

ORDINANCE INDEX

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04-01	To Repeal And Recreate Ch. 238; Floodplain Zoning Code	Aril 20, 2004
04-02	Rezone A Parcel Of Land In The Town Of Oak Grove From Rural Residential 12 To General Rural Flexible-8: Zwart Property	May 25, 2004
04-03	Rezone A Parcel Of Land In The Town Of Trimbelle From Primary Agriculture To Agriculture Residential: Huppert And Vandenberghe Property	May 25, 2004
04-04	Rezone A Parcel Of Land In The Town Of El-Paso From Primary Agriculture To General Rural: Ray Property	May 25, 2004
04-05	Establishing Two-Year Terms For The Land Management Committee	June 22, 2004
04-06	Repeal Ordinance 03-29 And Recreate Chapter 191 Of The Pierce County Code- Sewage Disposal	May 25, 2004
04-07	Repeal The Merger Of The Departments Of Health And Human Services	July 27, 2004
04-08	Rezone A Parcel Of Land In The Town Of Trenton From Rural Residential-8 To Commercial – Ross And Theresa Tamminen	August 24, 2004
04-09	Rezone A Parcel Of Land In The Town Of Trimbelle From Primary Agriculture To Commercial – Cdm Farms Inc.	August 24, 2004
04-10	Create § 237-17 (B)(4) And (C)(4) Of The Pierce County Code; Referral Of Preliminary Plats For Erosion Control Plan Review	August 24, 2004
04-11	Repeal And Recreate Ch. 238; Floodplain Zoning Code	August 24, 2004
04-12	Rezone A Parcel Of Land In The Town Of Isabelle From General Rural To Rural Residential 20: Anderson Property	October 19, 2004
04-13	Rezone A Parcel Of Land In The Town Of Trimbelle From Primary Agriculture To General Rural: Newborg Property	October 19, 2004
04-14	Amend §240-88 Of The Pierce County Zoning Ordinance: Definition Of "Kennel"	October 19, 2004
04-15	Amend Section 24-16 Of The Pierce County Code Regarding Code Of Ethics	November 09, 2004
04-16	Rezone A Parcel Of Land In The Town Of Salem From Exclusive Agriculture To General Rural: Bertil & Carol Weberg Property	November 09, 2004
04-17	Rezone A Parcel Of Land In The Town Of Clifton From Primary Agriculture To General Rural Flexible – 8: Anita Iten Property	November 09, 2004
04-18	Rezone A Parcel Of Land In The Town Of Ellsworth From Light Industrial To General Rural Flexible: J. M. Ranch Property	December 21, 2004
04-19	Amend Sec. 238-40 Of The Pierce County Floodplain Ordinance Relating To Enforcement And Penalties	November 09, 2004
04-20	Rezone A Parcel Of Land In The Town Of Trimbelle From Primary Agriculture To General Rural Flexible: David & Darcy Pluth	February 22, 2005
04-21	Rezone Parcels Of Land In The Town Of Clifton From Rural Residential-8 To General Rural Flexible-8: Delores Pechacek And Jeff & & Jeanne Aws	February 22, 2005

04-22	Rezone Of Parcel Of Land In The Town Of Hartland From Primary Agriculture To General Rural Flexible: Paul Nielsen	March 22, 2005
04-23	Rezone A Parcel Of Land In The Town Of Hartland From Primary Agriculture To General Rural Flexible: Gary & Kimberlee Stai	April 19, 2005

RESOLUTION INDEX

RESOLUTION NO.	DESCRIPTION	ADOPTION DATE
04-01	Amend Resolution 86-26 Regarding Purchase of Highway Equipment	Not Approved
04-02	Create Ad Hoc Facility Planning Committee	June 22, 2004
04-03	Approve Incorporation of Pierce County Fair Foundation	June 22, 2004
04-04	Financing for Communication System Replacement	May 25, 2004
04-05	Adopt Pierce County Outdoor Recreation Plan 2004 - 2008	August 24, 2014
04-06	Adopt Pierce County Bicycle Plan 2003 - 2023	June 22, 2004
04-07	Disallowance of Claim - Strouf	July 27, 2004
04-08	Approving Sale of Land in the Town of Trenton	August 24, 2014
04-09	Park Development Fund Policies	August 24, 2014
04-10	Create the Position of Conservation Engineer Technician	August 24, 2014
04-11	Establishing an Alternative Work Schedule Policy	Deferred
04-12	Disallowance of Claims – Streets-Johnson	July 27, 2004
04-13	Approving Sale of Land in the Town of Gilman	October 19, 2004
04-14	Disallowance Of Claim – Brekken, Bane-Bryant Llc, Regenhard	September 21, 2004
04-15	Amend On-Line Access Fees For Register of Deeds	November 09, 2004
04-16	Amend Land Management Department Fee Schedule	November 09, 2004
04-17	Authorize The Redemption Of The Callable Maturities Of The Pierce County \$735,000 General Obligation Refunding Bonds, Series 1993a Dated November 1, 1993	October 19, 2004
04-18	Transfer Of Funds From General Fund To Pay Off Debt Service Fund	October 19, 2004
04-19	Authorize New Positions For 2005	November 09, 2004
04-20	2005 Budget	November 09, 2004
04-21	Claims for Listing Dogs	November 09, 2004
04-22	Dog Damage Claims	November 09, 2004
04-23	Care of Soldier's Graves	November 09, 2004

04-24	Disallowance of Claim – Doug Andrus, Happy Valley Homes Subdivision and Andrus Investments, Inc.	November 09, 2004
04-25	Transfer Jurisdictional Responsibilities of CTH "M" in Pierce County, St. Croix County and the City of River Falls, Wisconsin	November 09, 2004
04-26	To Designate the Pierce County Communications Center as County's Public Safety Answering Point	November 09, 2004
04-27	Ratify American Federation of State, County and Municipal Employees (AFSCME) Courthouse Local 556 Employee's Bargaining Agreement	November 09, 2004
04-28	Ratify American Federation of State, County and Municipal Employees (AFSCME) Highway Department Local 556 Employee's Bargaining Agreement	November 09, 2004
04-29	Ratify American Federation of State, County and Municipal Employees (AFSCME) Human Services Support Staff Local 556 Employee's Bargaining Agreement	November 09, 2004
04-30	Authorize Submission of CDBG-ED: Son-Bow Farms	January 27, 2005
04-31	Authorize Submission of CDBG-ED: John L. Skogen	January 27, 2005
04-32	Support of the Mississippi River Planning Commission's Economic Development Planning Efforts and Concurrence with the Comprehensive Economic Development Strategy (CEDS) Report	January 27, 2005
04-33	Ratify Teamsters Labor Association of Wisconsin Community Health Bargaining Agreement	January 27, 2005
04-34	Amended Resolution - Establish 2005 Salaries and Benefits for Non-Represented Employees	January 27, 2005
04-35	Placing Referenda Questions on the April Ballot	February 22, 2005
04-36	Transfer Jurisdictional Responsibilities & Vacate a Portion of Old C.T.H "C" in Hartland Township	March 22, 2005
04-37	Amend Resolution 01-32: Fees for Issuing Permits and Making Inspections & Investigations of Certain Types of Establishments	March 22, 2005
04-38	Establish Wages for Non-Represented Employees Displaced Through Creation Of The 2005 Salary Matrix	March 22, 2005
04-39	Amend Pierce County Outdoor Recreation Plan 2004-2008	April 19, 2005
04-40	Ratify Community Health Association - Labor Association Of Wisconsin, Inc.(L.A.W.) Bargaining Agreement	April 19, 2005

ORDINANCE 04-01

To Repeal and Recreate Ch. 238;Floodplain Zoning Code

**THE PIERCE COUNTY BOARD OF SUPERVISORS DOES HEREBY
ORDAIN AS FOLLOWS:**

**Section One: That Ch. 238 of the Pierce County Code be repealed and
recreated to read:**

Chapter 238 - Floodplain Zoning

**238-1 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT
OF PURPOSE, TITLE AND GENERAL PROVISIONS**

238-2 STATUTORY AUTHORIZATION

**This ordinance is adopted pursuant to the authorization in ss. 59.69,
59.692, and 59.694; and the requirements in s. 87.30, Stats.**

238-3 FINDING OF FACT

**Uncontrolled development and use of the floodplains and rivers of
Pierce County will impair the public health, safety, convenience,
general welfare and tax base.**

238-4 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.

238-5 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for Pierce County, Wisconsin.

238-6 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that may be covered by the regional flood or base flood. Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(2) OFFICIAL MAPS & REVISIONS

These maps and flood profiles are the Official Floodplain Zoning Maps and profiles and have been approved by the Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA) and are on file in the office of the Zoning Administrator. If more than one map is referenced, the regional flood profiles govern boundary discrepancies according to § 238-6 (4).

OFFICIAL MAPS : Based on the FIS

(a) Flood Insurance Rate Maps (FIRM) dated November 3, 1993, and those revised with a date of September 2, 1994, Community Panel Numbers 555571 0001-0200, prepared for the Federal Emergency Management Agency.

OFFICIAL MAPS: Based on other studies

(b) Pierce County Mississippi Floodway Map dated August 1974 prepared by or for the Wisconsin Department of Natural Resources.

(c) Flood Insurance Study dated November 19, 1990, Community Number 550330, City of River Falls, Pierce and St. Croix Counties

(d) Flood profiles as documented in the Upper Mississippi River Water Surface Profiles, prepared by the United States Army Corps of Engineers and dated November 1979.

(e) St. Croix River Regional Flood Analysis, St. Croix Falls to Mouth, dated March 1973, by the Minnesota Department of Natural Resources and Wisconsin Department of Natural Resources in cooperation with the United States Army Corps of Engineers.

(f) Flood Insurance Study, Pierce County, Wisconsin (unincorporated areas).

(g) Dam breach profiles as approved by Wisconsin Department of Natural Resources on March 18, 1996, for areas downstream of dam structures at Plum Creek No. 3 and Plum Creek No. 19. [Added 8-29-2000 by Ord. No. 00-10]

(3) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

(b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.

(c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 238-37. 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 and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 238-33 and the criteria in (a) and (b) below.

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

(b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 238-38.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 238-37.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(6) COMPLIANCE

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

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply 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. 30.12(4)(a), Stats. applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any zoning ordinance enacted under ss. 59.69, 59.692 or 59.694; or s. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

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

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. 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.

(10) WARNING AND DISCLAIMER OF LIABILITY

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

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Pierce County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator.

(13) GENERAL DEVELOPMENT STANDARDS

The County shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

238-7 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

238-8 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) Except as allowed in par. (3) below, no floodplain development shall:

(a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

(b) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.

(3) Obstructions or increases equal to or greater than 0.01 foot 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. 238-37.

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

238-9 WATERCOURSE ALTERATIONS

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 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, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

238-10 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to s. 238-37.

238-11 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall be allowed only if they evidence a low flood damage potential. Said requirement shall be determined upon application of the following criteria:

- 1. The campground is approved by the Department of Health and Family Services.**
- 2. A land use permit for the campground is issued by the zoning administrator.**
- 3. The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.**
- 4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the 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.**
- 5. The agreement required under (4) shall be valid for no more than one (1) calendar year, prior to the end of which period it shall be reviewed by and between the operator and the officials identified in (4) and, if necessary, modified in order to remain in full compliance with all applicable regulations, including, but not limited to, those of the State Department of Health and Family Services.**
- 6. Only tents and mobile recreational vehicles shall be allowed by the operator to be placed in and used in each such campground.**
- 7. Tents may 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.**
- 8. All tents that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall**

allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

9. The municipality shall monitor campground usage to assure compliance with the terms of this section.

10. All structures that do not meet the definition of tents or mobile recreational vehicle, or that remain in place for more than 180 consecutive days, must meet the applicable requirements in either s. 238-12 or s. 238-17 for the floodplain district in which the structure is located.

11. 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.

12. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

238-12 FLOODWAY DISTRICT (FW)

238-13 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 238-25.

238-14 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 s. 238-15 and 238-16; and all permits or certificates have been issued according to s. 238-31:

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

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

(3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 238-15(4).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 238-15 and 238-16.

(5) Extraction of sand, gravel or other materials that comply with s. 238-15(4).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.

(7) Public utilities, streets and bridges that comply with s. 238-15(3).

238-15 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

(1) GENERAL

(a) Any development in floodway areas shall comply with s. 238-7 and have a low flood damage potential.

(b) Applicants shall provide the following data to determine the effects of the proposal according to s. 238-8:

1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

2. An analysis calculating the effects of this proposal on regional flood height.

(c) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.

(2) STRUCTURES: Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a

waterfront location may be allowed by permit if the structures comply with the following criteria:

(a) The structures are not designed for human habitation and do not have a high flood damage potential;

(b) The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;

(c) The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and

(d) The structures have all service facilities at or above the flood protection elevation.

(3) Public utilities, streets and bridges may be allowed by permit, if:

(a) Adequate floodproofing measures are provided to the flood protection elevation; and

(b) Construction meets the development standards of s. 238-8.

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

(a) The requirements of s. 238-8 are met;

(b) No material is deposited in the navigable channel 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 the other requirements of this section are met;

(c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(d) The fill is not classified as a solid or hazardous waste material.

238-16 PROHIBITED USES

All uses not listed as permitted uses in s. 238-14 are prohibited, including the following uses:

(1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(4) prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code.

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

(6) Any solid or hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;

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

238-17 FLOODFRINGE DISTRICT (FF)

238-18 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 238-25.

238-19 PERMITTED USES

Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 238-20 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 238-31 have been issued.

238-20 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS

(1) All of the provisions of s. 238-8 shall apply. In addition, the following requirements shall apply according to the use requested.

(2) RESIDENTIAL USES: Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

(a) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Adjustment/Appeals grants a variance;

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

(c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d).

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

1. 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

2. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(3) ACCESSORY STRUCTURES OR USES: An accessory structure or use not connected to a principal structure shall be constructed with its lowest floor no more than two feet below the regional flood elevation, subject to flood velocities of no more than two feet per second, and shall meet all the provisions of ss. 238-15, 2. a, b, c, d, and sub. 6 below.

(4) COMMERCIAL USES: Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 238-20(2). Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) MANUFACTURING AND INDUSTRIAL USES: Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 238-33. Subject to the requirements of sub. (6), 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.

(6) 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. 238.33. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(7) PUBLIC UTILITIES, STREETS AND BRIDGES: All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 238-33 to the flood protection elevation;

(b) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(8) SEWAGE SYSTEMS: All on-site sewage disposal systems shall be floodproofed, pursuant to s. 238-33, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(9) WELLS: All wells shall be floodproofed, pursuant to s. 238-33, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(10) SOLID WASTE DISPOSAL SITES: Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(11) DEPOSITION OF MATERIALS: Any deposited material must meet all the provisions of this ordinance.

(12) MANUFACTURED HOMES

(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

(1) have the lowest floor elevated to the flood protection elevation; and

(2) be anchored so they do not float, collapse or move laterally during a flood.

(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 238-20(2).

(13) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 238-20 (12)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

238-21 GENERAL FLOODPLAIN DISTRICT (GFP)

238-22 APPLICABILITY

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

238-23 PERMITTED USES

Pursuant to s. 238-25, it shall be determined whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodway (s. 238-14) and floodfringe areas (s. 238-19) are allowed within the general floodplain district, according to the standards of s. 238-24, provided that all permits or certificates required under s. 238-31 have been issued.

238-24 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 238-12 applies to floodway areas, s. 238-17 applies to floodfringe areas. The rest of this ordinance applies to either district.

238-25 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

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

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

(a) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional

area to be occupied by the proposed development, and all historic high water information;

(b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

(c) Profile showing the slope of the bottom of the channel or flow line of the stream;

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

(3) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2)(c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

238-26 NONCONFORMING USES

238-27 GENERAL

(1) APPLICABILITY

If these standards conform with s. 59.69(10), Stats., they 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.

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

(a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair,

rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities;

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

(c) The 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;

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would 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. 238-20(2);

(e) Except as provided in subd. (2), 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 ordinance requirements.

(f) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under 42 USC 4001 to 4129, or under the regulations promulgated thereunder.

(g) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a

historic structure, the alteration will comply with s. 238-15(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 238-33 are used.

238-28 FLOODWAY AREAS

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

(a) Has been granted a permit or variance which meets all ordinance requirements;

(b) Meets the requirements of s. 238-27;

(c) Will not increase the obstruction to flood flows or regional flood height; and

(d) Any addition to the existing structure shall be floodproofed, pursuant to s. 238-33, by means other than the use of fill, to the flood protection elevation.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

238-29 FLOODFRINGE AREAS

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in

compliance with the standards for that particular use in s. 238-20, except where s. 238-29(2) is applicable.

(2) Where compliance with the provisions of par. (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 Adjustment/Appeals, using the procedures established in s. 238-33, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

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

(b) Human lives are not endangered;

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

(d) Flood depths will not exceed two feet;

(e) Flood velocities will not exceed two feet per second; and

(f) The structure will not be used for storage of materials as described in s. 238-20(6).

(3) If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:

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

(b) Does not exceed 60 square feet in area; and

(c) In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.

(4) 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 and ch. COMM 83, Wis. Adm. Code.

(5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

238-30 ADMINISTRATION

The zoning administrator, appointed to administer the zoning ordinance adopted under ss. 59.69, 59.692, Stats., shall also administer this ordinance.

238-31 ZONING ADMINISTRATOR

(1) 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) 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 for floodplain development;

3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

(d) 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 any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.

(e) 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.

(f) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. 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 National Geodetic and Vertical Datum (NGVD);

8. Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of s. 238-12 or 238-17 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. 238-8. This may include any of the information noted in s. 238-15(1).

(c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Ch. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:

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

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

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

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

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire 180 days after issuance.

(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 or registered 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 registered architect that floodproofing measures meet the requirements of s. 238-35.

(4) OTHER PERMITS

The applicant must secure all necessary permits from federal, state, and local agencies, including 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.

238-32 ZONING AGENCY

(1) The Land Management Committee shall:

(a) oversee the office of the zoning administrator; and

(b) review and advise the County Board on all proposed amendments to this ordinance, maps and text.

(2) This zoning agency shall not

(a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or

(b) amend the text or zoning maps in place of official action by the County Board.

238-33 BOARD OF ADJUSTMENT/APPEALS

The Board of Adjustment, created under s. 59.694, Stats., is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(1) Powers and Duties: The Board of Adjustment shall:

(a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

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

(c) Variances - Hear and decide, upon appeal, such variances from the ordinance standards as are permitted under this ordinance.

(2) APPEALS TO THE BOARD

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

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

a. Fix a reasonable time for the hearing;

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

c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

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

a. Resolve boundary disputes according to s. 238(3).

b. Decide variance applications according to s. 238(4).

c. Decide appeals of permit denials according to s. 238-34.

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

1. Be made within a reasonable time;

2. Be sent to the Department Regional office within 10 days of the decision;

3. Be a written determination signed by the 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;

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

(3) BOUNDARY DISPUTES

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

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

prevail in locating the boundary. If none exist, other evidence may be examined.

(b) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

(c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 238-37.

(4) VARIANCE

(a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

- 1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;**
- 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;**
- 3. The variance is not contrary to the public interest; and**
- 4. The variance is consistent with the purpose of this ordinance in s. 238-4.**

(b) In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

- 1. The variance may not cause any increase in the regional flood elevation;**
- 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;**
- 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not**

increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(c) A variance shall not:

- 1. Grant, extend or increase any use prohibited in the zoning district.**
- 2. Be granted for a hardship based solely on an economic gain or loss.**
- 3. Be granted for a hardship which is self-created.**
- 4. Damage the rights or property values of other persons in the area.**
- 5. Allow actions without the amendments to this ordinance or map(s) required in s. 238-38.**
- 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.**

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

238-34 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The Zoning Agency (s. 238-32) or Board shall review all data related to the appeal. This may include:

- (a) Permit application data listed in s. 238-31(2).**
- (b) Floodway/floodfringe determination data in s. 238-25.**
- (c) Data listed in s. 238-15(1)(b)2. where the applicant has not submitted this information to the zoning administrator.**
- (d) Other data submitted with the application, or submitted to the Board with the appeal.**

(2) For appeals of all denied permits the Board shall:

- (a) Follow the procedures of s. 238-33;**

(b) Consider zoning agency recommendations; and

(c) Either uphold the denial or grant the appeal.

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

(a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

238-35 FLOODPROOFING

(1) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

(2) Floodproofing measures shall be designed to:

(a) Withstand flood pressures, depths, velocities, uplift and impact forces and

(b) Protect structures to the flood protection elevation;

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

(d) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

(3) Floodproofing measures could include:

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

(b) Adding mass or weight to prevent flotation.

- (c) Placing essential utilities above the flood protection elevation.**
 - (d) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.**
 - (e) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.**
 - (f) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.**
- (4) Floodproofing measures shall be exempt from application of the modification dollar limitations under § 238-27 (2)(d).**

238-36 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.**
- (2) All maps, engineering data and regulations shall be available and widely distributed.**
- (3) All real estate transfers should show what floodplain zoning district any real property is in.**

238-37 AMENDMENTS

238-38 GENERAL

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.**
- (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.**
- (3) Any fill in the floodplain 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.**

(4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.

(5) 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.

(6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA. Note: Consult the FEMA web site - www.fema.gov - for a current map change fee schedule.

238-39 PROCEDURES

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 59.69, Stats. Such petitions shall include all necessary data required by ss. 238-25 and 238-31(2).

(1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.

(2) No amendments shall become effective until reviewed and approved by the Department.

(3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

(4) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See s. 238-6(4).)

238-40 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 less than \$ and not more than \$, 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.

238-41 DEFINITIONS

Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give this ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary.

1) "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

2) "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.

3) "BASE FLOOD" - Means the flood having a one percent chance of being equalled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

4) "BASEMENT" - Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

5) "BUILDING" - See STRUCTURE.

6) "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.

7) "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.

8) "CAMPING UNIT" - Any tent or mobile recreational vehicle, 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.

9) "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.

10) "CHANNEL" – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

11) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

12) "DEPARTMENT" - The Wisconsin Department of Natural Resources.

13) "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; 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.

14) "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.

15) "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.

16) "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - 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

17) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - 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 if concrete pads.

18) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.

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

20) "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.**

21) "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.

22) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

23) "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.

24) "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.

25) "FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

26) "FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

27) "FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering,

mitigation, education, and administration and enforcement of floodplain regulations.

28) **"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.

29) **"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.

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

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

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

33) **"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.

34) **"HABITABLE STRUCTURE"** - Any structure or portion thereof used or designed for human habitation.

35) **"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.

36) "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.

37) "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.**

38) "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 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.

39) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

40) "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."

41) "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.

42) "MUNICIPALITY" or "MUNICIPAL" - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

43) "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.

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

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

46) "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.)

47) "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.

48) "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.

49) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.

50) "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.

51) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

52) "PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

53) "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.

54) REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

55) "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.

56) "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.

57) "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.

58) "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.

59) "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.

60) "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.

61) "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.

62) "WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.

63) "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.

64) "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 Two: That this Ordinance shall take effect upon its adoption and publication as required by law.

Dated this 20th day of April, 2004.

ORDINANCE 04-02

Rezone a Parcel of Land in the Town of Oak Grove from Rural Residential 12 to General Rural Flexible-8: Zwart Property

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows;

Section 1: The Official Pierce County Zoning Map for the Town of Oak Grove be amended to change the zoning from Rural Residential 12 to General Rural Flexible-8 for a parcel of land described as: *A parcel located in the SW ¼ of the SW ¼ and in the NW ¼ of the SW ¼ of Section 18, Town 26 North, Range 19 West, Town of Oak Grove, Pierce County, Wisconsin, described as follows: Commencing at the southwest corner of Section 18, Town 26 north, Range 19 west; thence north 00degrees, 10 minutes, 19 seconds east along the west line of the SW ¼, 618.97 feet to the point of beginning; thence continuing north 00 degrees, 10 minutes, 19 seconds east along said line 2021.59 feet to the west ¼ corner of said Section 18; thence north 89 degrees, 53 minutes, 06 seconds east along the east-west quarter section line 1314.15 feet to the northeast corner of the northwest ¼ of the southwest ¼ of said section 18; thence south 00 degrees, 07 minutes, 36 seconds west along the east line of said NW ¼ of the SW ¼ of said section 18; thence south 00 degrees, 07 minutes, 36 seconds west along the east line of said NW ¼ of the SW ¼, 393.07 feet, thence south 89 degrees, 52 minutes, 26 seconds west 720.89 feet; thence south 00 degrees, 00 minutes, 00 seconds west 574.33 feet; thence north 88 degrees, 32 minutes, 55 seconds east 268.26 feet; thence south 01 degrees, 31 minutes, 26 seconds east 964.05 feet, thence south 83 degrees, 42 minutes, 42 seconds west 897.66 feet to the point of beginning, Pierce County, Wisconsin. This parcel is approximately 40 acres in size.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 25th day of May 2004.

ORDINANCE 04-03

Rezone a Parcel of Land in the Town of Trimbelle from Primary Agriculture to Agriculture Residential: Huppert and Vandenberghe Property

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows;

Section 1: The Official Pierce County Zoning Map for the Town of Trimbelle be amended to change the zoning from Primary Agriculture to Agricultural Residential for a parcel of land described as: *The W ½ of SW ¼ and S ½ of NW ¼, EXC Lot 1 of CSM V7 PG 74, & Lot 2 of CSM V9 PG 14, & Lot 1 of CSM V9 PG 37, & PRT of SW ¼ of SW ¼ commencing at SE corner of SW ¼ thence W along centerline of USH 10 for 721' thence N 1058' to iron pipe and POB thence W 212' thence N 150' thence E 290' thence S 150' thence W 78' to POB & S 210' of E 210' of SE ¼ of NW ¼, all Sec 18, T26N, R18W, Town of Trimbelle, Pierce County, State of Wisconsin. This parcel is approximately 152 acres in size.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 25th day of May 2004.

ORDINANCE 04-04

Rezone a Parcel of Land in the Town of El-Paso from Primary Agriculture to General Rural: Ray Property

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows;

Section 1: The Official Pierce County Zoning Map for the Town of El-Paso be amended to change the zoning from Primary Agriculture to General Rural for a parcel of land described as: *A parcel located the S ½ of the NW ¼ of the SE ¼, except parcels described in Volume 169 page 38, volume 169 page 78, volume 39 page 318, and volume 233 page 402 and parcel commencing 22 rods north of the SW corner of the NW ¼ of the SE ¼, thence continue north 18 rods to the NW corner of the S1/2 of the NW ¼ of the SE ¼ , thence east 8 rods, thence southwesterly to the point of beginning. And, the S1/2 of the SE ¼ and the SE ½ of the NE ¼ of the SE ¼, all in Section 19, T26N, R16W, Town of El Paso, Pierce County, State of Wisconsin. The parcel is approximately 118 acres in size.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 25th day of May 2004.

ORDINANCE 04-05
Establishing Two-year Terms for the Land Management Committee

Pierce County Board of Supervisors does ordain:

Section 1: That Chapter 4 of the Pierce County Code is amended as follows:

§ 4-6. Election of committees.

The following committees are elected at the organizational meeting: Agricultural and Extension Education, Finance and Personnel, Highway, Land Management, and Law Enforcement for a term of two years and Human Services Board ~~and Land Management~~ for a term of three years. All elections remain valid until successors are elected. All other committees shall be appointed pursuant to § 4-12.

Section 2: This ordinance shall be effective retroactive to April 20, 2004.

Section 3: This ordinance shall be published as required by law.

Dated this 25th day of May 2004.

ORDINANCE 04-06

Repeal Ordinance 03-29 and Recreate Chapter 191 of the Pierce County Code- Sewage Disposal

The Pierce County Board of Supervisors does hereby ordain as follows:

SECTION 1: That Ordinance 03-29 amending Pierce County Code Chapter 191, was approved by the County Board on March 23, 2004, which ordinance contained minor procedural errors and deletions.

SECTION 2: That Ordinance 03-29 was subject to become effective upon its adoption and publication as required by law. That said Ordinance has not been published due to the above described procedural errors.

SECTION 3: That Ordinance 03-29 and Pierce County Code Chapter 191 be repealed.

SECTION 4: That Pierce County Code Chapter 191 - Sewage Disposal is hereby recreated to read as set forth in the attached Exhibit "A".

SECTION 5: That this Ordinance shall become effective upon its adoption and publication as required by law.

Dated this 25th day of May, 2004.

TITLE 191 - SEWAGE DISPOSAL

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Private Sewage System

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[History: Adopted by the Board of Supervisors of Pierce County as Title 14 of the 1978 Code. Amendments noted where applicable.]

GENERAL REFERENCES: Public health nuisances and human health hazards - See Ch. 180.

ARTICLE I

Septic Tank Permits

§ 191-1. Issuing agent.

The County Zoning Administrator is designated as the agent to issue sanitary permits.

ARTICLE II

Holding Tanks for Private Domestic Sewage Systems

§ 191-2. Definitions.

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

LOCAL GOVERNMENT - Includes townships, villages and cities.

§ 191-3. Plans required.

Holding tanks shall be considered on an individual basis. Three complete sets of plans, as required in Wisconsin Administrative Code Section, COMM 83.22 shall be submitted to the county for each request to install a holding tank.

§ 191-4. Minimum capacity.

Tank Size

One and Two-family Dwellings. Minimum liquid capacity of a holding tank for one and two family dwelling applications must not be less than 2000 gallons or 5 times the estimated daily wastewater flow determined in accordance with s. COMM 83.43 (3), (4), (5), Wis. Admin. Code, whichever is greater.

Public Facilities. Minimum liquid capacity of a holding tank for public facilities must not be less than 2000 gallons or 5 times the estimated daily wastewater flow whichever is greater as determined in accordance with s. COMM 83.43 (6), Wis Adm. Code.

§ 191-5. Disposal agreement.

A signed agreement between the local government and the owner to guarantee the pumping and transport of the holding tank contents to a disposal site meeting the requirements of Wisconsin Administrative Code

Chapter NR 113, provided that it becomes necessary to prevent or abate a nuisance as described in the Wisconsin Administrative Code and § 254.59, Wis. Stats., or if the owner does not pump and transport in response to orders from the local government, shall be submitted to the county for review and approval. The agreement shall be binding on the owners, their heirs and assignees.

§ 191-6. Installation.

The installation of holding tanks shall be made in accordance with the following criteria:

- A. Materials. The tank shall be constructed of materials approved by the Department.
- B. Location. Tanks shall be located in accord with Wisconsin Administrative Code Table 83.43-1.
- C. Warning device. A high water warning device shall be installed. This device shall be either an audible or an indoor illuminated alarm. If the latter, it shall be conspicuously mounted.
- D. Manhole. Each tank shall be provided with a manhole opening no less than 23 inches in the least dimension. Manhole openings located above treatment apparatus and pumps shall extend a minimum of 4 inches above the ground surface. Each manhole cover shall have an effective locking device. Other manhole openings shall be located no greater than 6 inches below ground level.
- E. Septic tank. If an approved septic tank is installed to serve as a holding tank, the inlet and outlet baffles shall be removed and the outlet sealed.
- F. Vent. Each tank shall be provided with a minimum four-inch fresh air inlet extending 12 inches above final grade terminating with an approved vent cap a minimum of 10 feet from a service door, window or fresh air inlet.
- G. Servicing. Holding tanks shall be serviced in accord with Chapter 146, Wis. Stats., and Wisconsin Administrative Code Chapter NR 113.
- H. Before any holding tank is purchased or installed a sanitary permit shall be obtained in accord with § 145.19, Wis. Stats. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 191-7. Examination fees; approval authority.

- A. The plan examination fee shall be as set from time to time by the County Board.

- B. The agent for plan examination and approval shall be the Zoning Administrator for the county.

§ 191-8. Violations and penalties.

A violator shall, upon conviction, forfeit to the county a penalty of not less than \$10 together with the taxable cost in such action and not more than \$200, and every day of violation shall constitute a separate offense.

ARTICLE III

Private Sewage System

§ 191-9. Sewage disposal required. [Added by Ord. No. 97-16]

All premises intended for human occupation or occupancy shall be provided with an adequate, functioning public sewer, privy, private sewage system or other approved method of sewage disposal.

§ 191-10. Purpose.

The purpose of this article is to:

- A. Exercise jurisdiction over the construction and inspection of all new private sewage disposal systems in the county;
- B. Provide plan review and inspection performed by state-certified inspectors;
- C. Establish and collect permit fees to defray sewage system inspection costs;
- D. Provide remedies and penalties for violations; and
- E. Establish a county office responsible for administration of the private sewage system.

§ 191-11. Adoption of sewage regulations.

- A. Adoption. Pursuant to § 59.70(5), Wis. Stats., the Pierce County Board of Supervisors adopts the Pierce County Private Sewage System Ordinance.
- B. Reference to state regulations. This article shall be subject to the provisions of Chapter 145 of the Wisconsin Statutes, as applicable, and all subsequent rules and regulations promulgated thereunder regarding private sewage systems.

- C. Severability. If any section paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

§ 191-12. Definitions.

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

ACCESSORY BUILDING - A detached building not used as a dwelling unit, but is incidental to that of the dwelling.

BEDROOM - Any room which could be used for sleeping purposes regardless of actual use of the room. Examples of such rooms include but are not limited to dens, sewing rooms, studies and nurseries.

CERTIFIED SOIL TESTER - Permitted to conduct soil morphological evaluations and evaluate the significance of soil mottling.

DEPARTMENT - The Department of Commerce.

DOMESTIC WASTEWATER - The type of wastewater normally discharged from plumbing fixtures, appliances or devices, including, but not limited to sanitary, dishwashing, laundry, bath, garbage disposal and cleaning wastewater.

DWELLING - Any structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household to the exclusion of all others.

FAILING SANITARY SYSTEM - The same meaning as given in § 145.245(4), Wis. Stats. Section

145.245(4), Wis. Stats., reads:

"A failing private sewage system is one which causes or results in any of the following conditions: (a) the discharge of sewage into surface water or groundwater; (b) the introduction of sewage into zones of saturation which adversely affects the operation of a private sewage system; (c) the discharge of sewage to a drain tile or into zones of bedrock; (d) the discharge of sewage to the surface of the ground; (e) the failure to accept sewage discharges and backup of sewage into the structure served by the private sewage system."

FARM - A tract of land with at least 35 contiguous acres devoted primarily to

agricultural purposes generally under the management of a tenant or the owner.

ISSUING AGENT - The Pierce County Department of Land Management through its authorized agent, the Pierce County Zoning Administrator, assigned the duties of administering the private sewage system program by the Pierce County Board of Supervisors.

OPEN BODIES OF WATER - All lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction.

PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (POWTS) - The meaning as given in § 145.01(12), Wis. Stats.

PRIVY, PIT - An enclosed, nonportable toilet into which non-water-carried human wastes are deposited to a subsurface storage chamber which is not watertight.

PRIVY, VAULT - An enclosed, nonportable toilet into which non-water-carried human wastes are deposited to a subsurface storage chamber which is watertight.

SANITARY PERMIT - A permit issued by the Department or the issuing agent for the installation or modification of a private sewage system.

STATE PLUMBING CODE - Chapters COMM 81 to 87 of the State Administrative Code.

§ 191-13. Administration.

The administration of this article shall be the duty of the issuing agent. The issuing agent shall provide contract for or hire state-certified inspectors or testers as directed by action of the County Board.

§ 191-14. Issuing agent.

The Pierce County Zoning Administrator shall act as the Pierce County issuing agent and is assigned the duties of administering the private onsite wastewater treatment system (POWTS) program.

§ 191-15. Sanitary permit.

A. Validity.

- (1) No person may install, repair, alter, modify or reconnect to a private sewage system or privy unless the owner of the property on which the

private sewage system or privy is to be installed, repaired, altered, modified or reconnected holds a valid sanitary permit.

- (2) No person may sell at retail a septic tank for installation unless the purchaser holds a valid sanitary permit.
 - (3) A sanitary permit is valid for two years from the date of issue and is renewable for similar periods thereafter.
 - (4) A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent.
- B. Application forms. The issuing agent shall use the sanitary permit forms provided by the Department for state permits and locally created forms for county sanitary permits.
- C. Application process.
- (1) The applicant shall submit the completed sanitary permit application to the issuing agent.
 - (2) The issuing agent shall review the certified soil tester's reports for the proposed private sewage systems and verify the report at the proposed site, if necessary.
 - (3) The issuing agent shall approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.
 - (4) The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall:
 - (a) State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable.
 - (b) Inform the applicant of the right to appeal and the procedures for conducting an appeal under Chapter 145, Wis. Stats.

§ 191-16. Construction involving increased wastewater load.

- A. Construction involving increased wastewater flow and contaminant load is defined as:
- (1) Any addition or remodeling which adds a bedroom or increases the total gross area of the livable area of an existing dwelling unit by 25%.
 - (2) A public building or place of employment, where there is proposed change in occupancy.
- B. A sanitary permit for construction increasing wastewater flow and

contaminant load shall be required. The sanitary permit shall require documentation to verify whether the size of the existing private sewage system can accommodate the increased wastewater . Documentation shall comply with Section COMM 83.25 (2)of the Wisconsin Administrative Code.

- C. No permit for construction involving increased wastewater flow and contaminant load shall be issued unless the existing system is approved according to Subsection B of this section, the existing system is modified to comply with this code or a per capita wastewater flow is designated in accordance with Section COMM 83.43 and subsection D below.
- D. If an existing system is found to be compliant except that it is undersized for the structure for which the permit is sought, the owner may file findings with the Pierce County Register of Deeds which states that the system is undersized. Such statement is to run with the property.

§ 191-17. Fees.

- A. The fee for a sanitary permit shall be as established by the County Board.
- B. Fees shall be established for all activities and systems listed in Chapter COMM 83 of the Wisconsin Administrative Code and for other activities and permits as established by the County Board.
- C. A county may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any twelve-month period.
- D. The issuing agent shall forward a copy of each valid sanitary permit and the Department's portion of the fee to the Department within 90 days after the permit is issued.
- E. Plan revision. No permit fee shall be charged for a system that requires revision from the Department or Pierce County on a parcel that has a valid sanitary permit.

§ 191-18. Inspection.

- A. The issuing agent shall inspect or cause the inspection of all private sewage systems after construction, but before backfilling, no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.
- B. The issuing agent shall file inspection reports and conduct surveys and inspections as required by the Department.

§ 191-19. Maintenance program.

- A. The applicant for a sanitary permit shall be provided written notice of the maintenance program at the time the sanitary permit is issued. The records of this notification shall be maintained by the issuing agent. Upon the sale of the property, the owner shall provide written notification of the maintenance program to the buyer.
- B. Every three years after the installation of a private sewage system the owner will be provided a certification form by the County Sanitarian at least 30 days prior to its due date. The form must be filled out by either a licensed master plumber or master plumber restricted sewer; a licensed septic tank pumper; or county personnel licensed to inspect septic systems. The certification form must be signed by the owner.
- C. The certification form will state that:
 - (1) The private sewage disposal system is in proper operating condition at the time of inspection.
 - (2) The septic tank was recently pumped by a licensed septic tank pumper or it was inspected and is less than 1/3 full of sludge and scum.
- D. Circumstances, such as inclement weather, road weight restrictions and site limitations, may necessitate a delay in septic tank maintenance until conditions permit.
- E. The certification form is to be filed with the Pierce County Department of Land Management.

§ 191-20. Filing requirements for soil and site evaluation reports.

- A. Soil and site evaluation reports shall be submitted in ink or photocopied with the certified soil tester's original signature on the report and the plot plan. Soil and site evaluation reports submitted in pencil and without the certified soil tester's original signature will be returned. Site evaluation reports shall be completed in accordance with Section COMM 85.20 and 85.30 of the Wisconsin Administrative Code.
- B. Plot plans shall be submitted in accordance with Section COMM 85.40 (3) of the Wisconsin Administrative Code. All plot plans should have a location map.
- C. Perc test reports on file for perc tests performed after June 21, 1980, will be allowed to be used for the permitting of a soil absorption system provided adequate information is available to design a POWTS that will meet current code standards.
- D. Perc tests submitted before June 21, 1980, will require a complete soil

and site evaluation by a certified soil tester.

§ 191-21. Experimental system verification.

The issuing agent shall conduct an on-site inspection to verify the soil conditions for all experimental soil absorption systems. At least one soil observation pit is needed to verify the soil conditions. Experimental systems approved by the department shall comply with Section COMM 83.27 of the Wis. Admin. Code.

§ 191-22. As-built forms submittal.

- A. The installing licensed master plumber shall indicate on the as-built exactly the way the system was installed.
- B. As-builts shall be submitted by the installing licensed plumber to the issuing agent before the issuance of a sanitary permit the following calendar year.
- C. As-built forms can be obtained from the issuing agent.

§ 191-23. Emergency issuance of sanitary permit.

- A. Due to inclement weather and emergency at the time of installation, a soil and site evaluation, or an existing private sewage system evaluation, cannot be conducted, nor are plans and specifications submitted to the Department, if Department approval is necessary. In such cases, a sanitary permit may be issued in an apparent noncompliance with the administrative rules because the owner is acting under the direction of the county or Department to abate a nuisance or other health or safety concern.
- B. The compelling need to protect public health and safety takes priority over the ministerial duty to review plans. As a part of this procedure, the owner must be made aware that he is responsible for a soil and site evaluation or corrective measures if the existing private sewage system is failing. The notice to the owner should be made in the form of an affidavit that also includes a statement from the owner agreeing to have a complete soil and site conditions or other circumstances permit.
- C. A copy of the affidavit, in lieu of a soil and site evaluation report, must be included with a copy of the permit submitted to the Department as specified in § 145.19(3), Wis. Stats.

§ 191-24. Land use permit.

The issuing agent shall not issue a land use permit for the construction of a structure to be connected to an existing private sewage system, the reconstruction of a structure connected to an existing private sewage system or the disconnecting a structure from an existing structure and connecting another structure to an existing private sewage system unless the owner provides the documentation required per Section COMM 83.25 (2), Issuance of building permits, of the Wisconsin Administrative Code.

§ 191-25. Temporary holding tanks.

No sanitary permit shall be issued for a temporary holding tank unless the permit holder has a servicing contract with a licensed sanitary system pumper.

§ 191-26. Privies.

A.	The storage chamber of a vault privy shall conform to the construction requirements for holding tanks and shall have a minimum storage capacity of 200 gallons or one cubic yard. The storage chamber shall be anchored to prevent flotation caused by saturated soil conditions. Applicants for vault privies shall record a signed privy installation agreement and a signed holding tank agreement in the Register of Deeds office.
B.	Applicants for pit privies shall submit a soil evaluation report by a certified soil tester indicating conformance with limiting factors expressed in the plumbing code. The storage chamber of a pit privy shall be sited in soils recognized to provide treatment and dispersal in accordance with the plumbing code. Applicants shall record a signed privy installation agreement in the Register of Deeds office.
C.	The storage chamber for a pit or vault privy shall be provided with a vent for the purpose of relieving explosive gases. The vent shall be at least three inches in diameter, installed in accordance with Section COMM 82.31 of the Wisconsin Administrative Code and be fabricated or provided with screening to prevent insects from entering the storage chamber. All windows, ventilators and other openings of privies shall be screened to prevent insects from entering.
D.	Servicing of a vault privy relative to the pumping, transporting and disposal of the contents shall be in accordance with Chapter NR 113 of the Wisconsin Administrative Code. Applicants shall provide a signed holding tank servicing contract with a licensed plumber prior to the issuance of a permit.

E.	Abandonment of a vault privy shall be accomplished by having the contents of the storage chamber pumped and disposed of in accordance with Chapter NR 113 of the Wisconsin Administrative Code, removing the entire top of the chamber and filling the remaining portion of the emptied storage chamber with soil or other inert material to an elevation equal to the surrounding grade.						
F.	The abandonment of a pit privy shall be accomplished by filling the storage chamber with soil or other inert material to an elevation equal to the surrounding grade.						
G.	A privy shall not be installed in the floodway. A privy installed in the flood-fringe shall comply with floodproofing and other applicable floodplain ordinance standards. Editor's Note: See Ch. 238, Floodplain Zoning.						
H.	Setback requirements. Setback requirements shall be as follows:						
		Well (feet)	Structure (feet)	Lot Line (feet)	Slope >12% (feet)	High Water Mark (feet)	Lake/Stream (feet)
	Pit privies	50	25	25	25	50	75
	Vaulted privies	25	25	25	25	50	75
I.	All privies shall be properly vented and rodent-resistant, have a self-closing door and be kept in a nuisance-free condition.						
J.	Public privies shall also comply with state requirements for public facilities found in COMM 91, Wis. Admin. Code.						

§ 191-27. Wisconsin Replacement Fund Program.

Filing deadline for the application is December 15. Applications received after the 15th of December will be processed the following year.

§ 191-28. Disclaimer of liability and warranties.

- A. This article shall not create a liability on the part of or be a cause of action against the county or any officer, agent or employee thereof for any injury or damage that may result from reliance on this article or approval or denial of any permit or site.
- B. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function nor is there a guaranty

that the system is free from defects or that all aspects of the system comply with Wisconsin statutes or Administrative Code requirements.

§ 191-29. Interpretation. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall not be a limitation or repeal of any other powers granted by the Wisconsin statutes.

§ 191-30. Variances.

Petitions for variances must be filed with the Department. Requests shall be reviewed by the issuing agent prior to submitting to the Department. The issuing agent shall add any relevant evidence regarding the request.

§ 191-31. Enforcement; violations and penalties.

- A. The issuing agent shall investigate violations of this article, issue orders to abate the violations and submit orders to the Corporation Counsel, the District Attorney or Attorney General for enforcement.
- B. The issuing agent, pursuant to powers granted by Chapter 145, Wis. Stats., shall investigate nuisances and issue orders to abate the violations and submit orders to the Corporation Counsel for enforcement.
- C. Any person who violates any provision of Chapter 145, Wis. Stats., or any rules or regulations promulgated under such statute, and whoever violates any provisions, rules or regulations of this article or any provision or regulation adopted by the Pierce County Board of Supervisors pursuant to the authority granted by this article shall, upon conviction, forfeit not less than \$100 plus cost of prosecution and, in default thereof, shall be imprisoned in the county jail not less than one day nor more than 30 days, and each day's failure to comply shall constitute a separate violation.
- D. The provisions of any Pierce County Citation Ordinance adopted pursuant to § 66.0113, Wis. Stats., authorizing the use and issuance of citations for violations, may also be used to enforce the terms and provisions of this article. Editor's Note: See Ch. 1, General Provisions, Art. IV, Citations.
- E. In addition, violations of the provisions of this article and of the aforesaid Wisconsin statutes and rules and regulations may be enforced by the bringing of a suit for injunctive relief.
- F. An action to enjoin a violation of this article and any rules or regulations

promulgated under this article may be commenced and prosecuted by the Corporation Counsel of Pierce County.

- G. In addition to such forfeiture or imprisonment, an action may be brought to enjoin, remove, abate or vacate any use in violation of this article.

ORDINANCE 04-07

Repeal the Merger of the Departments of Health and Human Services

The Pierce County Board of Supervisors does ordain as follows:

Section 1: Amend Section 4-16: The Board of Health shall have supervision of the public health department and jurisdiction over all matters relating to public health. ~~functions of the department of health and human services. The Board of Health shall have the general duties listed in Section 4-11 with respect to public health functions.~~

Section 2: Amend Section 4-23: The Human Services Board shall:

A. Supervise the ~~health and human services department in conjunction with the Board of Health.~~

B. Perform all duties prescribed by state law.

Section 3: Repeal Article V, Chapter 10 Health and Human Services

~~Section 10-16. Statutory Authority; Establishment~~

~~Pursuant to ss. 46.23 Wis. Stats. there is established a combined department of health and human services.~~

~~Section 10-17. Purpose~~

~~The purpose of the department of health and human services is to implement health and human services programs, policies, and ordinances prescribed by state law and the County Board of Supervisors.~~

~~Section 4: This ordinance shall be effective upon passage and publication as required by law.~~

~~Dated this 22nd day of June 2004.~~

ORDINANCE 04-08

Rezone a Parcel of Land in the Town of Trenton From Rural Residential-8 to Commercial – Ross and Theresa Tamminen

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows;

Section 1: The Official Pierce County Zoning Map for the Town of Trenton be amended to change the zoning from Rural Residential-8 to Commercial for a parcel of land described as: *A parcel located in part of the SE ¼ of the NW ¼ and NE ¼ of the SW ¼, all in Section 28, T25N, R18W, Lot 3, CSM vol. 9, page 127, all in the Town of Trenton, Pierce County, Wisconsin.* The parcel is approximately 10.387 acres in total.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 27th day of July of 2004.

ORDINANCE 04-09

Rezone a Parcel of Land in the Town of Trimbelle from Primary Agriculture to Commercial – CDM Farms Inc.

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows;

Section 1: The Official Pierce County Zoning Map for the Town of Trimbelle be amended to change the zoning from Primary Agriculture to Commercial for a parcel of land described as: *A parcel located in part of the SW ¼ of the SW ¼, all in Section 13, T26N, R18W, Lot 2, CSM vol. 5, page 19, all in the Town of Trimbelle, Pierce County, Wisconsin.* The parcel is approximately 4.04 acres in total.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 27th day of July of 2004.

ORDINANCE 04-10

Create § 237-17 (B)(4) and (C)(4) of the Pierce County Code; Referral of Preliminary Plats for Erosion Control Plan Review

The Pierce County Board Of Supervisors Does Hereby Ordain As Follows:

Section 1: That § 237-17 (B)(4) of the Pierce County Code be created to read as follows: (B)(4) Each applicant shall prepare and submit an erosion control plan with respect to each proposed plat, and for any acreage from which allowable densities are transferred under § 240-25(6) of the Pierce County Code, which plan shall conform with standards.

Section 2: That § 237-17 (C)(4) of the Pierce County Code be created to read as follows: (C) (4) Before a preliminary plat may be approved by the Land Management Committee, it shall be referred to the Land Conservation Department and Committee for review of its erosion control plan, upon whose written comments the Committee shall condition and accept or, where insufficient, reject a preliminary plat as submitted.

Section 3: That upon adoption of this Ordinance, the Land Conservation Department shall assess a fee of \$ 150.00 per acre for each acre included in a given plat for its review of each plat or certified survey map erosion control plan. In addition to said land division erosion control plan reviews, the Land Conservation Department shall charge \$50.00 per acre for each situation involving review of erosion control plans for parcels from which allowable densities are transferred under § 240-25 (6) of the County Code. That hereinafter these fees shall be as revised, from time to time, by the County Board of Supervisors and incorporated in the County fee schedule.

Section 4: That Sections 3 and 4 need not be codified. That this ordinance shall take effect upon its adoption and publication as required by law.

Dated this 27th day of July, 2004.

ORDINANCE 04-11

Repeal and Recreate Ch. 238; Floodplain Zoning Code

The Pierce County Board Of Supervisors Does Hereby Ordain As Follows:

Section One: That Ch. 238 of the Pierce County Code be repealed and recreated to read:

Chapter 238 Floodplain Zoning

238-1	<u>STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS</u>
238-2	<u>STATUTORY AUTHORIZATION</u>
	This ordinance is adopted pursuant to the authorization in ss. 59.69, 59.692, and 59.694; and the requirements in s. 87.30, Stats.
238-3	<u>FINDING OF FACT</u>
	Uncontrolled development and use of the floodplains and rivers of Pierce County will impair the public health, safety, convenience, general welfare and tax base.
238-4	<u>STATEMENT OF PURPOSE</u>
	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.
238-5	<u>TITLE</u>
	This ordinance shall be known as the Floodplain Zoning Ordinance for Pierce County, Wisconsin.
238-6	<u>GENERAL PROVISIONS</u>
(1)	<u>AREAS TO BE REGULATED</u> This ordinance regulates all areas that may be covered by the regional flood or base flood. Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.
(2)	<u>OFFICIAL MAPS & REVISIONS</u> These maps and flood profiles are the Official Floodplain Zoning Maps and profiles and have been approved by the Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA) and are on file in the office of the Zoning Administrator. If more than one map is referenced, the regional flood profiles govern boundary discrepancies according to § 238-6 (4).
	<u>OFFICIAL MAPS</u> : Based on the FIS
(a)	Flood Insurance Rate Maps (FIRM) dated November 3, 1993, and those revised with a date of September 2, 1994, Community Panel Numbers 555571 0001-0200, prepared for the Federal Emergency Management Agency.
	<u>OFFICIAL MAPS</u>: Based on other studies
(b)	Pierce County Mississippi Floodway Map dated August 1974 prepared by or for the Wisconsin Department of Natural

	Resources.
(c)	Flood Insurance Study dated November 19, 1990, Community Number 550330, City of River Falls, Pierce and St. Croix Counties
(d)	Flood profiles as documented in the Upper Mississippi River Water Surface Profiles, prepared by the United States Army Corps of Engineers and dated November 1979.
(e)	St. Croix River Regional Flood Analysis, St. Croix Falls to Mouth, dated March 1973, by the Minnesota Department of Natural Resources and Wisconsin Department of Natural Resources in cooperation with the United States Army Corps of Engineers.
(f)	Flood Insurance Study, Pierce County, Wisconsin (unincorporated areas).
(g)	Dam breach profiles as approved by Wisconsin Department of Natural Resources on March 18, 1996, for areas downstream of dam structures at Plum Creek No. 3 and Plum Creek No. 19. [Added 8-29-2000 by Ord. No. 00-10]
(3)	<u>ESTABLISHMENT OF DISTRICTS</u> The regional floodplain areas are divided into three districts as follows:
(a)	The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
(b)	The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
(c)	The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.
(4)	<u>LOCATING FLOODPLAIN BOUNDARIES</u> Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s.

	<p>238-37. 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 and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 238-33 and the criteria in (a) and (b) below.</p>
(a)	<p>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.</p>
(b)	<p>Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department. Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 238-38.</p>
(5)	<p><u>REMOVAL OF LANDS FROM FLOODPLAIN</u> 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. 238-37. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).</p>
(6)	<p><u>COMPLIANCE</u> Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.</p>
(7)	<p><u>MUNICIPALITIES AND STATE AGENCIES REGULATED</u> 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</p>

	bridges by the Wisconsin Department of Transportation is exempt when s. 30.12(4)(a), Stats., applies.
(8)	<u>ABROGATION AND GREATER RESTRICTIONS</u>
(a)	This ordinance supersedes all the provisions of any zoning ordinance enacted under ss. 59.69, 59.692 or 59.694; or s. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
(b)	This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
(9)	<u>INTERPRETATION</u> 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.
(10)	<u>WARNING AND DISCLAIMER OF LIABILITY</u> The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
(11)	<u>SEVERABILITY</u> Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12)	<p><u>ANNEXED AREAS FOR CITIES AND VILLAGES</u> The Pierce County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator.</p>
(13)	<p><u>GENERAL DEVELOPMENT STANDARDS</u> The County shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.</p>
238-7	<u>GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS</u>
238-8	<u>HYDRAULIC AND HYDROLOGIC ANALYSES</u>
(1)	Except as allowed in par. (3) below, no floodplain development shall:
(a)	Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
(b)	Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
(2)	The zoning administrator shall deny permits if it is determined

	the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.
(3)	Obstructions or increases equal to or greater than 0.01 foot 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. 238-37. Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.
238-9	<u>WATERCOURSE ALTERATIONS</u>
	<p>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 flood carrying capacity of any altered or relocated watercourse shall be maintained.</p> <p>As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.</p>
238-10	<u>CHAPTER 30, 31, WIS. STATS., DEVELOPMENT</u>
	Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to s. 238-37.
238-11	<u>PUBLIC OR PRIVATE CAMPGROUNDS</u>
	Public or private campgrounds shall be allowed only if they

	evidence a low flood damage potential. Said requirement shall be determined upon application of the following criteria:
1.	The campground is approved by the Department of Health and Family Services.
2.	A land use permit for the campground is issued by the zoning administrator.
3.	The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
4.	There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the 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.
5.	The agreement required under (4) shall be valid for no more than one (1) calendar year, prior to the end of which period it shall be reviewed by and between the operator and the officials identified in (4) and, if necessary, modified in order to remain in full compliance with all applicable regulations, including, but not limited to, those of the State Department of Health and Family Services.
6.	Only tents and mobile recreational vehicles shall be allowed by the operator to be placed in and used in each such campground.
7.	Tents may 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.
8.	All tents that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a

	period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
9.	The municipality shall monitor campground usage to assure compliance with the terms of this section.
10.	All structures that do not meet the definition of tents or mobile recreational vehicle, or that remain in place for more than 180 consecutive days, must meet the applicable requirements in either s. 238-12 or s. 238-17 for the floodplain district in which the structure is located.
11.	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.
12.	All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
238-12	<u>FLOODWAY DISTRICT (FW)</u>
238-13	<u>APPLICABILITY</u>
	This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 238-25.
238-14	<u>PERMITTED USES</u>
	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 s. 238-15 and 238-16; and
	- all permits or certificates have been issued according to s. 238-31:
(1)	Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
(2)	<u>Nonstructural</u> industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(3)	<u>Nonstructural</u> 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. 238-15(4).
(4)	Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 238-15 and 238-16.
(5)	Extraction of sand, gravel or other materials that comply with s. 238-15(4).
(6)	Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.
(7)	Public utilities, streets and bridges that comply with s. 238-15(3).
238-15	<u>STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS</u>
(1)	<u>GENERAL</u>
(a)	Any development in floodway areas shall comply with s. 238-7 and have a low flood damage potential.
(b)	Applicants shall provide the following data to determine the effects of the proposal according to s. 238-8:
1.	A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
2.	An analysis calculating the effects of this proposal on regional flood height.
(c)	The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.
(2)	<u>STRUCTURES</u> : Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent

	on a waterfront location may be allowed by permit if the structures comply with the following criteria:
(a)	The structures are not designed for human habitation and do not have a high flood damage potential;
(b)	The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;
(c)	The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
(d)	The structures have all service facilities at or above the flood protection elevation.
(3)	Public utilities, streets and bridges may be allowed by permit, if:
(a)	Adequate floodproofing measures are provided to the flood protection elevation; and
(b)	Construction meets the development standards of s. 238-8.
(4)	Fills or deposition of materials may be allowed by permit, if:
(a)	The requirements of s. 238-8 are met;
(b)	No material is deposited in the navigable channel 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 the other requirements of this section are met;
(c)	The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
(d)	The fill is not classified as a solid or hazardous waste material.
238-16	<u>PROHIBITED USES</u>
	All uses not listed as permitted uses in s. 238-14 are prohibited,

	including the following uses:
(1)	Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
(2)	Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
(3)	Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
(4)	Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code.
(5)	Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
(6)	Any solid or hazardous waste disposal sites;
(7)	Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
(8)	Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.
238-17	<u>FLOODFRINGE DISTRICT (FF)</u>
238-18	<u>APPLICABILITY</u>
	This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 238-25.
238-19	<u>PERMITTED USES</u>
	Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 238-20 are met, the use is

	not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 238-31 have been issued.
238-20	<u>STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS</u>
(1)	All of the provisions of s. 238-8 shall apply. In addition, the following requirements shall apply according to the use requested.
(2)	<u>RESIDENTIAL USES</u> : Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;
(a)	The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Adjustment/Appeals grants a variance;
(b)	The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
(c)	Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d).
(d)	In developments where existing street or sewer line elevations make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
1.	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

2.	The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
(3)	ACCESSORY STRUCTURES OR USES: An accessory structure or use not connected to a principal structure shall be constructed with its lowest floor no more than two feet below the regional flood elevation, subject to flood velocities of no more than two feet per second, and shall meet all the provisions of ss. 238-15 (2) (a), (b), (c), (d), and sub. (6) below.
(4)	COMMERCIAL USES: Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 238-20(2). Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
(5)	MANUFACTURING AND INDUSTRIAL USES: Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 238-33. Subject to the requirements of sub. (6), 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.
(6)	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. 238.33. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
(7)	PUBLIC UTILITIES, STREETS AND BRIDGES: All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
(a)	When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 238-33 to the flood protection elevation;

(b)	Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
(8)	SEWAGE SYSTEMS: All on-site sewage disposal systems shall be floodproofed, pursuant to s. 238-33, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
(9)	WELLS: All wells shall be floodproofed, pursuant to s. 238-33, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
(10)	SOLID WASTE DISPOSAL SITES: Disposal of solid or hazardous waste is prohibited in floodfringe areas.
(11)	DEPOSITION OF MATERIALS: Any deposited material must meet all the provisions of this ordinance.
(12)	MANUFACTURED HOMES
(a)	Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
(b)	In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
1.	have the lowest floor elevated to the flood protection elevation; and
2.	be anchored so they do not float, collapse or move laterally during a flood.
(c)	Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 238-20(2).
13.	MOBILE RECREATIONAL VEHICLES: All mobile recreational

	vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 238-20 (12)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
238-21	<u>GENERAL FLOODPLAIN DISTRICT (GFP)</u>
238-22	<u>APPLICABILITY</u>
	The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.
238-23	<u>PERMITTED USES</u>
	<p>Pursuant to s. 238-25, it shall be determined whether the proposed use is located within a floodway or floodfringe area.</p> <p>Those uses permitted in floodway (s. 238-14) and floodfringe areas (s. 238-19) are allowed within the general floodplain district, according to the standards of s. 238-24, provided that all permits or certificates required under s. 238-31 have been issued.</p>
238-24	<u>STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT</u>
	S. 238-12 applies to floodway areas, s. 238-17 applies to floodfringe areas. The rest of this ordinance applies to either district.
238-25	<u>DETERMINING FLOODWAY AND FLOODFRINGE LIMITS</u>
	Upon receiving an application for development within the general floodplain district, the zoning administrator shall:
(1)	Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations,

	building floor elevations and flood proofing measures;
(2)	Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
(a)	A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
(b)	Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
(c)	Profile showing the slope of the bottom of the channel or flow line of the stream;
(d)	Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
(3)	Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2)(c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.
238-26	<u>NONCONFORMING USES</u>
238-27	<u>GENERAL</u>
(1)	<p>APPLICABILITY</p> <p>If these standards conform with s. 59.69(10), Stats., they 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.</p>

(2)	The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
(a)	No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities;
(b)	If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
(c)	The 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;
(d)	No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would 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. 238-20(2);

(e)	<p>1. Except as provided in subd. (2), 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 ordinance requirements.</p> <p>2. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under 42 USC 4001 to 4129, or under the regulations promulgated thereunder.</p>
(f)	<p>A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 238-15(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 238-33 are used.</p>
238-28	<u>FLOODWAY AREAS</u>
(1)	<p>No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:</p>
(a)	<p>Has been granted a permit or variance which meets all ordinance requirements;</p>
(b)	<p>Meets the requirements of s. 238-27;</p>
(c)	<p>Will not increase the obstruction to flood flows or regional flood height; and</p>
(d)	<p>Any addition to the existing structure shall be floodproofed, pursuant to s. 238-33, by means other than the use of fill, to the flood protection elevation.</p>
(2)	<p>No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area.</p>

	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 and ch. COMM 83, Wis. Adm. Code.
(3)	No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
238-29	<u>FLOODFRINGE AREAS</u>
(1)	No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in s. 238-20, except where s. 238-29(2) is applicable.
(2)	Where compliance with the provisions of par. (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 Adjustment/Appeals, using the procedures established in s. 238-33, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
(a)	No floor is allowed below the regional flood elevation for residential or commercial structures;
(b)	Human lives are not endangered;
(c)	Public facilities, such as water or sewer, will not be installed;
(d)	Flood depths will not exceed two feet;
(e)	Flood velocities will not exceed two feet per second; and

(f)	The structure will not be used for storage of materials as described in s. 238-20(6).
(3)	If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
(a)	Meets all other regulations and will be granted by permit or variance;
(b)	Does not exceed 60 square feet in area; and
(c)	In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.
(4)	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 and ch. COMM 83, Wis. Adm. Code.
(5)	All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.
238-30	<u>ADMINISTRATION</u>
	The zoning administrator, appointed to administer the zoning ordinance adopted under ss. 59.69, 59.692, Stats., shall also administer this ordinance.
238-31	<u>ZONING ADMINISTRATOR</u>
(1)	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)	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 for floodplain development;
3.	Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
(d)	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 any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
(e)	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.
(f)	Submit copies of text and map amendments and biennial reports to the FEMA Regional office.
(2)	<u>LAND USE PERMIT</u> A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
(a)	<u>GENERAL INFORMATION</u>
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)	<p><u>SITE DEVELOPMENT PLAN</u> A site plan drawn to scale shall be submitted with the permit application form and shall contain:</p>
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 National Geodetic and Vertical Datum (NGVD);
8.	Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of s. 238-12 or 238-17 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. 238-8. This may include any of the information noted in s. 238-15(1).
(c)	<p><u>DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS</u></p>
1.	The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Ch. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
a.	An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

b.	A map showing location and details of vehicular access to lands outside the floodplain; and
c.	A surface drainage plan showing how flood damage will be minimized.
	The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.
(d)	<u>EXPIRATION</u> All permits issued under the authority of this ordinance shall expire 180 days after issuance.
(3)	<u>CERTIFICATE OF COMPLIANCE</u> 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 or registered 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 registered architect that floodproofing measures meet the requirements of s. 238-35.
(4)	<u>OTHER PERMITS</u> The applicant must secure all necessary permits from federal,

	state, and local agencies, including 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.
238-32	<u>ZONING AGENCY</u>
(1)	The Land Management Committee shall:
(a)	oversee the office of the zoning administrator; and
(b)	review and advise the County Board on all proposed amendments to this ordinance, maps and text.
(2)	This zoning agency shall not
(a)	grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or
(b)	amend the text or zoning maps in place of official action by the County Board.
238-33	<u>BOARD OF ADJUSTMENT/APPEALS</u>
	The Board of Adjustment, created under s. 59.694, Stats., is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.
(1)	<u>Powers and Duties</u> : The Board of Adjustment shall:
(a)	<u>Appeals</u> - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
(b)	<u>Boundary Disputes</u> - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
(c)	<u>Variances</u> - Hear and decide, upon appeal, such variances from the ordinance standards as are permitted under this ordinance.
(2)	<u>APPEALS TO THE BOARD</u>

(a)	Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
(b)	<u>NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES</u>
1.	<u>Notice</u> - The board shall:
a.	Fix a reasonable time for the hearing;
b.	Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
c.	Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
2.	<u>Hearing</u> - Any party may appear in person or by agent or attorney. The board shall:
a.	Resolve boundary disputes according to s. 238(3).
b.	Decide variance applications according to s. 238(4).
c.	Decide appeals of permit denials according to s. 238-34.
(c)	<u>DECISION</u> : 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;
6.	Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
(3)	<u>BOUNDARY DISPUTES</u> The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
(a)	If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
(b)	In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
(c)	If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 238-37.
(4)	<u>VARIANCE</u>
(a)	The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
1.	Literal enforcement of the ordinance provisions will cause unnecessary hardship;
2.	The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

3.	The variance is not contrary to the public interest; and
4.	The variance is consistent with the purpose of this ordinance in s. 238-4.
(b)	In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
1.	The variance may not cause any increase in the regional flood elevation;
2.	Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
3.	Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
(c)	A variance shall not:
1.	Grant, extend or increase any use prohibited in the zoning district.
2.	Be granted for a hardship based solely on an economic gain or loss.
3.	Be granted for a hardship which is self-created.
4.	Damage the rights or property values of other persons in the area.
5.	Allow actions without the amendments to this ordinance or map(s) required in s. 238-38.
6.	Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
(d)	When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

238-34	<u>TO REVIEW APPEALS OF PERMIT DENIALS</u>
(1)	The Zoning Agency (s. 238-32) or Board shall review all data related to the appeal. This may include:
(a)	Permit application data listed in s. 238-31(2).
(b)	Floodway/floodfringe determination data in s. 238-25.
(c)	Data listed in s. 238-15(1)(b)2. where the applicant has not submitted this information to the zoning administrator.
(d)	Other data submitted with the application, or submitted to the Board with the appeal.
(2)	For appeals of all denied permits the Board shall:
(a)	Follow the procedures of s. 238-33;
(b)	Consider zoning agency recommendations; and
(c)	Either uphold the denial or grant the appeal.
(3)	For appeals concerning increases in regional flood elevation the Board shall:
(a)	Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
(b)	Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.
238-35	<u>FLOODPROOFING</u>
(1)	No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

(2)	Floodproofing measures shall be designed to:
(a)	Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
(b)	Protect structures to the flood protection elevation;
(c)	Anchor structures to foundations to resist flotation and lateral movement; and
(d)	Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
(3)	Floodproofing measures could include:
(a)	Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
(b)	Adding mass or weight to prevent flotation.
(c)	Placing essential utilities above the flood protection elevation.
(d)	Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
(e)	Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
(f)	Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.
(4)	The costs to elevate a structure to the flood protection elevation or higher shall be exempt from application of the modification dollar limitations under s. 238-27(2)(d).
238-36	<u>PUBLIC INFORMATION</u>
(1)	Place marks on structures to show the depth of inundation during the regional flood.
(2)	All maps, engineering data and regulations shall be available and widely distributed.
(3)	All real estate transfers should show what floodplain zoning

	district any real property is in.
238-37	<u>AMENDMENTS</u>
238-38	<u>GENERAL</u>
	The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:
(1)	Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
(2)	Correction of discrepancies between the water surface profiles and floodplain zoning maps.
(3)	Any fill in the floodplain 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.
(4)	Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
(5)	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.
(6)	All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA. Note: Consult the FEMA web site - www.fema.gov - for a current map change fee schedule.
238-39	<u>PROCEDURES</u>
	Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 59.69, Stats. Such petitions shall include all necessary data required by ss. 238-25 and 238-31(2).
(1)	The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for

	review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
(2)	No amendments shall become effective until reviewed and approved by the Department.
(3)	All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
(4)	For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See s. 238-6(4).)
238-40	<u>ENFORCEMENT AND PENALTIES</u>
	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 less than \$ and not more than \$, 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.
238-41	<u>DEFINITIONS</u> Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give this ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary.
1)	<u>"A ZONES"</u> - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or

	may not be reflective of flood profiles, depending on the availability of data for a given area.
2)	<u>"ACCESSORY STRUCTURE OR USE"</u> - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
3)	<u>"BASE FLOOD"</u> - Means the flood having a one percent chance of being equalled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
4)	<u>"BASEMENT"</u> - Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
5)	<u>"BUILDING"</u> - See STRUCTURE.
6)	<u>"BULKHEAD LINE"</u> - 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.
7)	<u>"CAMPGROUND"</u> - 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.
8)	<u>"CAMPING UNIT"</u> - Any tent or mobile recreational vehicle, 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.
9)	<u>"CERTIFICATE OF COMPLIANCE"</u> - 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.
10)	<u>"CHANNEL"</u> – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
11)	<u>"CRAWLWAYS" OR "CRAWL SPACE"</u> - An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

12)	<u>"DEPARTMENT"</u> - The Wisconsin Department of Natural Resources.
13)	<u>"DEVELOPMENT"</u> - 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; 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.
14)	<u>"DRYLAND ACCESS"</u> - 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.
15)	<u>"ENCROACHMENT"</u> - Any fill, structure, equipment, building, use or development in the floodway.
16)	<u>"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION"</u> - 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
17)	<u>"EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK"</u> - 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.
18)	<u>"FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)"</u> - The federal agency that administers the National Flood Insurance Program.

19)	<u>"FLOOD INSURANCE RATE MAP" (FIRM)</u> - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
20)	<u>"FLOOD" or "FLOODING"</u> – 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.
21)	<u>"FLOOD FREQUENCY"</u> - 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.
22)	<u>"FLOODFRINGE"</u> - 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.
23)	<u>"FLOOD HAZARD BOUNDARY MAP"</u> - 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.
24)	<u>"FLOOD INSURANCE STUDY"</u> - A technical engineering

	<p>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.</p>
25)	<p><u>"FLOODPLAIN"</u> - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.</p>
26)	<p><u>"FLOODPLAIN ISLAND"</u> - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.</p>
27)	<p><u>"FLOODPLAIN MANAGEMENT"</u> - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.</p>
28)	<p><u>"FLOOD PROFILE"</u> - 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.</p>
29)	<p><u>"FLOODPROOFING"</u> - 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.</p>
30)	<p><u>"FLOOD PROTECTION ELEVATION"</u> - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)</p>
31)	<p><u>"FLOOD STORAGE"</u> - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.</p>
32)	<p><u>"FLOODWAY"</u> - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.</p>

33)	<u>"FREEBOARD"</u> - 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.
34)	<u>"HABITABLE STRUCTURE"</u> - Any structure or portion thereof used or designed for human habitation.
35)	<u>"HEARING NOTICE"</u> - 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.
36)	<u>"HIGH FLOOD DAMAGE POTENTIAL"</u> - 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.
37)	<u>"HISTORIC STRUCTURE"</u> - 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.
38)	<u>"INCREASE IN REGIONAL FLOOD HEIGHT"</u> - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 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.
39)	<u>"LAND USE"</u> - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
40)	<u>"MANUFACTURED HOME"</u> - 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."
41)	<u>"MOBILE RECREATIONAL VEHICLE"</u> - 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.
42)	<u>"MUNICIPALITY"</u> or <u>"MUNICIPAL"</u> - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
43)	<u>"NGVD"</u> or <u>"NATIONAL GEODETIC VERTICAL DATUM"</u> - Elevations referenced to mean sea level datum, 1929 adjustment.
44)	<u>"NEW CONSTRUCTION"</u> - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or

	after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
45)	<u>"NONCONFORMING STRUCTURE"</u> - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
46)	<u>"NONCONFORMING USE"</u> - 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.)
47)	<u>"OBSTRUCTION TO FLOW"</u> - 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.
48)	<u>"OFFICIAL FLOODPLAIN ZONING MAP"</u> - 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.
49)	<u>"OPEN SPACE USE"</u> - Those uses having a relatively low flood damage potential and not involving structures.
50)	<u>"ORDINARY HIGHWATER MARK"</u> - 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.
51)	<u>"PERSON"</u> - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
52)	<u>"PRIVATE SEWAGE SYSTEM"</u> - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving

	more than one structure or a system located on a different parcel than the structure.
53)	" <u>PUBLIC UTILITIES</u> " - 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.
54)	" <u>REASONABLY SAFE FROM FLOODING</u> " - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
55)	" <u>REGIONAL FLOOD</u> " - 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.
56)	" <u>START OF CONSTRUCTION</u> " - 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.
57)	" <u>STRUCTURE</u> " - 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.
58)	" <u>SUBSTANTIAL DAMAGE</u> " - 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.
59)	" <u>UNNECESSARY HARDSHIP</u> " - 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.
60)	" <u>VARIANCE</u> " - 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 <u>dimensional</u> standards (not uses) contained in the floodplain zoning ordinance.
61)	" <u>VIOLATION</u> " - 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.
62)	" <u>WATERSHED</u> " - The entire region contributing runoff or surface water to a watercourse or body of water.
63)	" <u>WATER SURFACE PROFILE</u> " - 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.
64)	" <u>WELL</u> " - 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 Two:	That this Ordinance shall take effect upon its adoption and publication as required by law.
	Dated this 27 th day of July, 2004.

Ordinance 04-12
Rezone A Parcel Of Land In The Town Of Isabelle From
General Rural To Rural Residential 20: Anderson Property

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

Section 1: The Official Pierce County Zoning Map for the Town of Isabelle be amended to change the zoning from General Rural to Rural Residential 20 for a parcel of land described as: *The NW 1/4 of the SW 1/4 LYG & BEING N OF ST RD 35 AS NOW LAID OUT in Section 5, T24N, R17W, Town of Isabelle. The parcel being 22 acres in size.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 21st day of September, 2004.

Ordinance 04-13
Rezone A Parcel Of Land In The Town Of Trimbelle From
Primary Agriculture To General Rural: Newborg Property

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

Section 1: The Official Pierce County Zoning Map for the Town of Trimbelle be amended to change the zoning from Primary Agriculture to General Rural for a parcel of land described as: *The SE ¼ of the SE ¼ of Section 7, Township 26 North, Range 18 West, in the Town of Trimbelle. The parcel being 30 acres in size.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 21st day of September, 2004.

Ordinance 04-14
Amend §240-88 of the Pierce County Zoning Ordinance: Definition of
"Kennel"

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

SECTION 1: That Sec. 240-88 of the Pierce County Code is hereby amended to read as follows: *KENNEL – Any establishment wherein or whereon eight or more dogs over the age of five months are kept. ~~for breeding, sale or sporting purposes or where boarding care is provided for compensation.~~*

SECTION 2: That this Ordinance shall become effective upon its adoption and publication as required by law.

Dated this 21st day of September, 2004.

ORDINANCE 04-15
Amend Section 24-16 of the Pierce County Code Regarding Code of Ethics

PIERCE COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That Section 24-16 of the Pierce County Code is hereby amended to read as follows:

24-16 Records

~~Records of the Ethics Board's opinions, opinion requests and investigations of violations of this chapter may be closed in whole or in part to public inspection.~~

All records of the board shall be open to public inspection at any time except that the names of individuals and identifying matter which clearly discloses the identity of any individual shall be kept confidential and copies of such records shall be altered to remove any such identifying information except that no such alterations shall be made to disclosure statements.

SECTION 2: That this Ordinance shall become effective upon its adoption and publication as required by law.

Dated this 19th day of October, 2004.

ORDINANCE 04-16

Rezone a Parcel of Land in the Town of Salem from Exclusive Agriculture to General Rural: Bertil & Carol Weberg Property

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows;

Section 1: The Official Pierce County Zoning Map for the Town of Salem be amended to change the zoning from Exclusive Agriculture to General Rural for a parcel of land described as: *The PRT OF NW OF SW LYG W OF HWY RUNG THRU SD FORTY SUBJ TO EASEMT OVER SW-SW FROM 450TH ST PER V 365 P 954 and ALL THAT PRT OF SW 1/4 OF NW 1/4 LYG S & W OF HWY 5 A of Sec 32, T25N, R16W; and the E 1/2 OF SE 1/4 OF SE 1/4 and ALL THAT PRT OF NW 1/4 OF SE 1/4 LYG N OF HWY 30 A and NE 1/4 OF SE 1/4 and S 1/2 OF SE 1/4 OF NE 1/4 and S 4 RDS OF W 40 RDS OF N 1/2 OF SE NE 1 A and E 1/2 OF SW 1/4 OF NE 1/4 (OLD PCL U519-521) of Sec 31, T25N, R16W, Town of Salem, Pierce County, State of Wisconsin. This parcel is approximately 131 acres in size.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 19th day of October 2004.

ORDINANCE 04-17

Rezone a Parcel of Land in the Town of Clifton from Primary Agriculture to General Rural Flexible – 8: Anita Iten Property

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows;

Section 1: The Official Pierce County Zoning Map for the Town of Clifton be amended to change the zoning from Primary Agriculture to General Rural Flexible-8 for a parcel of land described as: *The parcel of land located in the NW ¼ of the NW ¼ of Section 29, the NE ¼ of the NE ¼ of Section 30, and the SE ¼ of the SE ¼ of Section 19, all in T27N, R19W, Town of Clifton, Pierce County, Wisconsin, Described as follows: Beginning at the NW corner of said Section 29; thence S 87°22'53" E (Bearings Referenced to the north line of said NW ¼ of Section 29, Assumed to bear N87°22'53" W) 777.03' along said north line; thence S 02°06'03" W 420.02'; Thence N 87°22'53" W 777.03'; thence N88°07'35" W 887.01'; Thence N02°06'03" E 1.86'; Thence N 45°32'22"E 285.33' Along the centerline of 1170th Street; thence N 46°00'00" E 441.30' along said centerline; thence northeasterly 349.07; along a 4000.00' radius curve concave southeasterly whose chord bears N 48°30'00.0" E 348.96' along said centerline; thence N 51°00'00" E 142.67' along said centerline; thence N 57°35'08" E 24.08' along said centerline; thence S 01°29'44" W 451.60' along the east line of lot 1, certified survey map, volume 10 page 74, document number 464316 to the point of beginning. This parcel contains 16.769 acres, more or less.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 19th day of October 2004.

Ordinance 04-18

Rezone a Parcel of Land in the Town of Ellsworth From Light Industrial To General Rural Flexible: J. M. Ranch Property

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

Section 1: The Official Pierce County Zoning Map for the Town of Ellsworth be amended to change the zoning from Light Industrial to General Rural Flexible for a parcel of land described as: *The SE ¼ of the SE ¼ EXC S 660 FT OF W 330 FT SUBJ TO HWY R/W, Sec. 3, T26N, R17W, Town of Ellsworth, Pierce County, WI.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 9th day of November, 2004.

ORDINANCE 04-19

Amend Sec. 238-40 of the Pierce County Floodplain Ordinance Relating to Enforcement and Penalties

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

SECTION 1: That Sec. 240-67 of the Pierce County Code is hereby amended to read as follows:

238-40 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 less than \$10 and not more than \$200, 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.

SECTION 2: That this Ordinance shall become effective upon its adoption and publication as required by law.

Dated this 9th day of November 2004.

ORDINANCE 04-20

Rezone a Parcel of Land in the Town of Trimbelle from Primary Agriculture to General Rural Flexible: David & Darcy Pluth

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows;

Section 1: The Official Pierce County Zoning Map for the Town of Trimbelle be amended to change the zoning from Primary Agriculture to General Rural Flexible for a parcel of land described as: *The parcel of land located in part of the SE ¼ of SE ¼ COM AT INTERSEC OF 740TH ST & SL SD 40; TH W TO SW COR SD 40; TH N 804.2'; TH N45°E TO CL 740TH ST; TH SELY ALG CL 740TH ST TO POB EX PRT OF CSM V 7 P 114 DESC AS COM 804.2' N OF SW COR SD 40, TH N45°E 485.08' TO PT IN CL 740TH ST; TH S10°E 53.47'; TH S48°W 474.38' TO PT IN WL SD 40; TH N 26.44' TO POB TOGETHER WITH & SUBJ TO RDWY EASEMT PER DOC # 394810 in Section 1, T26N, R18W, Town of Trimbelle, Pierce County, State of Wisconsin. This parcel contains approximately 15.287 acres.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 21st day of December 2004.

ORDINANCE 04-21

Rezone Parcels of Land in the Town of Clifton from Rural Residential-8 to General Rural Flexible-8: Delores Pechacek And Jeff & Jeanne Aws

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows;

Section 1: The Official Pierce County Zoning Map for the Town of Clifton be amended to change the zoning from Rural Residential-8 to General Rural Flexible-8 for the parcels of land described as: *Lot 1 CSM V8 P160 being part of the S ½ of the NW ¼; AND FR SW ¼ of the NW ¼ EX CSM V6 P178 (NKA CSM 8-173) & EX CSM V8 P160; AND SE ¼ of the NW ¼ EX CSM V8 P160 all in Section 19, T27N, R19W; AND All that PRT of SE ¼ of the NE ¼ LYG E OF CTY HWY "F" EX 1.03 Acres for HWY per V134 P675 & EX CSM 1-233 (NKA CSM 9-157) & EX CSM V6 P178 (NKA CSM 8-173) in Section 24, T27N, R20W, Town of Clifton, Pierce County, State of Wisconsin.* These parcels totaling 73.420 acres in size.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 27th day of January 2005.

ORDINANCE 04-22
**Rezone a Parcel of Land in the Town of Hartland from Primary
Agriculture to General Rural Flexible: Paul D. Nielsen**

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

Section 1: *The Official Pierce County Zoning Map for the Town of Hartland be amended to change the zoning from Primary Agriculture to General Rural Flexible on a parcel located in the N ½ of the SE ¼ of the NW ¼, also East 66 feet of the NE ¼ of the NW ¼, all in Section 8, Township 25 North, Range 17 West, Town of Hartland, Pierce County, State of Wisconsin. This parcel totals 22-acres in size.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 22nd day of February 2005.

ORDINANCE 04-23

Rezone a Parcel of Land in the Town of Hartland from Primary Agriculture to General Rural Flexible: Gary & Kimberlee Stai

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

Section 1: *The Official Pierce County Zoning Map for the Town of Hartland be amended to change the zoning from Primary Agriculture to General Rural Flexible on a parcel located in the SE ¼ of the NE ¼ commencing at the SE corner of said 40 for point of beginning, then West 750 feet, then North 330 feet, then East 33 feet, then North 870 feet, then East 717 feet, then South 1,200 feet to the point of beginning, all in Section 17, Township 25 North, Range 17 West, Town of Hartland, Pierce County, State of Wisconsin. This parcel totals 20-acres in size.*

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 22nd day of March 2005.

Note: This resolution was NOT approved.

RESOLUTION 04-01

Amend Resolution 86-26 Regarding Purchase of Highway Equipment

WHEREAS, for the construction and maintenance of highways, including the removal and control of snow and ice, it becomes necessary from time to time to purchase equipment, the nature and necessity for which cannot be accurately anticipated,

THEREFORE BE IT RESOLVED, that the County Highway Committee is hereby authorized, pursuant to Section 83.015(2) of the Statutes, to purchase without further authority, and to the extent that revolving funds accumulated for such purpose or appropriations made for such purpose are available, such highway equipment as they deem necessary to properly carry on the work, and to trade or sell such old equipment as may be considered to be for the best interests of the County, provided that no one complete unit of equipment of a value exceeding Two Hundred, Fifty Thousand and no/100 Dollars (\$250,000) shall be purchased without further authority of the County Board.

DATED this 20th day of April, 2004.

Resolution 04-02
Create Ad Hoc Facility Planning Committee

Whereas, various committees and studies have documented the need for expanded and improved facilities for Pierce County government operations, including courts, law enforcement, jail, dispatch, office, storage, overall security, public accommodations, parking, and vehicle and equipment maintenance; and

Whereas, the county needs to develop an overall plan for space and facility needs to guide the county board in making budget and building decisions,

Now, therefore, be it resolved, that the Pierce County Board of Supervisors hereby creates the Ad Hoc Facility Planning Committee pursuant to PCC § 4-50. The expressed duties of the ad hoc committee are to investigate the short term and long term facility needs of county government operations and make recommendations as to priorities, options, and estimated costs. Working with the administrative coordinator, the committee shall distribute monthly reports to all county board supervisors and submit a final report to the county board no later than July 1, 2005 at which time the committee shall terminate.

Be it further resolved, that the ad hoc committee shall consist of five members of the county board appointed by the county board chairman. Committee members shall receive compensation per county board policies.

Be it further resolved that the finance and personnel committee shall be authorized to allocate such funds from the contingency fund as necessary to obtain specialized professional advice in making its findings and recommendations. Such costs are not to exceed \$10,000.

Dated this 25th day of May, 2004.

Resolution 04-03
Approve Incorporation of Pierce County Fair Foundation

Whereas, the annual Pierce County Fair is a premier county-wide event for residents and visitors, providing entertainment, exhibitions and education in a community setting since 1859; and

Whereas, the fairgrounds in Ellsworth have been used continuously for the fair for 121 years, dating to 1884, with county ownership of the grounds since 1942; and

Whereas, citizens of the county have a long history of financial support for the fair and fairgrounds through taxes and contributions, providing for construction and maintenance of buildings and facilities, some of which show the effects of age and long use; and

Whereas the fair committee and the county board have determined that continuing private financial support would benefit the future of the fair and fairgrounds, and generating this support is best accomplished by an organized, active group of citizens who seek to help perpetuate the success of the Pierce County Fair; and

Whereas, the fundraising group should be incorporated to allow for tax deductible gifts and proper accounting of donations to the fair.

Now, therefore, be it resolved, that the Pierce County Board of Supervisors authorizes the fair committee to submit articles of incorporation, necessary paperwork and fees to establish a non-profit corporation for charitable purposes to aid and assist in the Pierce County Fair.

Dated this 25th Day of May, 2004.

Resolution 04-04
Financing for Communication System Replacement

Whereas, on April 20, 2004 the Pierce County Board of Supervisors approved Substitute Resolution 03-44 to replace and upgrade the county-wide communication system with a budget not to exceed \$1,500,000; and

Whereas, the county finance and personnel committee was directed to present a bonding proposal for funding the system to the county board for consideration at its May 2004 meeting; and

Whereas, the finance and personnel committee recommends that the county board authorize the use of various fund balances to pay for the system rather than use debt financing.

Now, therefore, be it resolved by the Pierce County Board of Supervisors, that the following funds be transferred to the communication system account and expended for the purpose of replacing and upgrading the county-wide communication system: \$500,000 from contingency fund, \$170,000 from highway administration fund, \$715,000 from sales tax fund, and \$115,000 from health insurance fund for a total of \$1,500,000.

Be it further resolved that expenditures from the communication system account shall be approved by the finance and personnel committee.

Dated this 25th day of May, 2004.

RESOLUTION 04- 05
Adopt Pierce County Outdoor Recreation Plan 2004 - 2008

WHEREAS, Pierce County has participated in a county-wide Outdoor Recreation Planning Program covering both unincorporated and incorporated areas of Pierce County, and

WHEREAS, said planning program has been conducted by Pierce County through the Mississippi River Regional Planning Commission in conjunction with the Pierce County Department of Land Management and Records, and

WHEREAS said planning document reflects community and county recreation needs in light of goals, objectives, and generally accepted recreation planning standards, and

WHEREAS, the Pierce County Land Management Committee has approved the Outdoor Recreation Plan and has recommended adoption by the Pierce County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors does hereby adopt the Pierce County Outdoor Recreation Plan 2004-2008 as its guide to future recreation facility improvements in the County of Pierce.

DATED this 25th day of May 2004.

RESOLUTION 04- 06
Adopt Pierce County Bicycle Plan 2003 - 2023

WHEREAS, Pierce County has participated in a county-wide Bicycle Planning Program covering the unincorporated areas of Pierce County, and

WHEREAS, said planning program has been conducted by Pierce County through the Mississippi River Regional Planning Commission in conjunction with the Pierce County Department of Land Management and Records, and

WHEREAS said planning document reflects county bicycle facility needs in light of goals, objectives, and generally accepted bicycle planning standards, and

WHEREAS, the Pierce County Land Management Committee has approved the Pierce County Bicycle Plan 2003-2023 and has recommended adoption by the Pierce County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors does hereby adopt the Pierce County Bicycle Plan 2003-2023 as its guide to future bicycle facility improvements in the County of Pierce.

DATED this 25th day of May 2004.

RESOLUTION 04-07
Disallowance of Claim - Strouf

WHEREAS, a Notice of Claim and Injury Itemization of Damages pursuant to Wisconsin Statutes §893.80(1) was received in the office of Pierce County Clerk on May 17, 2004, from an attorney representing Paul A. Strouf; and

WHEREAS, said claim alleges that Mr. Strouf was arrested by the River Falls Police Department and taken to the Pierce County Jail on April 26, 2004 because of an outstanding warrant that had in fact been dismissed by order of the Honorable Robert W. Wing on December 2, 2003.

WHEREAS, said claim alleges that Pierce County was negligent in failing to vacate the warrant, and that Mr. Strouf was suffered injuries including being publicly humiliated, denied liberty, suffered loss of income, and physical and emotional distress.

WHEREAS, said claimant demands an apology and monetary damages for his denial of liberty, inconvenience, loss of income, humiliation, and physical and emotional distress.

WHEREAS, the claim alleges damages in the amount of (\$5,000.00) Dollars for Paul A. Strouf and in exchange for claimant's full release of any liability.

WHEREAS, the Finance Committee took action on July 16, 2004 to recommend denial of the claim and pass the Resolution onto the County Board of Supervisors to deny the claim at the first reading of the Resolution;

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors that the claim submitted on behalf of Paul A. Strouf is hereby denied and no action on this claim may be brought against Pierce County or any of its officers, officials, agents or employees after 6 months from the date of service of this Notice, pursuant to Wis. Stats. §893.80; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the claimants at 417 South Wasson Lane, Apt. 105, River Falls, WI 54022, by certified mail with return receipt requested and a copy to the attorneys for claimant, Warren Lee Brandt at 122 Orange Street, WI 54021.

Dated this 27th day of July, 2004.

RESOLUTION 04-08
Approving Sale of Land in the Town of Trenton

Whereas, Pierce County owns approximately 155 acres of land in Section 34, T. 25N – R18W, Town of Trenton for mining of sand for highway purposes; and

Whereas, an adjoining property owner has approached the county to buy .5 acres of land to add to an existing parcel; and

Whereas, the highway department has declared the .5 acre parcel to be unnecessary for county needs; and

Whereas, the finance and personnel committee has established \$8,000 as the fair market value of the parcel.

Now, Therefore, Be It Resolved, that the Pierce County Board of Supervisors approves the sale of .5 acres to Mr. and Mrs. Roy Whipple and authorizes the finance and personnel committee to complete the sale.

Dated this 27th day of July 2004.

RESOLUTION 04-09
Park Development Fund Policies

WHEREAS, Pierce County has, since about 1980, collected a park fee in conjunction with the creation of residential parcels in unincorporated areas of the County, and

WHEREAS, these fees have been deposited in the Park Development Fund, which was created to address the need for additional recreational opportunities that occurs with an increase in residential population, and

WHEREAS, the Land Management Committee and Parks Committees worked jointly to establish formal policies guiding the use of the Park Development Fund, and

WHEREAS, the Land Management Committee and the Parks Committee unanimously approved the attached policies at a joint meeting held on January 28, 2004 and reaffirmed the policies at committee meetings in June 2004.

NOW, THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors approve the attached policies regulating the use of the Park Development Fund.

DATED this 27th day of July 2004.

RESOLUTION 04-10
Create The Position Of Conservation Engineering Technician

WHEREAS, Pierce County is experiencing ever-increasing pressure from development and growth, and

WHEREAS, average acreage of development has increased from 397 acres per year for the years 1995 through 1999 to 572 acres per year from the years 2000 through 2003 and what has been submitted for development to date, and

WHEREAS, the trend is not only expected to continue but the acres converted will most likely increase well into the future, and

WHEREAS, the Land Conservation Department is requesting additional staff to assist with subdivision reviews, and

WHEREAS, the Land Conservation Department anticipates funding the full-time position with revenues generated by implementation of a \$150.00 per acre review fee, and

WHEREAS, the Finance and Personnel Committee did review this request on July 16, 2004 and recommends the creation of this position at a cost of \$13,745 for the period of October 1, 2004 through December 31, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors approves creation of Conservation Engineering Technician effective October 1, 2004.

DATED this 27th day of July 2004.

(8-24-04: Board members deferred passage of this resolution for a future meeting.)

**Resolution 04-11
Establishing an Alternative Work Schedule Policy**

Whereas, Pierce County seeks to recruit and retain a qualified, motivated work force to serve the citizens of the county; and

Whereas, providing flexibility in work schedules will keep the county competitive with current trends in employment and aid in the goal of recruitment and retention; and

Whereas, alternative work schedules cannot and will not interfere with providing county services to residents of Pierce County; and

Whereas, the finance and personnel committee on July 16, 2004 recommended that the County Board adopt the alternative work schedule policy.

Now, Therefore, Be It Resolved, that the Pierce County Board of Supervisors approves the alternative work schedule policy as attached.

Dated this 27th day of July, 2004.

RESOLUTION 04-12
Disallowance of Claims – Streets-Johnson

WHEREAS, Notice of Claims pursuant to Wisconsin Statutes §893.80(1) were received in the office of Pierce County Clerk On April 15, 2004, from an attorney representing Christopher Johnson and Summer Streets; and

WHEREAS, an accident occurred on January 1, 2004 involving Ms. Streets and Mr. Johnson at the intersection of County Road C and V; and

WHEREAS, said claims allege that the Pierce County Highway Department was negligent in that they failed to provide safe roads upon which to operate motor vehicles as they were aware of prior accidents at said intersection and they failed to mark the intersection of County Road C and County Road V as a three way stop or install a 4-way stop; and,

WHEREAS, the claims allege damages in the amount of \$188,502.04 Dollars for Summer Streets and damages in the amount of \$200,106.00 for Christopher Johnson; and

WHEREAS, the Finance Committee took action on July 16, 2004 to recommend denial of these claims and pass the Resolution onto the County Board of Supervisors to deny the claims at the first reading of the Resolution; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors that the claims submitted on behalf of Summer Streets and Christopher Johnson are hereby denied and no action on these claims may be brought against Pierce County or any of its officers, officials, agents or employees after 6 months from the date of service of these Notices, pursuant to Wis. Stats. §893.80; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the claimants at W3749 330th Avenue, Maiden Rock, WI 54750, by certified mail with return receipt requested and a copy to the attorney for claimant, Thomas E. Gorman, 1626 Old West Third Street, Red Wing, MN.

Dated this 27th day of July, 2004.

RESOLUTION 04-13
Approving Sale of Land in the Town of Gilman

WHEREAS, Pierce County owns land in the SE ¼ of the SE ¼ of Section 12, Township 27 North, Range 16 West, Town of Gilman, for right of way highway purposes; and

WHEREAS, an adjoining property owner has approached the county to buy 0.6 acres of land to add to an existing parcel; and

WHEREAS, the Highway Department has declared the 0.6 acre parcel to be unnecessary for county needs; and

WHEREAS, the Highway Committee at its meeting on September 2, 2004 recommended approval of sale in the amount of \$1,100.00 provided that the buyer bears all expenses that incur as result of this sale; and

WHEREAS, part of the consideration of said sale would be getting this property back on the tax roll.

NOW, THEREFORE, BE IT RESOLVED, that the Pierce County Board of Supervisors approves the sale of 0.6 acres to Mr. & Mrs. Tony Huppert and authorizes the Finance and Personnel Committee to complete the sale.

Dated this 21st day of September, 2004.

RESOLUTION 04-14
Disallowance Of Claim – Brekken, Bane-Bryant Llc, Regenhard

WHEREAS, a Notice of Claim and Circumstances of Claim pursuant to Wisconsin Statutes §893.80(1)(a)-(b) was received in the office of Pierce County Clerk on May 25, 2004, from an attorney representing Christopher Brekken, Bane-Bryant LLC and Charles Regenhard.

WHEREAS, said Claimants allege that Pierce County exceeded its authority in creating the setback line and that doing so was a taking under the Wisconsin and United States Constitutions.

WHEREAS, said Claimants further allege that the setting of the tangent line was an arbitrary and capricious act by the County, in violation of its statutory authority.

WHEREAS, said Claimants request that Pierce County pay for the taking of their real property in Pierce County, as follows:

- A. \$500,000 to Claimant Christopher Brekken for the taking of his two (2) real parcels identified in the Notice of Circumstances of Claim;
- B. \$500,000 to Claimant Bane-Bryant LLC, c/o Steven Bryant, for the taking of its two (2) real parcels identified in the Notice of Circumstances of Claim; and
- C. \$250,000 to Claimant Charles Regenhard for the taking of his one (1) real parcels identified in the Notice of Claim.

WHEREAS, the Finance Committee took action on August 26, 2004 to recommend denial of the claim and pass the Resolution onto the County Board of Supervisors to deny the claim at the first reading of the Resolution;

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors that the claim submitted on behalf of Christopher Brekken, Bane-Bryant LLC, c/o Steven Bryant and Charles Regenhard is hereby denied and no action on this claim may be brought against Pierce County or any of its officers, officials, agents or employees after 6 months from the date of service of this Notice, pursuant to Wis. Stats. §893.80; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Claimants Christopher Brekken, W11205 497th Ave., Prescott, WI 54021; Bane-Bryant LLC, c/o Steven Bryant, 1551 Payne Ave., St. Paul, MN 55101; and Charles Regenhard, N4945 1208th St., Prescott, WI. 54021 by certified

mail with return receipt requested and a copy to the attorneys for Claimants, Michael D. Schwartz and Todd A. Smith, Chanhassen Financial Center, 761 West 78th Street, Suite 210, P.O. Box 219, Chanhassen, Minnesota 55317-0219.

Dated this 21st day of September 2004.

RESOLUTION 04-15
Amend On-Line Access Fees For Register of Deeds

WHEREAS, the Register of Deeds has authority to provide access to documents recorded in the Register of Deeds Office to the public via the Internet; and

WHEREAS, the Register of Deeds has authority to collect fees to cover the actual cost of providing records to the public or making the records available on-line; and

WHEREAS, the Register of Deeds is proposing a change to the current Laredo fee structure so that it is based on a per minute charge; and

WHEREAS, the Register of Deeds has proposed the following fee schedule to be effective January 1, 2005:

<u>Minutes per month</u>	<u>County Charge To User</u>	<u>Overage Charge</u>
0-250	\$ 75 / month	\$.30 per minute
251-500	\$ 125 / month	\$.25 per minute
501-1000	\$ 195 / month	\$.20 per minute
1001-2000	\$ 295 / month	\$.15 per minute
Unlimited	\$ 400 / month	\$.00 per minute

Tapestry users: (Fees remain unchanged)

\$3.90 per basic search

\$6.99 per advanced search

\$.50 for viewing document image

ALL PLANS ARE SUBJECT TO AN IMAGE MAINTENANCE FEE OF \$.25 PER PRINTED PAGE.

WHEREAS, on September 24, 2004, the Finance Committee recommended that these fees be approved.

NOW, THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors adopts the fees as outlined above and that these fees take effect on January 1, 2005.

BE IT FURTHER RESOLVED that the Register of Deeds shall collect these newly established fees, maintain auditable records and deposit those fees with the Treasurer on a monthly basis.

Dated this 19th day of October, 2004.

RESOLUTION 04-16
Amend Land Management Department Fee Schedule

WHEREAS, the Land Management Committee directed the Land Management Department to review the present fee schedule to ascertain whether current fees are adequate to cover the recommended 75% of program costs, including code compliance and enforcement; and

WHEREAS, the Land Management Department has proposed the following fee schedule, to be effective January 1, 2005, to achieve the desired funding level:

Sanitary Permits	
Conventional	\$250
Privy	\$200
Holding Tank	\$425
In-Ground Pressure	\$300
At-Grade	\$350
Mound/experimental	\$350
Transfer	\$75
Renewal	\$150
Reconnect	\$200
Terra-Lift	\$200
Optional Site Assessment	\$100
Tank Replacement	\$125
System Repair	\$125
WI Fund	\$100
	(If applicant's household income is less than the WIC Eligibility Guidelines for family size (POH 4501) the fee shall be waived. The fee may also be waived at the discretion of the Land Management Administrator if extenuating circumstances exist.)
Zoning Permits	
<i>Agricultural Uses</i>	
Principal Structure	\$100

Accessory Structure	\$50
Addition	\$50
<i>Commercial and Industrial</i>	
Principal Structure	
< 10,000 sq. ft	\$300
> 10,000 sq. ft	\$600
Accessory	
< 2,500 sq. ft	\$200
> 2,500 sq. ft	\$300
Addition	
< 2,500 sq. ft	\$200
> 2,500 sq. ft	\$300
Bed and Breakfast	\$50
Day-care - Home	\$50
Home Occupation Business	\$50
<i>Institutional Uses:</i>	
Principal structure	\$250
Accessory structure	\$150
Addition	\$150
<i>Outdoor Recreation Uses</i>	
Principal Structure or Use	\$200
<i>Residential Uses:</i>	
Principal structure	
< 1,000 sq. ft.	\$150
1,000 - 1,999	\$200
2,000 - 2,999	\$300
3,000 - 3,999	\$400
4,000 - 4,999	\$500
> 5,000	\$.12 sq. ft.

Renewal fee (primary structure)	\$50
Accessory structure	
< 100 sq. ft.	\$50
> 100 sq. ft.	\$100
Addition	\$100
Mobile Home Park	\$500 plus \$100 per lot
Miscellaneous Uses:	
Airport	\$200
Clean fill	\$200
Renewal fee - clean fill site	\$200
Commercial Tower	\$1,000+\$2/ft. 1st yr.
	\$200 annual fee after that
Other (per 2.05(l))	\$100
Non-Metallic Mineral Extraction	\$1,000 initial
Temporary Uses:	
Asphalt/Concrete plant	\$200
Other	\$50
Park fee- Plats	10% of value of land platted for residential use or 10% of platted land, option determined by the LMC. Value of land to be determined by appraisal of "raw" land value. Appraisal to be arranged and paid for by County.
Park fee - CSM	\$600 per developable lot
CSM Review	\$200 + \$50 per lot/outlot
Plat Review	\$500 + \$100 per lot due at prelim
GIS fee	\$25 per lot/outlot
Soil Test Review Fee	\$25

After-the-fact Permit:	
Principal Structure	4 x Permit Cost
Accessory Structure	4 x Permit Cost
Conditional Use Review Costs	Cost paid by applicant
Public Hearings:	
Conditional Use Permit	\$300
Variance	\$500
Ordinance Amendment	\$500
Signs:	
On-site	\$50
Off-site	\$50
Uniform Address Sign	\$50
Copies:	
Photocopies	\$.25 page
Tapes	\$5 per tape
<i>Ordinances</i>	
Ch. 191 - Sewage Disposal	\$2 + .75 postage/handling
Ch. 237 Subdivision Ord.	\$5 + \$1 postage/handling
Ch. 238 Floodplain Ord.	\$8.75 + \$1 postage/handling
Ch. 239 - St. Croix Riverway	\$5 + \$1 postage/handling
Ch. 240 - Zoning Ord.	\$10 + \$2.75 postage/handling
Ch. 241 - Non-Metallic Mining Ord.	\$5 + \$1 postage/handling
GIS Map Purchase:	
Town Zoning Maps	
8 1/2 x 11	\$5

24 x 36	\$10
8 1/2 x 11 w/o Orthophoto	\$3
8 1/2 x 11 w/ Orthophoto	\$6
11 x 17 w/o Orthophoto	\$5
11 x 17 Orthophoto/DRG	\$15
24 x 36 Town Address Map	\$10
24 x 36 County Map	\$5
24 x 36 County Monument Map	\$10
Custom Maps	\$30/hr. plus \$50 setup
Digital Data	\$250/Mb

WHEREAS, the Finance and Personnel Committee reviewed and approved the proposed fee schedule for the Department of Land Management at its September 24, 2004 meeting and has recommended adoption by the County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors approves the Land Management Department fee schedule as set forth herein.

Dated this 19th day of October, 2004.

RESOLUTION 04-17
Authorize The Redemption Of The Callable Maturities Of The Pierce
County \$735,000
General Obligation Refunding Bonds, Series 1993a Dated November
1, 1993

WHEREAS, Pierce County, Wisconsin (the "County") has sufficient funds on hand to redeem the callable maturities of the County's \$735,000 General Obligation Refunding Bonds, Series 1993A dated November 1, 1993 (the "1993 Bonds") which may be called for prior redemption on November 1, 2003 or any day thereafter;

WHEREAS, the County Board deems it to be necessary, desirable and in the best interest of the County to proceed with the redemption of the 1993 Bonds on December 1, 2004 (the "Bond Redemption").

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

Section 1. Authorization of the Bond Redemption. For the purpose of paying the cost of the Bond Redemption, the County shall use funds on hand in the amount of \$406,689.58 to redeem the 2005 through 2009 maturities of the 1993 Bonds on December 1, 2004.

Section 2. Redemption of the 1993 Bonds. The County hereby calls the 1993 Bonds due on November 1, 2005 through 2009 for redemption on December 1, 2004. The County hereby directs the County Clerk to cause a notice of redemption, in substantially the form attached hereto as Exhibit A, to be given, at least thirty-five days prior to December 1, 2004, to U.S. Bank National Association (formerly known as American National Bank and Trust Company), the Bond Registrar for the 1993 Bonds.

Section 3. Conflicting Resolutions; Severability; Effective Date. All Prior resolutions, rules or other actions of the County or any parts thereof in conflict with the provisions hereof shall be and the same are hereby rescinded insofar as they may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

DATED this 19th Day of October, 2004.

Exhibit A
NOTICE OF REDEMPTION*

PIERCE COUNTY - STATE OF WISCONSIN

\$735,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 1993A

DATED NOVEMBER 1, 1993

NOTICE IS HEREBY GIVEN that the following maturities of the above-referenced issue have been called by the County for prior payment on December 1, 2004 (the "Redemption Date"):

Year of Maturity	Principal Amount	Interest Rate	CUSIP Number
2005	75,000	4.80%	720662AZ8
2006	80,000	4.90%	720662BA2
2007	80,000	5.00%	720662BB0
2008	85,000	5.10%	720662BC8
2009	85,000	5.20%	720662BD6

Upon presentation and surrender of said Bonds to U.S. Bank National Association (f/k/a American National Bank and Trust Company), the registrar and fiscal agent for said bonds, the holders thereof will be paid the principal amount of the bonds plus accrued interest to the Redemption Date.

All holders, other than exempt parties (banks, brokers, corporations, etc.) submitting their Bonds directly for payment must also submit a Form W-9 in order to avoid 31% back-up withholding under the Interest and Dividend Tax Compliance Act of 1983. Failure to provide a completed Form W-9 will result in the 31% back-up withholding to Bondholders. The Form W-9 may be obtained from the Internal Revenue Service or from the offices of the registrar and fiscal agent for said Bonds.

Said Bonds will cease to bear interest on December 1, 2004.

By Order of the County Board

Jamie Feuerhelm
County Clerk

Dated October 19, 2004

*U.S. Bank National Association (f/k/a American National Bank and Trust Company), the registrar and fiscal agent, shall give notice of such prepayment by registered or certified mail at least thirty (30) days prior to December 1, 2004 to the registered owner of each Bond to be redeemed at the address shown in the registration books

RESOLUTION 04-18

Transfer Of Funds From General Fund To Pay Off Debt Service Fund

WHEREAS, the Finance and Personnel Committee did on September 24, 2004, authorize that \$407,000 be transferred from the General Fund to pay off the debt service fund; and

NOW THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors do accept the recommendation of the Finance and Personnel Committee and approve the transfer of \$407,000 from the General Fund to pay off the debt service fund.

DATED this 19th day of October, 2004.

RESOLUTION 04-19
Authorize New Positions For 2005

WHEREAS, the Finance and Personnel Committee at their October 1, 2004 meeting reviewed the requests for additional personnel in 2005, pursuant to the Pierce County Personnel Policy, and

WHEREAS, the Finance and Personnel Committee recommends that the following positions be approved for 2005:

Department / Position	County Allocation
Sheriff/Patrol Deputy	\$ 56,575
Public Health/.6 FTE Reproductive Health Secretary/Bookkeeper	\$ 27,121
Land Management/Code Compliance Officer	\$ 57,788
Human Services/Economic Support Specialist	\$ 25,709
Human Services/Long Term Support Social Worker	\$ 31,577
Human Services/Community Support Program Nurse	\$ 15,524
Recycling/Laborer	<u>\$ 36,532</u>
TOTAL	\$ 250,826

NOW THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors does accept the recommendation of the Finance and Personnel Committee and approves the above listed positions to be included in the 2005 budget.

DATED this 19th day of October, 2004.

RESOLUTION 04-20
2005 Budget

BE IT RESOLVED, that there be a tax levied upon all taxable property in Pierce County for operation and maintenance for the 2005 budget in the amount of: County Operating Levy \$11,540,237, Debt Service \$0, County Library \$393,731, and County Aid Bridges \$200,000 for a total of \$12,133,968.

DATED this 19th day of October, 2004.

RESOLUTION 04-21
Claims For Listing Dogs

WHEREAS, the Finance Committee has audited the listing officials claims for the listing of dogs and found them to be justified against Pierce County.

THEREFORE, BE IT RESOLVED, that the County Clerk be authorized to pay the schedule of claims, pursuant to §174.06(3), Wis. Stats.:

	<u>MUNICIPALITY</u>	<u># DOGS</u>	<u>\$ CLAIMED</u>
Towns:	Clifton – Joseph Rohl	250	125.00
	Diamond Bluff - Linda Kinneman	102	51.00
	Ellsworth - Audrey Murphy	170	85.00
	El Paso – Mary Foley	130	65.00
	Gilman – Town of Gilman	173	86.50
	Hartland – Kim Webster	140	70.00
	Isabelle - Lora Henn	48	24.00
	Maiden Rock – Merle Sjostrom	80	40.00
	Martell – Carol Sather	269	134.50
	Oak Grove – Nolan Morrow	184	92.00
	River Falls - Caroline Hamilton	279	139.50
	Rock Elm - Dennis Churchill	67	33.50
	Salem – Ann Larson-Graham	84	42.00
	Spring Lake – Charles Bricton	166	83.00
	Trenton – Kathryn Fuchs	155	77.50
	Trimbelle - John Barnes	286	143.00
Union - Gene Weiss	109	54.50	

Villages:	Bay City - Kay Beder	65	32.50
	Ellsworth - Peggy Nelson	300	150.00
	Elmwood – Jodi Pulk	141	70.50
	Maiden Rock - Shirley Gilles	24	12.00
	Plum City - Jean McDonough	58	29.00
	Spring Valley – Debi Thompson	132	66.00
Cities:	Prescott – Thomas Kiewel	214	107.00
	River Falls - Julie Bergstrom	334	167.00
	TOTAL		\$.00

DATED this 9th day of November, 2004.

RESOLUTION 04-22
Dog Damage Claims

WHEREAS, the Finance Committee has audited the dog damage claims against Pierce County,

THEREFORE, BE IT RESOLVED, that the County Clerk be authorized to pay the below schedule of claims, pursuant to §174.11 (4), Wis. Stats.:

Claimant	Claim	Amount Claimed	Amount Allowed
Lawrence Huppert	1 lamb	\$ 60.00	\$ 60.00
TOTAL		\$ 60.00	\$ 60.00

DATED this 9th day of November, 2004.

RESOLUTION 04-23
Care of Soldier's Graves

WHEREAS, the Finance Committee has audited the claims for care of Soldier's Graves and found them to be justified claims against Pierce County.

THEREFORE, BE IT RESOLVED, that the County Clerk be authorized to pay the below schedule of claims, pursuant to §45.185, Wis. Stats.:

Cemetery Association	Graves	Amount Claimed
Bay City	67	\$ 201.00
Beldenville	42	126.00
Bethel Mission	32	96.00
Bethlehem	15	45.00
Diamond Bluff	53	159.00
Eidsvold Lutheran	5	15.00
Free Home	23	69.00
Gilman Lutheran	53	159.00
Greenwood Valley	5	15.00
Hartland Methodist	9	27.00
Hartland Presbyterian	8	24.00
Maiden Rock	76	228.00
Mann Valley	10	30.00
Maple Grove	165	495.00
Martell Lutheran	26	78.00
Martell Methodist	15	45.00
Mt. Olivet	20	60.00
Mt. Tabor	20	60.00
Oak Ridge	19	57.00
Ono Methodist	29	87.00
Our Lady's	22	66.00
Our Savior's	16	48.00
Pine Glen	186	558.00

Plum City Protestant	54	162.00
Poplar Hill	123	369.00
Rush River	61	183.00
Sacred Heart Elmwood	40	120.00
Sacred Heart-Spring Valley	7	21.00
Salem Lutheran	4	12.00
South Rush River	27	81.00
Spring Lake	60	180.00
Spring Lake Lutheran	24	72.00
St. Bridget's	97	291.00
St. Francis	74	222.00
St. John's Lutheran-Spring Valley	78	234.00
St. John's - Oak Grove	2	6.00
St. John's Catholic-Plum City	76	228.00
St. Joseph's - Prescott	76	228.00
St. Joseph's - El Paso	15	45.00
St. Martin's	30	90.00
St. Mary's - Big River	10	30.00
St. Paul's	44	132.00
Svea	19	57.00
Thurston Hill	18	54.00
Trenton	61	183.00
Trimbelle	44	132.00
TOTAL		

DATED this 9th day of November, 2004.

RESOLUTION 04-24
Disallowance of Claim – Doug Andrus, Happy Valley Homes
Subdivision and Andrus Investments, Inc.

WHEREAS, a Notice of Claim and Circumstances of Claim pursuant to Wisconsin Statutes §893.80(1) was received in the office of the Pierce County Clerk on April 20, 2004, from an attorney representing Doug Andrus.

WHEREAS, the Claimants allege that Pierce County violated the Pierce County Code by imposing parkland dedication fees in addition to, rather than in lieu of, parkland dedication; and

WHEREAS, the amount of the claim is \$13,160. The Claimants also request payment of interest and their costs and fees incurred in recovering this amount; and

WHEREAS, the Finance Committee took action on October 22, 2004 to recommend denial of the claim and pass the Resolution on to the County Board of Supervisors to deny the claim at the first reading of the Resolution; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors that the claim submitted on behalf of Doug Andrus is hereby denied and no action on this claim may be brought against Pierce County or any of its officers, officials, agents or employees after 6 months from the date of service of this Notice, pursuant to Wis. Stats. §893.80; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Claimants Doug Andrus, d/b/a Happy Valley Homes and Andrus Investments, Inc., 2440 Charles Street North, St. Paul, MN by certified mail with return receipt requested and a copy to the attorney for Claimant, Brent R. Johnson, 400 South Second Street, Suite 210, Grandview Professional Building, Hudson, WI 54016.

Dated this 9th day of November, 2004.

RESOLUTION 04-25

Transfer Jurisdictional Responsibilities of CTH "M" in Pierce County, St. Croix County and the City of River Falls, Wisconsin

WHEREAS, it is in the best interests of St. Croix County, Pierce County and the City of River Falls that the jurisdiction of CTH "M", from CTH "F", east to Dry Run Road be transferred to Pierce County and the jurisdiction of CTM "M" from Dry Run Road, east to Meadows Drive be transferred to the City of River Falls; and

WHEREAS, jurisdictional transfer of each of the portions described above would ensure that Pierce County and the City of River Falls respectively, would have all jurisdictional responsibility including but not limited to all maintenance, upkeep and future construction of the roadway, structures and roadsides to provide a safe and efficient route to the public; and

WHEREAS, the City of River Falls, Pierce County and the Wisconsin Department of Transportation approve of the jurisdictional transfer of these said portions of CTM "M" and

WHEREAS, the Wisconsin Department of Transportation, Pierce County and the City of River Falls will determine the exact mileage impacts to the respective certified mileage records of St. Croix County, Pierce County and the City of River Falls; and

NOW, THEREFORE BE IT RESOLVED, by the Pierce County Board of Supervisors that the jurisdiction of portions of CTH "M" as described above be transferred to the Pierce County trunk highway system and the City of River Falls streets system.

Dated this 9th day of November, 2004.

RESOLUTION 04-26
To Designate the Pierce County Communications Center as
County's Public Safety Answering Point

WHEREAS, at present, a significant number of incoming 911 calls to the Pierce County Communications Center are placed on cellular phones; and

WHEREAS, unlike landline based 911 calls, these cellular based 911 calls are not accompanied by vital caller information that aids the prompt dispatch of a public safety response; and

WHEREAS, Governor Doyle recently signed into law 2003 Wisconsin Act 48 which was drafted to implement a wireless 911 system in the State of Wisconsin; and

WHEREAS, Act 48 creates a funding mechanism that meets the Federal Communication Commission mandate for a cost recovery system to pay for the implementation of an enhanced 911 system for identifying and locating calls originating from cell phones; and

WHEREAS, the funding mechanism is a three-year grant program administered by the Public Service Commission to reimburse to local governments certain costs related to providing enhanced wireless 911 service; and

WHEREAS, Act 48 requires that the county designate by resolution a Public Safety Answering Point (PSAP) in order to implement the federal wireless order; and

WHEREAS, it is appropriate to designate the Pierce County Communications Center as the Pierce County's PSAP because it operates as the primary dispatch center for all emergency and 911 dispatch functions, including wireless 911 calls, for all public service agencies throughout Pierce County; and

WHEREAS, the administrative rules to implement Act 48 are currently being drafted, but once the rules are promulgated, local government will have only 2-3 months to submit an application for reimbursement for necessary network equipment including software and hardware, training, network costs for delivery of calls to the public safety answering point, collection and maintenance of data necessary to identify and locate a caller and other potentially reimbursable costs; and

WHEREAS, since Act 48 requires each local government with a PSAP to apply for reimbursement for the costs of implementing and maintaining a wireless 911 system within 2-3 months of the promulgation of the administrative rules, it will therefore be necessary to move quickly to prepare an application for reimbursement with documentation of all reimbursable costs; and

NOW, THEREFORE BE IT RESOLVED that the Pierce County Board of Supervisors hereby designates the Pierce County Communications Center as the Public Safety Answering Point for Pierce County pursuant to 2003 Wisconsin Act 48, codified in §146.70, Wis. Stats; and

BE IT FURTHER RESOLVED that the Sheriff's Department shall pursue the wireless initiative and apply for any available funding or reimbursement that Pierce County may be entitled to pursuant to §146.70(3m)(c), Wis. Stats. to offset the costs of implementing a wireless 911 system.

Dated this 9th day of November, 2004.

RESOLUTION 04-27
Ratify American Federation of State, County and Municipal
Employees (AFSCME)
Courthouse Local 556 Employee's Bargaining Agreement

WHEREAS, negotiations were undertaken by and between the County and AFSCME Courthouse Local 556 employees, with respect to the Pierce County AFSCME Courthouse Employees Collective Bargaining Agreement; and

WHEREAS, on October 22, 2004, the Finance and Personnel Committee reviewed the tentative, proposed contract settlement offer for the period of January 1, 2005 through December 31, 2007; and

WHEREAS, the AFSCME Courthouse Local 556 is in agreement with said proposal; and

WHEREAS, the Finance and Personnel Committee recommends to the full County Board of Supervisors that it ratify said Collective Bargaining Agreement, as revised and incorporating the settlement offer, for the period in question.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors that it hereby goes on record in ratifying the Collective Bargaining Agreement by and between Pierce County and its AFSCME Courthouse Local 556 employees for the term of January 1, 2005 through December 31, 2007 as incorporating the attached Settlement Proposal, Exhibit "A" to this Resolution.

DATED this 9th day of November, 2004.

RESOLUTION 04-28
Ratify American Federation of State, County and Municipal
Employees (AFSCME)
Highway Department Local 556 Employee's Bargaining Agreement

WHEREAS, negotiations were undertaken by and between the County and AFSCME Highway Department Local 556 employees, with respect to the Pierce County AFSCME Highway Department Employees Collective Bargaining Agreement; and

WHEREAS, on October 22, 2004, the Finance and Personnel Committee reviewed the tentative, proposed contract settlement offer for the period of January 1, 2005 through December 31, 2007; and

WHEREAS, the AFSCME Highway Department Local 556 is in agreement with said proposal; and

WHEREAS, the Finance and Personnel Committee recommends to the full County Board of Supervisors that it ratify said Collective Bargaining Agreement, as revised and incorporating the settlement offer, for the period in question.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors that it hereby goes on record in ratifying the Collective Bargaining Agreement by and between Pierce County and its AFSCME Highway Department HH Local 556 employees for the term of January 1, 2005 through December 31, 2007 as incorporating the attached Settlement Proposal, Exhibit "A" to this Resolution.

DATED this 9th day of November, 2004.

RESOLUTION 04-29
Ratify American Federation of State, County and Municipal
Employees (AFSCME)
Human Services Support Staff Local 556 Employee's Bargaining
Agreement

WHEREAS, negotiations were undertaken by and between the County and AFSCME Human Services Support Staff Local 556 employees, with respect to the Pierce County AFSCME Human Services Support Staff Employees Collective Bargaining Agreement; and

WHEREAS, on October 22, 2004, the Finance and Personnel Committee reviewed the tentative, proposed contract settlement offer for the period of January 1, 2005 through December 31, 2007; and

WHEREAS, the AFSCME Human Services Support Staff Local 556 is in agreement with said proposal; and

WHEREAS, the Finance and Personnel Committee recommends to the full County Board of Supervisors that it ratify said Collective Bargaining Agreement, as revised and incorporating the settlement offer, for the period in question.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors that it hereby goes on record in ratifying the Collective Bargaining Agreement by and between Pierce County and its AFSCME Human Services Support Staff Local 556 employees for the term of January 1, 2005 through December 31, 2007 as incorporating the attached Settlement Proposal, Exhibit "A" to this Resolution.

DATED this 9th day of November, 2004.

RESOLUTION 04-30

Authorize Submission of CDBG-ED: Son-Bow Farms

(Community Development Block Grant-Economic Development)

Relating to the County of Pierce participation in the Wisconsin Community Development Block Grant for Economic Development Program.

WHEREAS, Federal monies are available under the Community Development Block Grant program, administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development; and

WHEREAS, after public meeting and due consideration, the Pierce County Board has recommended that applications be submitted to the State of Wisconsin to provide a loan to Son-Bow Farms, Inc., Maiden Rock, Wisconsin (Jay Richardson, \$150,000, to purchase 300 cows), and

WHEREAS, it is necessary for the Pierce County Board, to approve the preparation and filing of an application for Pierce County to receive funds from this program; and

WHEREAS, the Pierce County Finance/Personnel Committee has reviewed the need for the proposed projects and the benefits to be gained therefrom;

NOW, THEREFORE, BE IT RESOLVED, that the Pierce County Board does approve and authorize the preparation and filing of an application for the above-named project(s); and the County Board Chair and County Clerk are hereby authorized to sign all necessary documents on behalf of the County; and that the authority is hereby granted to the Mississippi River Regional Planning Commission to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution.

DATED on this 21st day of December, 2004.

RESOLUTION 04-31

Authorize Submission of CDBG-ED: John L Skogen

(Community Development Block Grant-Economic Development)

Relating to the County of Pierce participation in the Wisconsin Community Development Block Grant for Economic Development Program.

WHEREAS, Federal monies are available under the Community Development Block Grant program, administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development; and

WHEREAS, after public meeting and due consideration, the Pierce County Board has recommended that applications be submitted to the State of Wisconsin to provide a loan

to John L. Skogen, Elmwood, Wisconsin (\$85,000, to purchase 170 cows)

WHEREAS, it is necessary for the Pierce County Board, to approve the preparation and filing of an application for Pierce County to receive funds from this program; and

WHEREAS, the Pierce County Finance/Personnel Committee has reviewed the need for the proposed projects and the benefits to be gained therefrom;

NOW, THEREFORE, BE IT RESOLVED, that the Pierce County Board does approve and authorize the preparation and filing of an application for the above-named project(s); and the County Board Chair and County Clerk are hereby authorized to sign all necessary documents on behalf of the County; and that the authority is hereby granted to the Mississippi River Regional Planning Commission to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution.

DATED on this 21st day of December, 2004.

RESOLUTION 04-32

Support of the Mississippi River Planning Commission's Economic Development Planning Efforts and Concurrence with the Comprehensive Economic Development Strategy (CEDS) Report

WHEREAS, the CEDS Report is prepared to maintain a perspective of evolving potentials and constraints affecting economic development in the County and the nine county region, and

WHEREAS, this CEDS Report maintains the County's eligibility and communities and businesses within the county eligible for funding from the U.S. Department of Commerce-Economic Development Administration for public works grants, business loans, and technical assistance research grants that lead to business expansion and job creation in the nine county region, and

WHEREAS, the process used in preparing this CEDS Report involving economic research, regional commission meetings, county and community survey work, and telephone interviews on economic development issues and projects leads to an increased level of understanding and cooperation between units of government and improves opportunities for economic development, and

WHEREAS, this report also serves as an economic database to assist development decisions and delivery of public and private services and products, and

WHEREAS, the Pierce County Board of Supervisors actively supports and currently participates in the Economic Development District activities of the Mississippi River Regional Planning Commission (MRRPC), and

WHEREAS, as a result of the participation and cooperative efforts of the nine participating MRRPC counties the Commission is eligible for Economic Development Planning Funds from the U.S. Department of Commerce Economic Development Administration, which benefit the entire nine county region.

NOW THEREFORE BE IT RESOLVED, that the Pierce County Board of Supervisors hereby concur with the 2004 Comprehensive Economic Development Strategy (CEDS) Report and supports the Mississippi River Regional Planning Commission's application to the Economic Development Administration for planning funds,

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Mississippi River Regional Planning Commission to document Pierce County's desire to cooperate with the other counties in the Mississippi River Regional Planning Commission.

DATED this 21st day of December 2004.

RESOLUTION 04-33

Ratify Teamsters Labor Association of Wisconsin Community Health Bargaining Agreement

WHEREAS, negotiations were undertaken by and between the County and Teamsters Local 662 - Human Services Professionals, with respect to the Pierce County Teamsters - Human Services Professionals Collective Bargaining Agreement; and

WHEREAS, on November 29, 2004, the Finance and Personnel Committee reviewed the tentative, proposed contract settlement offer for the period of January 1, 2005 through December 31, 2007; and

WHEREAS, the Teamsters Local 662 - Human Services Professionals is in agreement with said proposal; and

WHEREAS, the Finance and Personnel Committee recommends to the full County Board of Supervisors that it ratify said Collective Bargaining Agreement, as revised and incorporating the settlement offer, for the period in question.

NOW, THEREFORE, BE IT RESOLVED by the Pierce County Board of Supervisors that it goes on record in ratifying the Collective Bargaining Agreement by and between Pierce County and its Teamsters Local 662 - Human Services Professionals employees for the term of January 1, 2005 through December 31, 2007 as incorporating the attached Settlement Proposal, Exhibit "A" to this resolution.

DATED this 21st day of December, 2004.

**AMENDED
RESOLUTION 04-34
Establish 2005 Salaries and Benefits for Non-Represented Employees**

WHEREAS, the Finance and Personnel Committee has duly considered the existing salaries and benefits for non-represented employees of Pierce County; and

WHEREAS, part and parcel of said analysis has been consideration of the 2004 DMG Salary Matrix; and

WHEREAS, the Finance and Personnel Committee did meet on December 17, 2004, and hereby recommends the following modifications to the 2004 15-step DMG salary matrix and the non-represented employee benefits effective 1/1/05:

1. (a) Remove Steps Minimum through Step 5.
- (b) Adjust the 10-Step matrix by 2% across the board as of January 1, 2005 & an adjustment of 1% across the board as of July 1, 2005.
2. Increase non-represented employee longevity to \$40 per year following 3 years of service

WHEREAS, the Finance and Personnel Committee has reviewed the DMG pay plan and they recommend that the County develop and implement a merit performance evaluation system and that they approve the future review and analysis of position Grade placements on the salary matrix; and

WHEREAS, the Finance and Personnel Committee recommend that effective 1/1/05 dental coverage be offered to non-represented employees at their own expense and that their lifetime health insurance maximum be increased to \$2,000,000 per individual.

NOW THEREFORE, BE IT RESOLVED by the Pierce County Board of Supervisors that they accept the recommendations of the Finance and Personnel Committee and approve of the above actions.

DATED this 21st day of December 2004.

**RESOLUTION 04-35
PLACING REFERENDA QUESTIONS ON THE APRIL BALLOT**

WHEREAS, county government acts in partnership with state government in Wisconsin to provide programs and services for the citizenry; and

WHEREAS, state government requires county government to provide programs and services that are not always funded by the state government; and

WHEREAS, the major funding source for county government is the county property tax; and

WHEREAS, some mandated programs and services are not funded or fully funded by the state, causing the county property taxpayer to supplement funding with property tax dollars; and

WHEREAS, the public has an increased concern over how property tax dollars are being expended; and

WHEREAS, two statewide commissions (Kettl and Sheehy) suggested that the circuit court system and human services should not be funded by the property tax; and

WHEREAS, Chapter 59.52 (25) of the State Statutes states "the board may conduct a countywide referendum for advisory purposes or for the purpose of ratifying or validating a resolution adopted or ordinance enacted by the board contingent upon approval in the referendum"; and

WHEREAS, the following advisory referenda questions are an effective way to determine how the citizenry believes the court system and human services should be funded:

Should the State of Wisconsin, not the county property taxpayer, pay for the cost of the state mandated court system in Pierce County?

Should the State of Wisconsin, not the county property taxpayer, pay for the cost of state mandated human services in Pierce County?

NOW, THEREFORE, BE IT RESOLVED that Pierce County will place the above mentioned questions on the April ballot as advisory referenda questions.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Wisconsin Counties Association.

Dated this 27th Day of January, 2005

RESOLUTION 04-36
Transfer Jurisdictional Responsibilities and Vacate a Portion of Old
C.T.H. "C" in Hartland Township

WHEREAS, it is in the best interests of Pierce County and the Town of Hartland that the jurisdiction of Old CTH "C", of approximately 800 feet, from the Southwest corner of Section 31-T25N-R17W, west to 730th St., be transferred from Pierce County to the Town of Hartland; and

WHEREAS, jurisdictional transfer would ensure that the Town of Hartland would have all jurisdictional responsibility including but not limited to all maintenance, upkeep and future construction of the roadway, structures and roadsides to provide a safe and efficient route to the public; and

WHEREAS, also included in this segment is a concrete box culvert structure number P-47-0922; and

WHEREAS, with the new relocation of CTH "C", approximately 1900 feet of Old CTH "C" will be vacated, from the intersection of 730th St. south to new CTH "C"; and

WHEREAS, the County of Pierce, Town of Hartland and the Wisconsin Department of Transportation approve of the jurisdictional transfer and vacating a portion of CTH "C".

NOW, THEREFORE BE IT RESOLVED, by the Pierce County Board of Supervisors that the jurisdiction of a portion of Old CTH "C" as described above be transferred to the Town of Hartland highway system; and

BE IT FURTHER RESOLVED, that a portion of Old CTH "C" as described above be vacated.

Dated this 22nd day of February, 2005.

RESOLUTION 04-37

Amend Resolution 01-32: Fees for Issuing Permits and Making Inspections and Investigations of Certain Types of Establishments

WHEREAS, Pierce County has adopted Chapter 184 of the Pierce County Code to allow for regulation of retail food establishments, taverns, hotels, restaurants, tourist rooming houses and other establishments; and

WHEREAS, in regulating said establishments, the Pierce County Public Health Department is acting as an agent of the Wisconsin Department of Health and Family Services; and

WHEREAS, Pierce County has established fees for issuing permits and making investigations under the ordinance as provided for in Wis. Stats. §254.69; and

WHEREAS, said fees need to be revised from time to time based upon increased rates set by the State Department of Health and Family Services; and

WHEREAS, the Pierce County Board of Health and Finance Committee recommend that the fees established in Resolution No. 01-32 be amended as follows:

Category	Annual Fee	Pre-Inspection Fee Existing Facility	Pre-Inspection Fee New Construction
Restaurants			
Pre-Packaged	\$86	\$125	\$225
Additional Area	\$92		
Simple	\$170	\$170	\$260
Moderate	\$242	\$242	\$330
Complex	\$334	\$334	\$400
Temporary	\$100		

Temporary inspect fee	\$25		
Body Art			
Tattoo	\$110	\$100	\$175
Piercing	\$110	\$100	\$175
Combined	\$165	\$100	\$175
Temporary per event	\$100		
Recreation			
Campground: 1-25 Sites	\$125	\$125	\$200
Campground: 26-50 Sites	\$169	\$169	\$200
Campground: 51-100 Sites	\$175	\$175	\$200
Campground: 101+ Sites	\$224	\$224	\$200
Rec/Ed Camp	\$250	\$250	\$200
Swimming Pool: Year Around	\$200	\$200	\$200
Swimming Pool: Seasonal	\$175	\$175	\$200
Additional Pool	\$150	\$150	\$200
Lodging			
B & B	\$75	\$150	\$250
Tourist Rooming House: 1-4 rooms	\$98	\$150	\$250
Hotel/Motel: 5-30 Rooms	\$150	\$150	\$250
Hotel/Motel: 31-99 Rooms	\$219	\$225	\$325
Hotel/Motel: 100 + Rooms	\$289	\$300	\$400
Additional Fees:			
Facility Name or Legal		\$25	

Licensee Name Change Only			
Re-Inspection Fee	\$100		
<i>Fee Assessed on the 3rd re-inspection for the same violation.</i>			
Late Fee	\$75		
<i>If the annual permit fee is not paid by June 30, the day the permit expires, the department shall require the operator of the establishment to pay a penalty fee, in addition to the annual permit fee, for renewal of the permit.</i>			
Duplicate Fee	\$10		

NOW THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors adopts the fee schedule as outlined above and that these fees shall take effect upon adoption.

Dated this 22nd day of February, 2005.

RESOLUTION 04-38
Establish Wages For Non-Represented Employees Displaced Through
Creation Of The 2005 Salary Matrix

WHEREAS, Resolution 04-34, adopted January 27, 2005, establishes the 2005 wages for nonrepresented employees, and further, eliminated Steps Min through 5 of the 2004 DMG Salary Matrix prior to the across-the-board adjustment to the wage grid; and

WHEREAS, incumbents in five County positions were assigned to the 2004 matrix at Step 5 or below as of December 31, 2004; and

WHEREAS, the Finance and Personnel Committee did meet on February 11, 2005, and hereby recommends that the County retain Step Min through Step 5 of the 2004 DMG Salary Matrix that contain incumbents in the five County positions of Watershed Technician, Veterans Service Officer, Public Health Nutrition & WIC Manager, Assistant Corporation Counsel and Corporation Counsel; and

WHEREAS, the Finance and Personnel Committee further recommends that each of the five employees be afforded the same wage increase and benefits consistent with Resolution 04-34, and that the five incumbents will continue in their normal progression of one Step each year on their anniversary date until they reach Step 1 of the 2005 Salary Matrix.

NOW THEREFORE, BE IT RESOLVED by the Pierce County Board of Supervisors that they accept the recommendations of the Finance and Personnel Committee and approve of the above actions retroactive to January 1, 2005.

NOW THEREFORE, BE IT FURTHER RESOLVED that the steps minimum through step 5, occupied by current incumbents, be eliminated through attrition as the current incumbents progress through each step, to retain consistency with Resolution 04-34.

DATED this 22nd day of February 2005.

RESOLUTION 04- 39

Amend Pierce County Outdoor Recreation Plan 2004 - 2008

WHEREAS, Pierce County has developed a county-wide Outdoor Recreation Planning Program covering both unincorporated and incorporated areas of Pierce County, and

WHEREAS, said planning document reflects community and county recreation needs in light of goals, objectives, and generally accepted recreation planning standards, and

WHEREAS, amendments to said plan are occasionally necessary to ensure that when community specific plans are created and/or updated the Outdoor Recreation Plan reflects those additions or changes, and

WHEREAS, the Town of Diamond Bluff Board of Supervisors recently adopted the Diamond Bluff Park and Recreation Plan and have requested that the plan be incorporated into the Pierce County Outdoor Recreation Plan, and

WHEREAS, the Pierce County Land Management Committee has reviewed the Diamond Bluff Park and Recreation Plan and has recommended that the Pierce County Outdoor Recreation Plan be amended to include said plan.

NOW, THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors does hereby amend the Community Plans section of the Pierce County Outdoor Recreation Plan 2004-2008 to include the Diamond Bluff Park and Recreation Plan.

DATED this 22nd day of March 2005.

RESOLUTION 04-40

Ratify Community Health Association - Labor Association Of Wisconsin, Inc.(L.A.W.) Bargaining Agreement

WHEREAS, negotiations were undertaken by and between the County and Community Health Association – Labor Association of Wisconsin, Inc. (L.A.W.), with respect to the Community Health Association (L.A.W.) Collective Bargaining Agreement; and

WHEREAS, on March 21, 2005 the Finance and Personnel Committee reviewed the tentative, proposed contract settlement offer for the period of January 1, 2005 through December 31, 2007; and

WHEREAS, the Community Health Association (L.A.W.) is in agreement with said proposal; and

WHEREAS, the Finance and Personnel Committee recommends to the full County Board of Supervisors that it ratify said Collective Bargaining Agreement, as revised and incorporating the settlement offer, for the period in question.

NOW, THEREFORE, BE IT RESOLVED by the Pierce County Board of Supervisors that it goes on record in ratifying the Collective Bargaining Agreement by and between Pierce County and its Community Health Association (L.A.W.) employees for the term of January 1, 2005 through December 31, 2007 as incorporating the attached Settlement Proposal, Exhibit "A" to this resolution.

DATED this 22nd day of March, 2005.