement), by which both Parties established the terms and conditions for service delivery on October 26, 2021; and

Parties hereto now desire to amend the Agreement as set forth herein; and

**NOW, THEREFORE**

Agreement is hereby amended as set forth below:

A. Agreement, Exhibit B, 1. Fee Schedule shall be replaced with and read in its entirety as follows:

1. FEE SCHEDULE

- ✓ Municipality and Consultant will review the Municipal Fee Schedule and valuation tables annually to discuss making adjustments to reflect increases in the costs incurred by Consultant to provide Services.
- ✓ Beginning January 01, 2023 and annually thereafter, the hourly rates listed shall be increased based upon the annual increase in the Department of Labor, Bureau of Labor Statistics or successor thereof, Consumer Price Index (United States City Average, All Items (CPI-U), Not Seasonally adjusted, All Urban Consumers, referred to herein as the "CPI") for the Municipality or, if not reported for the Municipality the CPI for cities of a similar size within the applicable region from the previous calendar year, such increase, however, not to exceed 4% per annum. The increase will become effective upon publication of the applicable CPI data. If the index decreases, the rates listed shall remain unchanged.
- ✓ Consultant fees for Services provided pursuant to this Agreement will be as follows:

| Full Service Fee Schedule:                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Inspection Services (permits issued prior to service start date)                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$75.00 per inspection                                                                                                                 |
| Inspection Services (permits issued after service start date) <ul style="list-style-type: none"><li>• Building, Mechanical, Plumbing, Electrical</li></ul>                                                                                                                                                                                                                                                                                                                                             | 80% of Municipal fee as established by ordinance                                                                                       |
| Residential Plan Review Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 80% of Municipal fee as established by ordinance                                                                                       |
| Commercial Plan Review Services <ul style="list-style-type: none"><li>✓ Building, HVAC and Plumbing<ul style="list-style-type: none"><li>▪ Requires State of Wisconsin approval for Delegated/Certified Municipal Authority</li><li>▪ Consultant will provide service based upon approval granted by the State of Wisconsin</li></ul></li></ul>                                                                                                                                                        | *80% of fees as stated and calculated in SBD-118 Wisconsin Department of Safety and Professional Services and any subsequent revisions |
| *Consultant fees set forth above for Commercial Plan Review Services are inclusive of the fees required to be paid to the Wisconsin Department of Safety and Professional Services pursuant to Chapter SPS 361 and 302 of the Wisconsin Administrative Code for the Commercial Plan Review and Reporting Services provided by the Consultant pursuant to this Agreement. Consultant shall remit the fees required to be paid to the Wisconsin Department of Safety and Professional Services when due. |                                                                                                                                        |

|                                                                                                           |                                          |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------|
| Building Official Services                                                                                | Included in percentage of fees above     |
| Permit Technician Service                                                                                 | Included in percentage of fees above     |
| <b>Activities/Meetings Where No Permit Fee is Generated - As requested by Municipality</b>                |                                          |
| Normal Business Hours – 8:00 am to 5:00 pm                                                                | \$85.00 per hour – one (1) hour minimum  |
| Other Than Normal Business Hours                                                                          | \$100.00 per hour – one (1) hour minimum |
| Time tracked includes roundtrip travel time between Consultant’s office and Municipality/inspection site. |                                          |
| <b>As-Requested Service Fee Schedule:</b>                                                                 |                                          |
| Code Enforcement Services                                                                                 | \$65.00 per hour – one (1) hour minimum  |
| <b>Community Core Solutions:</b>                                                                          |                                          |
| Optional – included at no cost to the Municipality                                                        |                                          |

**All other provisions of the original Agreement shall remain in effect, to the extent not modified by Amendment.**

IN WITNESS HEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

\_\_\_\_\_  
 Avner Alkhas, Chief Financial Officer  
 SAFEbuilt Wisconsin, LLC

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature  
 Village of Williams Bay, Wisconsin

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Name & Title



Building, Zoning and Ordinances Committee, 10/13/2021

Re: Pier Numbers

#### Background

Pier Numbers are part of the address for piers. The address is important and valuable for fire and police activities, Water Patrol enforcement and service and for Harbor Commission review of permits. There now is no requirement to post pier numbers. The following proposal would amend Village Ordinances to require posting of the pier number on all piers subject to permitting by the Village

Amend Section 281-1 (H) o add item 9

9. All piers in the Village shall have posted the pier number assigned by the Geneva Lake Association. Numbers shall be at least four (4) inches tall and in a contrasting color to the pier. The Building Inspector shall review compliance with this requirement as part of the permit process.

**ORDINANCE #2022-04**  
**AN ORDINANCE CREATING SECTIONS 281-1H. (9) AND 281-1L. (8) OF THE CODE OF**  
**ORDINANCES OF THE VILLAGE OF WILLIAMS BAY ESTABLISHING WHARF AND PIER**  
**NUMBER REQUIREMENT AND PENALTY FOR VIOLATION**

WHEREAS, pursuant to the authority contained in Wis. Stat. Sec. 30.13 (2), the village may enact ordinances regulating wharves and piers; and

WHEREAS, the Harbor Commission of the Village of Williams Bay having recommended that the Village Board adopt an ordinance requiring wharf and pier numbers to allow the village to better monitor compliance with village ordinances by said wharf and pier owners as well as to facilitate the proper identification of the wharf or pier owner, and an ordinance to provide a penalty for failure to acquire and post such number; and

WHEREAS, the Building, Zoning and Ordinance Committee of the Village of Williams Bay having recommended the adoption of ordinances requiring wharf and pier numbers and a penalty for failure to acquire and post such number; and

WHEREAS, the Village Board of the Village of Williams Bay having determined that it is appropriate to follow the recommendation of the Harbor Commission and the Building, Zoning and Ordinance Committee to enact ordinances to require wharf and pier numbers and a penalty for failure to acquire and post such numbers.

NOW, THEREFORE, the Village Board of the Village of Williams Bay do hereby ordain as follows:

Section I.      Section 281-1H. (9) of the Code of Ordinances of the Village of Williams Bay is hereby created to read as follows:

(9). Wharf and pier number required.

(a) Owners of riparian property who construct or place a wharf or pier or cause same to be done shall obtain a number for such wharf or pier from the Geneva Lake Association. Once obtained the number shall immediately be fastened to the end of the wharf or pier which extends into the navigable water and be properly maintained in a manner so as to be plainly seen from the navigable water.

Section II.     Section 281-1L (8) of the Code of Ordinances of the Village of Williams Bay is hereby created to read as follows:

(8) Any person convicted of a violation of par. H. (9) of this section shall forfeit \$50 upon conviction together with the costs of prosecution and penalty assessment.

Section III.    This ordinance shall take effect upon passage and publication as provided by law.

Approved by the Village Board of the Village of Williams Bay this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF WILLIAMS BAY

By: \_\_\_\_\_  
William Duncan, President

Attest: \_\_\_\_\_  
Jackelyn Pankau, Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_

**ORDINANCE #2022-03**  
**AN ORDINANCE AMENDING SECTIONS 390-0212C., 390-0214C., 390-0215C.,**  
**390-0216C., AND 390-0310M. OF THE CODE OF ORDINANCES OF THE**  
**VILLAGE OF WILLIAMS BAY CONCERNING TOURIST ROOMING HOUSES**

WHEREAS, the Village of Williams Bay Building, Zoning and Ordinance Committee having recommended the removal of tourist rooming house as a conditional use from all zoning districts in the Village other than the Village Center District (VC) and the Small Business District (SB), while removing the limit on the maximum number of tourist rooming houses currently established in Section 390-0310M.; and

WHEREAS, the Plan Commission of the Village of Williams Bay having held a duly noticed public hearing on the proposed amendment of Sections 390-0212C. (9) (SF-6), 390-0214C. (9) (TF), 390-0215C. (15) (MF-12) and 390-0216C. (17) (MF-18) to remove tourist rooming houses as a conditional use in those zoning districts by repealing said subparts, as well as a public hearing on the proposed amendment of Section 390-0310M. (8) business land uses, to repeal that subpart in order to remove the limitation on the number of tourist rooming houses permitted in the Village; and

WHEREAS, following said public hearing, the Plan Commission having voted to recommend to the Village Board of the Village of Williams Bay the above stated proposed amendments to Chapter 390 of the Code of Ordinances of the Village of Williams Bay; and

WHEREAS, the Village Board of the Village of Williams Bay having determined that it is appropriate to accept the recommendation of the Plan Commission and the Building, Zoning and Ordinance Committee regarding the zoning districts in which tourist rooming houses may be allowed as a conditional use and regarding eliminating the maximum number of tourist rooming houses permitted in the Village.

NOW, THEREFORE, the Village Board of the Village of Williams Bay do hereby ordain as follows:

Section I.       Section 390-0212C. of the Village of Williams Bay is hereby amended as follows:

Section 390-0212C. (9) is hereby repealed and subparts (10)-(11) are hereby renumbered subparts (9)-(10).

Section II.       Section 390-0214C. of the Code of Ordinances of the Village of Williams Bay is hereby amended as follows:

Section 390-0214C. (9) is hereby repealed and subparts (10)-(12) are hereby renumbered subparts (9)-(11)

Section III.       Section 390-0215C. of the Code of Ordinances of the Village of Williams Bay is hereby amended as follows:

Section 390-0215C. (15) is hereby repealed and subparts (16)-(18) are hereby renumbered subparts (15)-(17).

Section IV. Section 390-0216C. of the Code of Ordinances of the Village of Williams Bay is hereby amended as follows:

Section 390-0216C. (17) is hereby repealed and subparts (18)-(20) are hereby renumbered subparts (17)-(19).

Section V. Section 390-0310M. of the Code of Ordinances of the Village of Williams Bay is hereby amended as follows:

Section 390-0310M. (8) is hereby repealed.

Section VI. This ordinance shall take effect upon passage and publication as provided by law.

Approved by the Village Board of the Village of Williams Bay this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF WILLIAMS BAY

By: \_\_\_\_\_  
William Duncan, President

Attest: \_\_\_\_\_  
Jackelyn Pankau-Daniels, Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_

**ORDINANCE #2022-05**  
**AN ORDINANCE CREATING SECTION 390-0504 B. OF THE CODE OF ORDINANCES**  
**OF THE VILLAGE OF WILLIAMS BAY CONCERNING UTILITY SETBACK**

WHEREAS, concern has been expressed to the village regarding the location of permanent structures within 10 feet of public utility lines and/or encroaching upon the boundaries of utility easements making repair or replacement of those utilities difficult and creating possible safety concerns as result; and

WHEREAS, the Plan Commission of the Village of Williams Bay having held a duly noticed public hearing on the proposed creation of Section 390-0504 B. which would require a 10 foot setback from public utility lines and prohibit encroachments upon the boundaries of public utility easements; and

WHEREAS, following said public hearing, the plan commission having voted to recommend to the Village Board of the Village of Williams Bay the adoption of Section 390-0504 B.; and

WHEREAS, the Village Board of the Village of Williams Bay having determined that it is appropriate to accept the recommendation of the plan commission in order to address issues related to the repair, replacement and installation of public utility lines where permanent structures are located within 10 feet of such public utility lines and/or within the boundaries of public utility easements.

NOW, THEREFORE, the Village Board of the Village of Williams Bay do hereby ordain as follows:

Section I.      Section 390-0504 B. of the Code of Ordinances of the Village Williams Bay is hereby created to read as follows:

**§390-0504 B. Utility Setback Adjustment.**

Front, street side and rear yard setbacks shall be adjusted to require a minimum setback of 10 feet from any public utility line by any structure which is permanently attached to a foundation, footing or other support structure located wholly or partially under the surface of the ground and any such structure may not encroach upon the boundary of any public utility easement.

(1) The zoning administrator may require public utility lines and public utility easements to be surveyed in advance of issuing a zoning permit to verify compliance with this Section.

(2) Should a public utility line require repair or replacement, it is the responsibility of the property owner to repair or replace any structures which are permitted to be located within the utility setback which are removed or damaged by such public utility line repair or replacement.

(3) The intrusions into required yards permitted by Section 390-0505 do not apply to utility setbacks.

Section II.      This ordinance shall take effect upon passage and publication as provided by law.

Approved by the Village Board of the Village of Williams Bay this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF WILLIAMS BAY

By: \_\_\_\_\_  
William Duncan, President

Attest: \_\_\_\_\_  
Jackelyn Pankau, Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_





## **MEMORANDUM**

**DATE:** FEBRUARY 16, 2022  
**TO:** BUILDING, ZONING & ORDINANCE COMMITTEE  
**FROM:** BONNIE SCHAEFFER, ZONING ADMINISTRATOR  
**RE:** FLOODPLAIN ORDINANCE UPDATE

Although the new ordinance is substantially the same as the existing ordinance, the following is a summary of the more significant changes:

- Updates official map references
- Adds floodplain storage overlay district
- Adds a requirement for a floodplain development permit
- Clarifies requirements for building sites and development in flood prone areas
- Adds additional standards for structures located in the floodway
- Provides additional detail for hydraulic and hydrologic studies for development
- Floodproofing measures are expanded
- Adds several relevant definitions

**ORDINANCE #2022-02**  
**AN ORDINANCE REPEALING AND RE-CREATING SECTION 390-0707 OF THE CODE OF**  
**ORDINANCES OF THE VILLAGE OF WILLIAMS BAY PERTAINING TO FLOODPLAIN ZONING**

WHEREAS, the Department of Homeland Security's Federal Emergency Management Agency (FEMA), has issued an updated flood insurance study identifying special flood hazard areas in the Village of Williams Bay located in Walworth County; and

WHEREAS, official maps have been created and approved by the State of Wisconsin Department of Natural Resources identifying flood storage districts in the Village of Williams Bay, located in Walworth County; and

WHEREAS, based upon said updated flood insurance study and official maps, the Village Board of the Village of Williams Bay having determined it is appropriate to create regulations for flood storage districts; and

WHEREAS, a duly noticed public hearing on the repeal and recreation of section 390-0707 of the Code of Ordinances of the Village of Williams Bay having been held before the Plan Commission of the Village of Williams Bay on the 8th day of March, 2022, and following said hearing, the plan commission having recommended to the Village Board of the Village of Williams Bay the adoption of the ordinance repealing and re-creating section 390-0707 of the Code of Ordinances; and

WHEREAS, the Village Board of the Village of Williams Bay having found that it is in the best interests of the residents of the Village to repeal and re-create section 390-0707 of the Code of Ordinances of the Village of Williams Bay to correctly identify the current flood insurance study and the current official maps approved by the Wisconsin Department of Natural Resources identifying flood storage districts in Walworth County including in the Village of Williams Bay, in order to bring the provisions of section 390-0707 of the Code of Ordinances of the Village of Williams Bay into conformity with the requirements of the National Flood Insurance Program standards.

NOW, THEREFORE, the Village Board of the Village of Williams Bay do hereby ordain as follows:

Section I: Section 390-0707 of the Code of Ordinances of the Village of Williams Bay is hereby repealed and re-created to read as follows:

**SECTION 390-0707 FLOODPLAIN OVERLAY DISTRICTS**

**A. STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in s. 61.35 and 62.23, for villages and cities; and the requirements in s. 87.30, Stats.

**B. FINDING OF FACT**

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

**C. 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.

D. **TITLE**

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Williams Bay, Wisconsin.

E. **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, on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community 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, 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 office of the Village clerk, Village of Williams Bay, WI.

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

1. Flood Insurance Rate Map (FIRM), panel numbers 55127C0304E, dated 09/03/2014 and 55127C0308D and 55127C0310D dated 10/02/2009;
2. Flood Insurance Study (FIS) for Walworth County, volumes 55127CV001C and 55127CV002C, dated 04/06/2022.

Approved by: The DNR and FEMA

b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

1. Walworth County and Incorporated Areas Flood Storage Districts, Panel 14, dated April 6, 2022
2. Walworth County and Incorporated Areas Flood Storage Districts, Panel 15, dated April 6, 2022

Approved by the DNR.

F. ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

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

- (1) The Floodway Overlay District (FWO), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. S. (5).
- (2) The Flood Fringe Overlay District (FFO) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. S. (5), within A Zones shown on the FIRM.
- (3) The General Floodplain Overlay District (GFO) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
- (4) The Flood Storage Overlay District (FSO) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

G. 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 (1) or (2) below. If a significant difference exists, the map shall be amended according to s. W. *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. V.(6) 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 s. W. *Amendments*.

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

- (2) Where flood profiles do not exist for projects, including any boundary of zone A, AO, the location of the boundary shall be determined by the map scale.

#### H. REMOVAL OF LANDS FROM FLOODPLAIN

(1) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. W.(6)c) *Amendments*.

(2) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met

- a. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
- b. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;

(3) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

#### I. COMPLIANCE

(1) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.

(2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. X.

(3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. X.

#### J. 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 s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.

K. ABROGATION AND GREATER RESTRICTIONS

- (1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This 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.

L. 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. Adm. 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.

M. 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 municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

N. 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.

O. ANNEXED AREAS

The Walworth County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village of Williams Bay for all annexed areas until the Village adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the Village'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 Village zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

P. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

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

- (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) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (2) If a subdivision or other proposed new development is in a flood-prone area, the community 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 s. V.(2).

**(3) Hydraulic and Hydrologic Analyses**

a) No floodplain development shall:

- 1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- 2. Cause any increase in the regional flood height due to floodplain storage area lost.

b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. V. *Amendments* are met.

**(4) Watercourse Alternations**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. P.(3) 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 s. W. *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.



**(5) Chapter 30, 31, Wis. Stats. Development**

Development which requires a permit from the Department, under chs. 30 and 31, 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 s. W. *Amendments*.

**(6) Public or Private Campgrounds**

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

- a) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- b) A land use permit for the campground is issued by the zoning administrator;
- c) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (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;
- f) All mobile recreational vehicles placed on the site must meet one of the following:
  - 1. Only camping units that are fully licensed, if required, and ready for highway use are allowed; or
  - 2. The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;

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.

- g) 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 sub. f) and shall ensure compliance with all the provisions of this section;
- h) The Village shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

- i) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. Q., R., S.(1) or S.(3) for the floodplain district in which the structure is located;
- j) 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
- k) 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.

**Q. FLOODWAY OVERLAY DISTRICT (FWO)**

**(1) Applicability**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. S.(1)e).

**(2) Permitted Uses**

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
  - they meet the standards in sub. (3) and sub. (4); and
  - all permits or certificates have been issued according to s. V.(1).
- a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
  - b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. R.(4).
  - d) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
  - e) Extraction of sand, gravel or other materials that comply with s. R.(4) .
  - f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
  - g) Public utilities, streets and bridges that comply with s. R.(3) .
  - h) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.

- i) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
- j) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- k) 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.

### **(3) Standards for Developments in the Floodway**

#### **a) GENERAL**

- 1. Any development in the floodway shall comply with s. P.(1) and (2) and have a low flood damage potential.
- 2. 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 s. P.(3) and V.(2)c) . The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- 3. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. (3)a)[2] above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. H.

#### **b) 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:

- 1. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- 2. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
  - a. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
  - b. Have structural components capable of meeting all provisions of subd. (3) b)7. and;
  - c. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with subd. (3) b)7.
- 3. Must be anchored to resist flotation, collapse, and lateral movement;

4. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
  5. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
  6. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets subd. (3) b)1. through subd. (3)b)5. and meets or exceeds the following standards:
    - a. The lowest floor must be elevated to or above the regional flood elevation;
    - b. 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;
    - c. 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.
    - d. The use must be limited to parking, building access or limited storage.
  7. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
    - a. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
    - b. 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 subd. (4)d) and (4)e);
    - c. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
    - d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
    - e. Placement of utilities to or above the flood protection elevation.
- c) PUBLIC UTILITIES, STREETS AND BRIDGES  
Public utilities, streets and bridges may be allowed by permit, if:
1. Adequate floodproofing measures are provided to the flood protection elevation; and
  2. Construction meets the development standards of s. P.(3).

d) FILLS OR DEPOSITION OF MATERIALS

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

1. The requirements of s. P.(3) are met;
2. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
4. The fill is not classified as a solid or hazardous material.

**(4) Prohibited Uses.** All uses not listed as permitted uses in s. Q.(2) are prohibited, including the following uses:

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

**R. FLOOD FRINGE OVERLAY DISTRICT (FFO)**

**(1) APPLICABILITY**

This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to s. S.(5).

**(2) PERMITTED USES**

Any structure, land use, or development is allowed in the Flood fringe District if the standards in subd. (3) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. U.(1) have been issued.

**(3) STANDARDS FOR DEVELOPMENT IN THE**

Section P. shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood fringe must meet the requirements of s. U. *Nonconforming Uses*;

**a) RESIDENTIAL USES**

Any structure, including a manufactured home, which is to be newly constructed or moved into the flood fringe, shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of s. U. *Nonconforming Uses*;

1. 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 flood fringe district unless it can be shown to meet s. H..
2. Notwithstanding s. R.(3)a)[1] , a basement or crawlspace floor may be placed at 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;
3. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. 4.
4. In developments where existing street or sewer line elevations make compliance with subd. 3. impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
  - a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - b. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

**b) ACCESSORY STRUCTURES OR USES**

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

**c) COMMERCIAL USES**

In addition to s. P., any commercial structure which is erected, altered or moved into the flood fringe shall meet the requirements of subd. (3)a). Subject to the requirements of subd. (3)e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

d) MANUFACTURING AND INDUSTRIAL USES

In addition to s. P., any manufacturing or industrial structure which is erected, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s V.(8). Subject to the requirements of subd. (3)e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

e) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. V.(8). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

f) PUBLIC UTILITIES, STREETS AND BRIDGES

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

1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. V.(8) .
2. 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.

g) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. V.(8)c), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

h) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. V.(8)c), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

i) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in flood fringe areas.

j) DEPOSITION OF MATERIALS

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

k) MANUFACTURED HOMES

1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:



- a. have the lowest floor elevated to the flood protection elevation; and
  - b. be anchored so they do not float, collapse or move laterally during a flood
3. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in subd. (3)a.

I) MOBILE RECREATIONAL VEHICLES

All mobile recreational 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 elevation and anchoring requirements in subd. (3)k)2. and 3.

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

**S. GENERAL FLOODPLAIN OVERLAY DISTRICT (GFO)**

(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 s. E.(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 s. E.(2)a), the boundaries of the regulatory floodway shall be determined pursuant to s. S.(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s. Q. If the development is located entirely within the flood fringe, the development is subject to the standards of s. R.

(3) PERMITTED USES

Pursuant to s. S.(5) it shall be determined whether the proposed use is located within the floodway or flood fringe. Those uses permitted in the Floodway s. Q.(2) and flood fringe s. R.(2) Districts are allowed within the General Floodplain District, according to the standards of s. S.(4) provided that all permits or certificates required under s. V.(1) have been issued.

(4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN OVERLAY DISTRICT

Section Q. applies to floodway areas, determined to pursuant to s. S.; Section R. applies to flood fringe areas, determined to pursuant to s. S.(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; or

2. If the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.

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 s. R. applicable to flood fringe areas.

(5) **DETERMINING FLOODWAY AND FLOOD FRINGE 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 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 s. V.(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.

**T. 5.2 FLOOD STORAGE OVERLAY DISTRICT**

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

(1) **APPLICABILITY**

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

(2) **PERMITTED USES**

Any use or development which occurs in a flood storage district must meet the applicable requirements in s. R.(3).

(3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE OVERLAY DISTRICTS

- a) Development in a flood storage overlay district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
- b) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- c) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage overlay district – on this waterway – is rezoned to the flood fringe overlay district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per s. W. *Amendments* of this ordinance.
- d) No area may be removed from the flood storage overlay district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

**U. NONCONFORMING USES**

**(1) GENERAL**

a) APPLICABILITY

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

2. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

3. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

4. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. R.(3)a). 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;

5. 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 s. 4.3(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.

6. 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 s. 4.3(1).

7. Except as provided in subd. 8., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

8. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that

the following minimum requirements are met and all required permits have been granted prior to the start of construction:

a. Residential Structures

- i. Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. V.(8)b).
- ii. 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.
- iii. 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.
- iv. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- v. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. S.(4).
- vi. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

b. Nonresidential Structures

- i. Shall meet the requirements of s. U.(1)b)8.a.i-vi
- ii. 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 s. V.(8)a) or b).
- iii. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. S.(4).

- (c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. Q.(3)a), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. V.(8)7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. U.(1)b)8.a. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

**(2) FLOODWAY OVERLAY DISTRICT**

- a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway Overlay District, unless such modification or addition:

1. Has been granted a permit or variance which meets all ordinance requirements;
2. Meets the requirements of s. U.(1);
3. Shall not increase the obstruction to flood flows or regional flood height;
4. Any addition to the existing structure shall be floodproofed, pursuant to s. V.(8), by means other than the use of fill, to the flood protection elevation; and
5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
  - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
  - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
  - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
  - d. The use must be limited to parking, building access or limited storage.
- b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. V.(8)c) and ch. SPS 383, Wis. Adm. Code.
- c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. V.(8)c) and chs. NR 811 and NR 812, Wis. Adm. Code.

**(3) FLOOD FRINGE OVERLAY DISTRICT**

- a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 4.3 except where s. U.(3)b) is applicable.
- b) 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 Zoning Appeals, using the procedures established in s. V.(6), may grant a variance from those provisions of subd. a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

1. No floor is allowed below the regional flood elevation for residential or commercial structures;
  2. Human lives are not endangered;
  3. Public facilities, such as water or sewer, shall not be installed;
  4. Flood depths shall not exceed two feet;
  5. Flood velocities shall not exceed two feet per second; and
  6. The structure shall not be used for storage of materials as described in s. R.(3)e).
- c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. V.(8)c) and ch. SPS 383, Wis. Adm. Code.
- d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. V.(8)c) and ch. NR 811 and NR 812, Wis. Adm. Code.

#### **(4) FLOOD STORAGE DISTRICT**

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in s. T.(3) are met.

#### **V. ADMINISTRATION**

Where a zoning administrator, plan commission or zoning board of appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

**(1) ZONING ADMINISTRATOR.** The zoning administrator 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.



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 municipal 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) ZONING 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 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 or not the requirements of s. Q. or R. 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 s. P.(3). This may include any of the information noted in s. Q.(3)a).

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 ch. 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 ch. 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 ch. 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 ch. 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 topwidths 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, except where no permit is required, subject to the following provisions:

- a) The certificate of compliance shall show that the building or 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 s. V.(8) are met.
- e) Where applicable pursuant to s. S.(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 s. S.(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 s. S.(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 s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

**(5) PLAN COMMISSION**

- a) The Williams Bay Plan Commission shall:
  - 1. oversee the functions of the office of the zoning administrator; and
  - 2. review and advise the governing body on all proposed amendments to this ordinance, maps and text.

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

b) The Williams Bay Plan Commission shall not:

1. grant variances to the terms of the ordinance in place of action by the Zoning Board of Appeals; or
2. amend the text or zoning maps in place of official action by the Village Board.

**(6) ZONING BOARD OF APPEALS**

a) The Zoning Board of Appeals, created under s. 62.23(7)(e), Stats., for cities or villages, 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 shall not be the secretary of the Board.

b) POWERS AND DUTIES

The Zoning Board of Appeals shall:

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

c) APPEALS TO THE BOARD

1. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the Village affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

d) 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 s. V.(6)f);
- b. Decide variance applications according to s. V.(6)g); and
- c. Decide appeals of permit denials according to s. V.(7).

e) **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 chairman 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.

f) **BOUNDARY DISPUTES**

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

1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
2. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
3. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. V. *Amendments*.

g) **VARIANCE**

1. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  - a. Literal enforcement of the ordinance will cause unnecessary hardship;
  - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - c. The variance is not contrary to the public interest; and
  - d. The variance is consistent with the purpose of this ordinance in s. C.
2. In addition to the criteria in subd. (1.), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
  - a. The variance shall not cause any increase in the regional flood elevation;

- b. The applicant has shown good and sufficient cause for issuance of the variance;
  - c. Failure to grant the variance would result in exceptional hardship;
  - d. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
  - e. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
3. A variance shall not:
- a. Grant, extend or increase any use prohibited in the zoning district;
  - b. Be granted for a hardship based solely on an economic gain or loss;
  - c. Be granted for a hardship which is self-created.
  - d. Damage the rights or property values of other persons in the area;
  - e. Allow actions without the amendments to this ordinance or map(s) required in s. W. *Amendments*; and
  - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
4. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

**(7) TO REVIEW APPEALS OF PERMIT DENIALS**

- a) The Plan Commission s. Q.(5) or Board shall review all data related to the appeal. This may include:
  - 1. Permit application data listed in s. V.(2);
  - 2. Floodway/flood fringe determination data in s. S.(5);
  - 3. Data listed in s. Q(3)a)[2] where the applicant has not submitted this information to the zoning administrator; and
  - 4. Other data submitted with the application or submitted to the Board with the appeal.
- b) For appeals of all denied permits the Board shall:
  - 1. Follow the procedures of s. V.b);
  - 2. Consider zoning agency recommendations; and
  - 3. Either uphold the denial or grant the appeal.



c) For appeals concerning increases in regional flood elevation the Board shall:

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

**(8) FLOODPROOFING STANDARDS**

- a) 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 ss. P., Q., R. or S.
- b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
  1. certified by a registered professional engineer or architect; or
  2. meeting or exceeding the following standards:
    - a. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - b.. the bottom of all openings shall be no higher than one-foot above grade; and
    - c.. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c) Floodproofing measures shall be designed, as appropriate, to:
  1. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  2. Protect structures to the flood protection elevation;
  3. Anchor structures to foundations to resist flotation and lateral movement;
  4. Minimize or eliminate infiltration of flood waters;
  5. Minimize or eliminate discharges into flood waters;
  6. Placement of essential utilities to or above the flood protection elevation; and
  7. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

a.] The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

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

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

d.] The use must be limited to parking, building access or limited storage.

#### **(9) PUBLIC INFORMATION**

a) Place marks on structures to show the depth of inundation during the regional flood.

b) All maps, engineering data and regulations shall be available and widely distributed.

c) Real estate transfers should show what floodplain district any real property is in.

#### **W. AMENDMENTS**

(1) 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 s. W.(2).

a) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. W.(2). Any such alterations must be reviewed and approved by FEMA and the DNR.

b) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. W.(2).

#### **(2) GENERAL**

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. W.(3) below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

- b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- c) Any changes to any other officially adopted floodplain maps listed in s. E.;
- d) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- e) Correction of discrepancies between the water surface profiles and floodplain maps;
- f) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

### **(3) PROCEDURES**

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

- a) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages.
- b) No amendments shall become effective until reviewed and approved by the Department.
- c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

## **X. ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), 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 municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

## **Y. DEFINITIONS**

(1) 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.

- a) 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.
- b) AH ZONE – See “AREA OF SHALLOW FLOODING”.
- c) AO ZONE – See “AREA OF SHALLOW FLOODING”.
- d) 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.
- e) 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.
- f) AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 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.
- g) 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.
- h) BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.
- i) 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.
- j) BUILDING – See STRUCTURE.
- k) BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, 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.
- l) 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.
- m) 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.
- n) CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land

or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

- o) CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- p) 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.
- q) 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.
- r) 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.
- s) DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
- t) DEPARTMENT – The Wisconsin Department of Natural Resources.
- u) 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.
- v) 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.
- w) ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
- x) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
- y) FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- z) 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.
- (aa) 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.
- (bb) FLOOD FRINGE – 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.
- (cc) 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.
- (dd) FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (ee) FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.
- (ff) FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (gg) FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (hh) 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.
- (ii) 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.

- (jj) FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
- (kk) FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (ll) FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (mm) 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.
- (nn) HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
- (oo) HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, 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. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (pp) 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.
- (qq) HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (rr) 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.
- (ss) 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.

- (tt) LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- (uu) LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
- (vv) LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).
- (ww) 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.
- (xx) 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."
- (yy) 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.
- (zz) 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.
- (aaa) 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.
- (bbb) 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."
- (ccc) 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.
- (ddd) MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- (eee) MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.



- (fff) MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- (ggg) 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.
- (hhh) 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”)
- (iii) MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
- (jjj) NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
- (kkk) NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
- (III) NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
- (mmm) NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide or other destructive act of nature, but excludes a flood.
- (nnn) 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 flood fringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- (ooo) 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.)
- (ppp) 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.
- (qqq) OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

- (rrr) OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
- (sss) 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.
- (ttt) PERSON – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (uuu) 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.
- (vvv) 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.
- (www) 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.
- (xxx) 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.
- (yyy) 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.
- (zzz) SAND DUNES – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- (aaaa) START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of

construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (bbbb) **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (cccc) **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
- (dddd) **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.
- (eeee) **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.
- (ffff) **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.
- (gggg) **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.
- (hhhh) **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.
- (iiii) **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
- (jjjj) **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.
- (kkkk) **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 II. This ordinance shall take effect upon passage and publication as provided by law.

Approved by the Village Board of the Village of Williams Bay this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF WILLIAMS BAY

By: \_\_\_\_\_  
William Duncan, President

Attest: \_\_\_\_\_  
Jackelyn Pankau, Clerk

Date of Public Hearing: 03/08/2022  
Dates of Publication of Public Hearing: 02/10/2022  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date of Publication of Notice of Enacted Ordinance: \_\_\_\_\_