

VILLAGE OF MELROSE
CHAPTER 13 – HEALTH AND SANITATION

13.10 PUBLIC NUISANCES:

1. DEFINITIONS: The following definitions are applicable to this chapter:

- a) “Public Nuisance” shall mean a thing, act, occupation, condition or use of property which shall continue for such length of time as to :
 - 1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - 2) In any way render the public insecure in life or in the use of property;
 - 3) Greatly offend the public morals or decency; or
 - 4) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous for passage any street, alley, highway, navigable body of water or other public way or use of public property.
- b) “Public Nuisances Affecting Health” shall mean any act, omission, place, condition or thing specifically declared herein to be a public health nuisance, but such enumeration shall not be construed to exclude other health nuisances derived from a public nuisance as defined in sub. (a), above:
 - 1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - 2) Accumulations of decayed animal or vegetable matter trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
 - 3) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - 4) Privy vaults and garbage cans which are not fly tight.
 - 5) All noxious weeds and other rank growth of vegetation.
 - 6) All animals running at large.
 - 7) The pollution of any public well or cistern, stream, lake or other body of water by sewage, industrial waste or other substances.
 - 8) All abandoned wells not securely covered or secured from public use.
 - 9) Any use of property which shall cause antinauseous or unwholesome liquid or substance to flow into any street, gutter, alley, sidewalk, or public place within the Village.
 - 10) Any building or structures which, because of their condition, state of disrepair, lack of maintenance or for any other reason, become sanctuaries for skunks, rats or other rodents or varmints.

c) "Public Nuisances Affecting Peace and Safety" shall mean any act, omission, place, condition or thing specifically enumerated herein as a public nuisance affecting peace and safety; however, such enumeration shall not be construed to exclude other nuisances affecting public peace or safety derived from the meaning of public nuisance as defined in sub. (a), above:

- 1) All buildings erected, repaired, or altered within the fire limits of the Village of Melrose in violation of the provisions of the ordinances of the Village, relating to materials and manner of construction of buildings and structures within said district.
- 2) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- 3) All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human use.
- 4) All loud, discordant, and unnecessary noises or vibrations of any kind.
- 5) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- 6) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village of which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- 7) All open and unguarded pits, wells, or unused basements freely accessible from any public street, alley, or sidewalk.
- 8) All excavations in excess of six inches below the adjacent grade on any road or parcel of land except for purposes of the erection of a building. Any excavation which has remained open for a period longer than one year is herein deemed to be unnecessary for the erection or construction of a building on said premises.
- 9) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- 10) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- 11) All snow and ice on the sidewalks not removed or sprinkled with ashes,

sawdust, or sand within six hours of any snowfall or ice storm.

2. **PROHIBITED ACTIVITY:** No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Village of Melrose.
3. **ABATEMENT OF PUBLIC NUISANCES:**
 - a) **Inspection Of Premises:** Whenever a complaint is received by the Village President that a public nuisance, as defined in this section, exists within the Village of Melrose, he shall bring such matter before the Village Board at its next regularly scheduled meeting. Thereafter, the Village Board shall forthwith inspect the premises complained of and shall make a written finding of such inspection in the minutes of the Village Board Meeting.
 - b) **Summary Abatement:** If the Village Board shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, or peace. The Village President may direct the Village Clerk to serve notice on the person causing, permitting, or maintaining such nuisance or upon the owner or occupant of the premises upon which the nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 10 days of the receipt of such notice, and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance as determined by the village Board.
 - c) **Abate by Court Action:** If the Village Board determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, it shall file a written report in the minutes of the Village Board Meeting. The Village President shall then cause an action to abate such nuisance to be commenced in the name of the Village in the Circuit Court of Jackson County in accordance with the provisions of Chapter 146 and Chapter 823 of the Wisconsin Statutes.
4. **COST OF ABATEMENT:** In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.
5. **PENALTY:** Any person who violates any of the provisions of this section shall, upon conviction thereof, forfeit not more than \$50.00 along with the costs of prosecution, and each day any person continues to fail to abate a nuisance after notice has been served by the Village Clerk shall be deemed to be a separate offense.

13.15 AN ORDINANCE PROVIDING FOR YARD AND LAWN UPKEEP

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1: Section 13.15 of the Code of Ordinances of the Village of Melrose is hereby created so as to read as follows:

(A) PURPOSE.

- (1) This Section is adopted due to problems associated with lawns, grasses, noxious weeds, refuse, and liter left unkept in the Village of Melrose.

(B) DEFINITIONS.

- (1) For the purposes of this Chapter, the following definitions shall be applicable:

- (a) *Unattended* shall mean unmoved from its location with no obvious sign of continuous human use.
- (b) *Vehicle* shall include, but is not limited to a motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
- (c) *Refuse* shall include, but is not limited to leaves, grass, disposable or breakable cans or bottles, or other waste materials deposited on public or private property.
- (d) *Noxious Weeds* shall include any weed, grass or similar plant or vegetation growth which, if allowed to pollinate, would cause ailment in human beings. Noxious weeds and other vegetation as defined in this section shall include, but is not limited to:
 - (i) Ragweed
 - (ii) Thistles
 - (iii) Smartweed
 - (iv) Dandelions (over 10 inches in height)

State Law Reference: Sec. 66.0407, Wis. Stats.

- (e) *Deposit* shall mean set down, store, stock, or allowing refuse to accumulate over an extended period of time.
- (f) *Destruction* shall refer to the maintenance or upkeep of a yard, lawn or property which continues objectionable grasses or noxious weeds.

(g) *Natural Lawns* shall include common species of grass and wildflowers native to North America which exceed ten (10) inches in height from the ground.

(C) DEPOSIT OF REFUSE ON PUBLIC OR PRIVATE PROPERTY PROHIBITED.

- (1) No person shall deposit in any public street or ground or on any private property any refuse, garbage, liter, waste material or liquid or any other objectionable material. When any such material is placed on a person's private property, it shall be properly enclosed as to prevent said refuse from becoming a public nuisance.

(D) DESTRUCTION OF NOXIOUS WEEDS.

- (1) The Village Clerk shall annually on or before May 15th every publish, as required by state law, a notice that every person is required by law to destroy all noxious weeds on private property in the Village which he/she owns, occupies or controls.
- (2) If the owner or occupant shall neglect to destroy any weeds required by such notice, the Village Clerk shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the noxious weeds continue to grow. The notice shall indicate that after the expiration of the five (5) day period, the Village will proceed to destroy all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon said lands under the provisions of Sec. 66.0407, Wis. Stats. In case the owner or occupant shall further neglect to comply with such five (5) day notice, then the Village Clerk shall destroy such weeds in a manner deemed to be the most economical. The expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such property and be collected as a special tax thereon.
- (3) As provided for in Sec. 66.0407, Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature and bloom or enter a flower state. The growth of noxious weeds in excess of ten (10) inches in height from the ground surface shall be prohibited within the Village of Melrose corporate limits.

(E) REGULATION OF NATURAL LAWNS.

- (1) The growth of a natural lawn in excess of ten (10) inches in height from ground surface shall be prohibited within the Village of Melrose corporate limits, unless a Natural Lawn Management Plan is approved and a permit is issued by the Village. Natural lawns shall not contain liter or refuse and shall not harbor undesirable wildlife.

(F) REGULATION OF LENGTH OF LAWNS AND GRASSES.

- (1) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land within the Village of Melrose that exceed ten (10) inches in length adversely affect the public health and safety of that public. Said public health and safety is affected through the emission of pollen, the creation of a fire and safety hazard through debris and hidden in the grass, an interference with the public convenience and that such property adversely affects property values of other land within the Village. For any reason, any non-agricultural lots or parcels of land within the Village of Melrose that exceed ten (10) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn as described previously.
- (2) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (1) above to remain on any premises owned or controlled by him or her within the Village.
- (3) **Inspection.** The Village Clerk or his or her designee shall inspect all places and premises within the Village to determine whether any nuisance as described in Subsection (2) above exists.
- (4) **Abatement of Nuisance.**
 - (a) If the Village Clerk shall determine with reasonable certainty that any public nuisance as defined in Subsection (2) above exists, the Village shall immediately cause written notice to be served stating that the Village proposes to have the lot grass or lawn cut so as to conform with this Section.
 - (b) The notice shall be mailed or served on the owner of the lot or parcel of land or, if he or she is not known and there is a tenant occupying the property, then to the tenant.
- (5) **Due Process Hearing.** If the owner believes that his or her grasses or weeds are not a nuisance, he or she may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Clerk's office within the five (5) days set forth in the Village Clerk's notice as described in Subsection (4). Upon application for the hearing, the property owner must deposit a twenty-five dollar (\$25.00) bond. If a decision is rendered in the property owner's favor, the twenty-five dollars (\$25.00) will be returned to the property owner. If the property owner fails to appear for the hearing or if a decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance. When a hearing is requested by a property owner, a hearing by the Village Board will be held within seven (7) days from the date of the property owner's request. The property in question will not be mowed by the Village until such time as the hearing is held by the Village Board. At the hearing, the owner may appear in person or by his or her attorney, may present witnesses in his or her own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his or her own case. At the close of the hearing, the Village Board shall make its determination in writing specifying its findings, facts and conclusions. If the Village Board determines that a public nuisance

did exist, the Village Board shall order the Village Clerk to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Village Board's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Village Clerk shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

(6) Village's Option to Abate Nuisance. In any case where the owner, occupant or person in charge of the property shall fail to cut his or her lawn, grass or weeds as set forth above, then, and in that event, the Village may elect to cut said lawn, grass or weeds as follows:

- (a) The written notice in Subsection (4) shall inform said person that in the event of his or her failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
- (b) The Village shall cut or cause to cut all grass and weeds from the subject property and shall charge the expenses of so doing at a rate as established by the Village Board, with a minimum charge of fifty dollars (\$50.00). The charges shall be set forth in statement by the Village Clerk who shall mail the same to the owner, occupant or person in charge of the subject property. If the statement is not paid within thirty (30) days thereafter, the Village Clerk shall enter charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.0627, Wis. Stats.

(G) HAZARDOUS OR UNSIGHTLY MATERIALS ON PUBLIC OR PRIVATE PROPERTY.

(1) Inspections.

- (a) Whenever a Village Official shall, upon inspection of any premises within the Village of Melrose, find that there is any garbage, junk, rubbish, rubble, refuse, trash or any other unsightly, unhealthy or hazard material deposited, placed or stored which it detrimental to the appearance, neatness and cleanliness of the Village of Melrose on said premises, then said Village Official shall his or her written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble, refuse, trash or any other unsightly, unhealthy or hazard material from the premises.
- (b) Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or objects to be removed, shall also set forth the provisions of Subsection (2). If the site is not cleaned after ten (10) days of service, fines will be issued up to \$250.00 per the Village Board's discretion and the Village Clerk will clean or cause to clean the premises for the expenses of which will be billed to the resident of the premises. If that amount is not paid by November 15th of that calendar year, said amount shall be placed on the tax roll.

- (2) Appeals. Any person feeling him or herself aggrieved by any order of a Village official under this Section may, within ten (10) days from the date of receipt of such order, appeal such order to the Village Board.
- (3) Exceptions. Nothing contained in this Section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, refuse or any other unsightly materials which are:
 - (a) Lawfully sited and operated in a manner not constituting a nuisance; or
 - (b) Temporarily deposited due to an emergency; or
 - (c) Materials used during construction; or
 - (d) Collected and piled for immediate pickup and disposal by the Village or by private means.
- (4) Nonconforming Uses. It shall not be a defense to the provisions of the Section that the owner or occupant of the premises involved has a nonconforming use. However, the provisions of this Section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.

SECTION 2: SEVERABILITY

If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 3: CONFLICTING ORDINANCES

All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE

Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

 /signed/
 Tory Lockington
 President
 Village of Melrose

 /signed/
 Dan Ciechanowski
 Clerk
 Village of Melrose

Passed: 10/2/13
 Approved: 10/2/13
 Published: 10/9/13

13.20 AN ORDINANCE PROVIDING FOR THE COLLECTION OF RESIDENTIAL AND COMMERCIAL GARBAGE AND FOR THE RECYCLING OF CERTAIN REFUSE WITHIN THE VILLAGE OF MELROSE.

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do hereby ordain as follows:

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SECTION 2: DECLARATION OF POLICY:

It is hereby declared that the purpose and intent of this Ordinance is to enhance and improve the environment and promote the health, safety, and welfare of the Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery, and disposal of solid waste. It is believed that only by completely prohibiting the outside burning of rubbish, leaves, garbage and refuse within the Village limits of the Village of Melrose can unnecessary pollution be abated.

SECTION 3: DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings given unless different meanings are clearly indicated by the context.

1. **BULKY WASTE:** Items whose large size precludes or complicates their handling by normal collection, processing, or disposal methods.

2. **COLLECTION:** The act of removing solid waste from a storage area at the source of generation.
3. **COMBUSTIBLE REFUSE:** Combustible refuse is the organic component of waste as defined herein, exclusive of garbage, and included discarded, relatively dry, miscellaneous materials, comprising chiefly of wood, paper, rags, excelsior, straw, leather, boxes, sweepings from buildings and similar discarded articles of a combustible nature.
4. **COMMERCIAL WASTE:** Commercial waste as used herein refers to wastes from business enterprises and the activities associated therein. It includes, for the purpose of this ordinance, churches, public and parochial educational institutions, and charitable organizations. It shall further include waste in the Village generated by businesses, industries, retail businesses, manufacturers, hotels, motels, service, or professional activities, but excluding residential units and dwellings.
5. **CURB:** The back edge of curb and gutter along a paved street or where one would be if the street was paved and had a curb and gutter.
6. **DEMOLITION WASTES:** That portions of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.
7. **DISPOSAL:** The orderly process of discarding useless or unwanted material.
8. **DNR:** The Wisconsin Department of Natural Resources
9. **DUMP:** A land site where solid waste is disposed of in a manner that does not protect the environment.
10. **DWELLING UNIT:** A place of habitation occupied by a normal single family unit or a combination of persons who may be considered as equivalent to a single family unit for the purposes of this Ordinance.
11. **GARBAGE:** Includes any refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, which attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables.
12. **HAZARDOUS WASTE:** Those wastes such as toxic, radioactive, or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
13. **LITTER:** Solid waste scattered about in a careless manner, usually rubbish.
14. **MIXED PURPOSE UNIT:** Where commercial and/or industrial uses are maintained at, to, or in conjunction with a residential unit, the residential unit shall be deemed to be a commercial unit and not included within the definition of a residential unit and not hereinafter set forth.
15. **NONCOMBUSTIBLE REFUSE:** Noncombustible refuse consists of waste not readily

burned or incinerated. It includes, but is not limited to, metallic substances, bottles and glassware, earthenware, and similar substances.

16. **NON-RESIDENTIAL UNIT:** Industrial, agricultural, and commercial units shall be considered a non-residential unit.
17. **PERSON:** Includes individuals, firms, corporations, and associations, and also includes the plural as well as the singular.
18. **PRIVATE COLLECTION SERVICES:** Collection services provided by a person licensed to do same by the DNR.
19. **RECYCLABLE WASTE OR REFUSE:** Waste material that can be remanufactured into usable products. Shall include by way of enumeration, but not by way of limitation, glass, plastics, newspaper, cardboard, and magazines.
20. **REFUSE:** Includes all waste materials except garbage.
21. **RESIDENTIAL SOLID WASTE:** All solid waste that normally originates in a residential environment from residential units.
22. **RESIDENTIAL UNIT:** Each living unit in the Village designed as a permanent living quarter, including single-family home, duplex, townhouse, condominium, or apartment.
23. **RUBBISH:** Includes combustible and noncombustible waste materials, except garbage, refuse, and industrial waste that is incidental to the operation of a building and shall include by way of enumeration, but not by limitation, tin cans, bottles, rags, paper, cardboard, and sweepings.
24. **SCAVENGING:** The uncontrolled removal of materials at any point in the solid waste management system.
25. **SOLID WASTE:** Garbage, rubbish, and other useless, unwanted, or discarded material from agricultural, residential, commercial, industrial, or institutional activities. Solid waste does not include solid or dissolved materials in domestic sewage.
26. **STORAGE:** The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
27. **STORAGE AREAS:** Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.
28. **YARD WASTE:** That part of solid waste consisting of leaves, grass clippings.

SECTION 4: GARBAGE AND REFUSE STORAGE AREAS: Storage areas shall be kept in a nuisance-free and odor-free condition. Litter shall not be allowed to accumulate. Village collection crews shall not be responsible for cleaning up loose materials from any containers which have ruptured or broken due to weather conditions, animals, vandalism, or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Such litter shall not be allowed to accumulate. Violations of this section will result in the occupant and/or owner being notified to

clean up the area and with continued violation resulting in the occupant and/or being prosecuted under the provisions of this and other Village Ordinances. All garbage shall be disposed of in the manner required by the Village (bags or separation).

SECTION 5: APPROVED WASTE AND REFUSE CONTAINERS:

1. **GENERAL CONTAINER STANDARDS:** All waste put out for collection by the Village shall be contained in the bags sold by the Village and labelled "Village of Melrose." Exceptions to this shall be that waste covered in Sections 7 and 8 of this Ordinance. Also excluded shall be street sweepings which may be put in piles against the curb for collection by the Village. Additional containers may also be used in conjunction with the bags above-described to avoid spillage and provide for the containment between collections.
2. **OUTDOOR GARBAGE AND REFUSE STORAGE CONTAINERS:** Garbage or refuse kept in outdoor storage areas shall be stored only in metal or plastic containers with tight fitting covers, commonly referred to as garbage cans.
3. **GARBAGE AND REFUSE PLACED FOR COLLECTION:** All garbage placed for collection by the Village shall be securely contained and enclosed in approved plastic bags. All recyclable refuse shall be contained as set forth below. Any refuse not contained as required by this Ordinance shall not be collected and shall be promptly removed by the owner or occupant. Any violation of this subsection may be further subject to the penalties set forth below.
4. **COMMERCIAL AND INDUSTRIAL WASTE:** When volume, content, and practicality dictates commercial and industrial waste can be stored in Village approved receptacles (dumpsters) upon the premises of the producer of the waste. Dumpster storage shall be in a location that will be the least visible to the general public.

SECTION 6: RECYCLING OF REFUSE: Each residence, residential unit, place of business, industry, or other place providing goods or services to the public of any type shall be encouraged to cooperate in the recycling of refuse by performing the following:

1. **RECYCLABLE REFUSE:** All recyclable material may be separated from other garbage and refuse and grouped together and placed for collection in the manner as prescribed below:
 - a) **Glass:** All glass shall be sorted by color (ie. white, brown, green, and clear glass). It shall be rinsed and boxed or bagged at curbside as according to the guidelines set forth below. All caps and metal attachments are to be removed. No window glass, light bulbs, or headlights shall be accepted. Glass to be recycled may not be mixed with any other garbage or refuse, recyclable or otherwise.
 - b) **Plastics:** All plastic containers such as soap, shampoo, ketchup, mustard, and syrup containers shall be rinsed and boxed or bagged as provided hereinafter. No "cottage cheese" type containers are to be included.
 - c) **Plastic Milk Jugs:** All plastic milk jugs are to be rinsed.
 - d) **PAPER:** Magazines and newspapers are to be separated. All newsprint is to be bundled or bagged and are to be tied securely with strong cord. All magazines and slick paper is to be bagged or bundled separately from the newsprint.

- e) Cardboard: No plastic coated cardboard shall be recycled. Recyclable cardboard must be flattened and tied securely with strong cord.
 - f) Batteries: No flashlight-type batteries will be accepted. Car, truck, and tractor batteries shall be accepted.
 - g) Computer Paper: Computer paper shall be separated from paper described in subsection 6(1)(d) above and shall be tied securely.
 - h) Metals: Acceptable metals shall be cleaned and placed in a separate box or bag from the other recyclable materials.
 - i) Tin Cans: Cans must be washed, the ends removed, and then crushed. It is not necessary to remove labels.
2. The current list of Non-Recyclables is as follows and will not be accepted: Styrofoam; plastic wrap; cottage cheese containers; plastic bags; planters or pots; toys; egg carton; cereal/potato chip/cracker boxes; pop or beer cartons; oil filters; furnace filters; bottle caps; flashlight batteries; window glass; light bulbs; headlights; plastic coated cardboard.
 3. All other garbage and refuse not qualifying as recyclable is to be disposed of in the manner provided for previously in this Ordinance.
 4. Changes in what may or may not be recyclable will be published in the local newspaper as they occur.

SECTION 7: YARD WASTES FROM RESIDENTIAL UNITS:

1. GENERAL: All residential units will be allowed to dispose of a reasonable amount of yard waste. Provisions for larger disposal of yard waste may be made during spring and fall clean-up periods. Leaves and grass clippings must be properly stored in rigid containers that can be dumped into a truck for collection.
2. LEAVES AND GRASS CLIPPINGS: These yard wastes must be put at the curb in boxes, garbage containers or other rigid waste containers. Containers must be at the curb by 9:00 A.M. each Wednesday for pick-up. No garbage will be accepted in these leaves and clippings.
3. SHRUBS AND TREE TRIMMINGS: Small amounts of shrub and tree trimmings less than six (6) inch in diameter will be collected by the Village on the same day as the regular collection provided they are bundled, do not exceed four (4) feet in length, nor fifty (50) pounds in weight.
4. CHRISTMAS TREES: Curbside pickup of the Christmas trees will be made during the first two weeks of January. Requirements in Subsection 7 (3) are not applicable to this Subsection.

SECTION 8: TIRES AND HOUSEHOLD APPLIANCES/METAL ITEMS:

1. **TIRES:** Thirteen, fourteen, and fifteen inch tires will be picked up at curbside from residential units only on Mondays. Each residence is allowed to dispose of 4 tires per year at a cost to be set by the Village. Residents will be billed by the Village for this service. Multi-family dwellings must identify who the disposee is so that billing can be made to the proper party.
2. **HOUSEHOLD APPLIANCE/METAL ITEMS:** Curbside pick-up of these items will be on Monday at a cost to be set by the Village. Residents will be billed by the Village for this service. Multi-family dwellings must identify disposee so that billing can be made to the proper party.

SECTION 9: COLLECTION OF GARBAGE AND REFUSE:

1. **PLACEMENT FOR COLLECTION:** Residential solid waste shall be accessible to collection crews. Containers for collection, if used in addition to the bags, the Village of Melrose bags and waste as defined in Subsection 7(3) shall be placed immediately behind the curb of the public street for collection. During winter months solid waste shall not be placed on top of snow banks, nor shall it be placed in the roadway. The owner or occupant shall either shovel out an area behind in which to place wastes or shall place such in the owner's driveway. Collection crews will not be obligated to collect such waste unless it is properly placed. The accessibility shall also apply to container or recyclable refuse as outlined in Section 6(1).
2. **TIME OF PLACEMENT FOR COLLECTION OF RECYCLABLE REFUSE:** All recyclable refuse shall be placed for collection by 8:00 A.M. on Thursday of each week.
3. **TIME OF PLACEMENT FOR COLLECTION OF NONRECYCLABLE GARBAGE AND REFUSE:** All non-recyclable residential unit garbage and refuse shall be placed for collection by 9:00 A.M. on Monday of each week. All dumpster garbage and refuse shall be placed for collection on Tuesday of each week. When the regular collection days fall on one of the following holidays, such collection shall be made on another day during the week of such holiday as will be informed by the Village. Those holidays included above are New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving day, Christmas, Veterans Day, and Good Friday.
4. **SPECIAL COLLECTIONS:** Twice a year at dates determined by the Village Board, provisions may be made for the disposal of bulky waste. Specific dates and instructions shall be posted at the Village Hall and published in the local newspaper two weeks prior to that date.

SECTION 10: NON-COLLECTABLE MATERIALS: It shall be unlawful to place any of the following materials or items for collections:

1. **DEAD ANIMALS:** This section shall not apply to animal parts from food preparation for human consumption.
2. **UNDRAINED FOOD WASTE:** Food wastes in a container for collection unless it is first drained and wrapped.
3. **ASHES.**

4. FURNITURE and any other refuse that will not meet the container requirements of this Ordinance.
5. HAZARDOUS OR TOXIN WASTES.
6. CHEMICALS.
7. EXPLOSIVES OR AMMUNITION.
8. DRAIN OR WASTE OIL OR FLAMMABLE LIQUIDS.
9. LARGE QUANTITIES OF PAINT.
10. HUMAN WASTES: These wastes shall be disposed of through the sanitary sewer system.
11. BUILDING WASTE: All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.

SECTION 11: VIOLATIONS: NOTICE: SPECIAL COLLECTIONS FOR VIOLATIONS:

1. NOTICES: In all instances where inspections reveal violations of this Ordinance, the Village Board shall issue written notice for each such violation, stating therein the violation found, the date and time of such violation and the corrective measures to be taken, together with the time in which such corrections shall be made. Time limits set for the correction of violations shall be reasonable and consistent. The Village Board shall consider the time needed to correct deficiencies, the public health threat involved, and consistent time limits for like violations. Time limits shall not be greater than ten (10) working days nor less than twenty-four (24) hours. All such notices shall be kept in a clearly marked file and shall be available for public inspection during regular business hours.
2. SPECIAL COLLECTIONS FOR VIOLATIONS: If any person, including those receiving collection from a private firm, is found to be in violation of the collection and storage requirements of this Ordinance and fails to comply with a notification and/or citation, the Board shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefor. The special collection shall be made and if billing is unpaid, the bill shall be considered a lien on the property and shall be placed on the taxroll. Person shall not use the special collection provisions of this Ordinance to circumvent requirements for collection by a private firm.

SECTION 12: PROHIBITED ACTIVITY: Except as to burning permitted in Section 13 hereinafter, no person shall:

1. Burn any yard waste, leaves, rubbish, debris, or any household garbage or solid waste of any kind within the Village of Melrose. The use of outdoor incinerators, drums, barrels or other containers or outdoor or inside fireplaces for the burning of the above-listed items is hereby prohibited.
2. IMPROPER PLACEMENT: No person shall throw, place, or deposit in any street, alley, park, or other property of the Village of Melrose, or upon any private property any leaves, grass, glass, rubbish, trash, paper, or other waste material whether owned by such person or not, unless the same is enclosed in proper containers which shall be watertight and kept so

with tightly fitting covers.

3. **COMPLIANCE WITH ORDINANCE:** It shall be unlawful to store, collect, transport, transfer, recover, incinerate, or dispose of any solid waste within the boundaries of this Village contrary to the provisions of this Ordinance.
4. **IMPROPER TRANSPORTATION:** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the person transporting such solid waste shall immediately return spilled materials to the collection vehicle and shall properly clean the area.
5. **INTERFERENCE WITH AUTHORIZED COLLECTOR:** No person(s) other than a collector of solid waste or recyclables as authorized Village or the Village Maintenance Department shall collect or interfere with any garbage or refuse after it shall have been put in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with these authorized collectors in the discharge of their duties.
6. **SCAVENGING:** It shall be unlawful for any person to scavenge any solid waste.
7. **PRIVATE DUMPS:** It shall be unlawful for any person to use or operate a dump which is not licensed by the DNR.

SECTION 13: OPEN BURNING/BURNING PERMIT/PRIOR APPROVAL:

1. **PRIOR APPROVAL:** Except as provided in Subsection 2 below, all persons shall obtain authorization from the fire chief before kindling or maintaining any open burning or authorizing the kindling or maintaining of any open burning within the limits of the Village of Melrose.
2. **PERMITTED BURNING:** The following open burning shall be permitted without authorization from the Village of Melrose fire chief:
 - a) Outdoor cooking and,
 - b) Training for fire departments.
3. **SIZE OF THE PILE:** The size of the pile of material to be burned shall not exceed 4 feet by 4 feet by 3 feet high.
4. **LOCATION:** The location of the open burning shall be approved by the fire chief and either:
 - a) The pile of material being burned shall be at least 50 feet from any structure, wood or lumber pile, wooden fence, trees or bushes, and provisions shall be made to prevent the fire from spreading to within 50 feet of such item; or
 - b) The fire shall be contained in an approved burner located at least 15 feet from any structure, wood or lumber pile, wooden fence, tree or bush.
5. **MATERIAL FOR BURNING:**
 - a) Fuel for open burning shall consist of dry material only and shall not be ignited with flammable or combustible liquids.

- b) Material for open burning may not include rubbish, garbage, yard waste, leaves, debris, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials, and may not contain any flammable or combustible liquids.
6. SUPERVISION: Open burning shall be constantly attended and supervised by a competent person at least 16 years of age until such fire is extinguished. This person shall have readily available for use fire extinguishing equipment deemed necessary by the fire chief.
7. TIME OF BURN. Open burning shall be permitted only from 7:00 a.m. to ½ hour after sunset or as permitted by the fire department.
8. OTHER REGULATIONS. Open burning shall also be subject to the administrative rules of the department of natural resources and ordinances or regulations of the Village of Melrose.
9. BURNING PERMIT. A burning permit shall be submitted on the forms obtained from the Village of Melrose to the Village of Melrose fire chief and shall be accompanied by a fee of five dollars (\$5.00). The Village of Melrose fire chief shall issue such permit in his sole discretion and his decision shall be binding upon the applicant.

SECTION 14: TITLE TO WASTE: In the absence of an agreement to the contrary, title to the refuse and solid waste placed for collection by the Village shall vest in the Village of Melrose as soon as it is placed for collection.

SECTION 15: CHARGES FOR DISPOSAL AND COLLECTION OF GARBAGE AND REFUSE:

1. BAG SYSTEM: Unit charges for garbage shall be at the rate of \$2.00 per bag for the Village of Melrose bags described in Section 5(1) of this Ordinance. Garbage bags used for the disposal of solid waste shall be available at designated businesses within the Village.
2. DUMPSTER SYSTEM: Units shall be picked up by a company who shall be hauling the Village of Melrose wastes to NSP incinerator in LaCrosse. The fees for the collection shall be billed directly to the users and such users shall be responsible for the payment to that Village authorized hauler.

SECTION 16: AUTHORIZATION FOR REFUSE OR GARBAGE COLLECTORS:

1. RECYCLABLE REFUSE COLLECTION: No person shall engage in the business of collecting recyclable refuse in the Village without first obtaining from the Village authorization to do so.
2. SOLID WASTE COLLECTION: No person shall engage in the business of collecting of solid waste in the Village without first obtaining from the Village authorization to do so.
3. REVOCATION OR SUSPENSION OF AUTHORIZATION: The Village Board may revoke or suspend any authorization issued under this Ordinance for cause after hearing, and on three (3) days' notice to the person having received such authorization thereof.

SECTION 17: GARBAGE ACCUMULATION; WHEN A NUISANCE: The accumulation or deposit of garbage, trash, or putrescible animal or vegetable matter in or upon any lot or land or any

public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

SECTION 18: GARBAGE OR REFUSE FROM OUTSIDE THE MUNICIPALITY: It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, and garbage or refuse not generated within the corporate limits of the Village.

SECTION 19: VIOLATION;PENALTY: Any person who violates any of the provisions of this Ordinance shall be subject to the following penalties:

1. First offense: Written warning
2. Second offense: Forfeiture of no less than \$25.00 nor more than \$100.00, together with costs of prosecution.
3. Third offense: Forfeiture of not less than \$50.00 nor more than \$250.00, together with costs of prosecution.
4. Fourth offense and subsequent offenses: Forfeiture of not less than \$100.00 nor more than \$1000.00 together with costs of prosecution.

SECTION 20: SEVERABILITY: If a section, subsection, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the remainder of this Ordinance.

SECTION 21: CONFLICTING ORDINANCES: All other ordinances or parts of ordinances of the Village of Melrose inconsistent or conflicting with this Ordinance are hereby repealed.

SECTION 22. APPLICABLE CODE SECTION: Upon passage of this Ordinance same shall be codified as Section (13.20) of the Village Code of Ordinances.

SECTION 23: EFFECTIVE DATE: This Ordinance shall be in full force and effect upon passage and publication as provided by law.

Signed by:
Charles Andersen, President
Village of Melrose

Attest signed by:
Kathleen Zeman, Clerk
Village of Melrose

Dated: 04/30/1990
Passed: 04/04/1990
Published: 05/02/1990

13.25 AN ORDINANCE REPEALING FORMER SECTION 13.20 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE (Prohibiting Smoking in the Village Hall as enacted on April 6, 1994) AND CREATING SECTION 13.25 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE, PROHIBITING SMOKING IN PUBLIC PLACES IN THE VILLAGE OF MELROSE, AND INCORPERATING THE PROVISIONS OF SECTION 101.123 OF THE WISCONSIN STATE STATUTES.

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1: The Village of Melrose Code is hereby amended by repealing section 13.20 of said Code is (Smoking Ban in Village Hall) and creating a new section to be numbered 13.25, which said section shall read as follows:

13.25 SMOKING IN PUBLIC PLACES PROHIBITED:

1. No person may smoke in any public place in the Village of Melrose, nor allow any person to smoke in such public place, as is prohibited by the provisions of Section 101.123 of the Wisconsin Statutes.
2. This Section may be enforced by any law enforcement officer authorized by this Code of Ordinances.
3. **PENALTY:** Any person who violates the provisions of sub. (1), above, shall be subject to forfeiture as set forth in Section 2.30 of this Code.

SECTION 2: SEVERABILITY: If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 3: CONFLICTING ORDINANCES: All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE: Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

Signed by:
Jeff Hanson, President
Village of Melrose

Attest signed by:
Mary Hatlevig, Clerk
Village of Melrose

Dated: 02/02/2011
Passed: 02/02/2011
Published: 02/09/2011

13.30 AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE, CREATING SECTION 13.30 OF SAID CODE, REGULATING THE USE OF OUTDOOR WOOD FURNANCE WITHIN THE VILLAGE LIMITS.

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1: Chapter 13 of the Code of Ordinances of the Village of Melrose is hereby amended by creating a new section to be numbered Section 13.30, which section shall read as follows:

13.30 REGULATION OF THE USE OF OUTDOOR WOOD FURNANCES:

1. Purpose: The purpose of this section is to promote the health and safety of the citizens of the Village of Melrose through the regulation of the use of outdoor wood furnaces (hereinafter referred to as OWFs).
2. Definitions: The following definitions are applicable to this section:
 - a) Outdoor wood furnace (OWF) is any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors, where the primary purpose of such equipment, device, appliance or apparatus is the combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An OWF is intended to mean and include outdoor wood boilers and outdoor wood fired hydronic heaters. Any such device will be considered to be an OWF regardless of its commercial name or labeling. Likewise, any OWF placed in any shelter, building or other structure which is non-residential in nature shall continue to be defined as an OWF under this section.
 - b) Chimney: A flue or flues which carry off exhaust gases and particulate matter from an OWF firebox or burn chamber.
 - c) Existing OWF: An outdoor wood furnace which was purchased, installed and in operation prior to the effective date of this ordinance.
 - d) Natural Wood: A wood or wood product which has not been painted, varnished, or coated with a similar material, has not been treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
3. Prohibited Activity. No person shall engage in any of the following prohibited activities:
 - a) After the effective date of this ordinance, construct, install, establish or begin new operation of an OWF.
 - b) Operate an existing OWF without regard to the manufacturer's operating instructions or the recommended fuels.
 - c) Operate an existing OWF without complying with the setback requirements as set forth in Paragraph (4), below.
 - d) Burn in an existing OWF any fuel which is restricted by State Statutes, Administrative Rule or Order, or by any type of applicable regulatory agency. Such prohibited fuels include, but are not limited to, the following:

- 1) Wood which has been painted, varnished or coated with similar material or has been pressure treated with preservatives and contains resins or glue such as those contained in plywood or other composite wood products.
 - 2) Rubbish or garbage, including, but not limited to, food wastes, food packaging and food wrapping.
 - 3) Plastic materials, including nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic film and plastic container.
 - 4) Rubber, including tires, and other synthetic, rubber-like products.
 - 5) Newspaper, cardboard, container board, office paper or other materials which must be recycled in accordance with any State or local recycling, laws ordinances or regulations, except as provided by law.
 - 6) Paper with ink or dye product content.
 - 7) Chemicals, commercial or business waste, waste oil or oily wastes except as are permitted under Chapter NR 590 of the Wisconsin Administrative Code.
 - 8) Animal carcasses, furniture, shingles, construction or demolition waste, debris and other forms of household or business waste.
- e) Operate an existing OWF in violation of the required chimney height, as set forth in Paragraph (5), below.
 - f) Operate an existing OWF without first having obtained a permit from the Village, as provided in Paragraph 6, below.
4. Setback Requirements: Any OWF operated in the Village of Melrose shall be subject to the following setback requirements:
 - a) All OWFs shall be at least 25 feet from the nearest property line.
 - b) An OWF must be located upon the property in accordance with all manufacturer recommendations and further meet the requirements for proximity distances to combustible materials.
 - c) An OWF must be at least 100 feet from any residence not served by the OWF.
 5. Chimney Height. The chimney of any OWF shall extend at least 2 feet above the peak height of any residence within 300 feet of the OWF which is not served by that OWF. If a new residence is constructed within 300 feet of an existing OWF, the owner of the OWF shall have 30 days from the occupation of the residence or the written notice from the Village to conform the chimney height to the requirement herein.
 6. Permit Requirement. The owner or operator of any existing OWF shall apply for a permit to operate such OWF on an annual basis, commencing July 1, 2008. The Village shall, prior to the issuance of such permit, have an authorized agent of the Village inspect the premises and determine if the OWF is installed and would be operated in compliance with this section. If

so, the owner or operator shall be issued a permit to operate the OWF from November 1 through March 31 of the following year. Such permit may be revoked or suspended by the Village Board at any time, upon satisfactory proof that the owner or operator has violated the provisions of this section, or has otherwise created a health risk or concern by the operation of the OWF.

7. Termination of Use. No person may use or operate an existing OWF under any of the following circumstances:
 - a) After May 1, 2015.
 - b) After 10 years after the date of manufacture of the OWF as indicated upon the tag or label provided with the unit by the manufacturer.
 - c) If the existing OWF is deemed a nuisance by the Village Board. In that case, the owner or operator will be given a reasonable opportunity to repair the OWF in order to comply with all applicable regulations and this section of the Village Code. If the existing OWF cannot be modified or repaired so as to be able to be operated without creating a nuisance, it shall be disabled and removed from the premises within 30 days after an order issued by the Village Board to do so.
8. Appeals: Any person affected by a determination of an agent of the Village regarding the use or operation of an existing OWF may appeal to the Village Board for relief from any act, decision or ruling of the agent by submitting a written appeal to said Board within 90 days from such act, decision or ruling.
9. Penalty: Any person who violates any of the provisions of this section shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$250.00, along with the costs of prosecution, with the exception of a violation of Paragraph (6), operation of an OWF between April 1 and October 31, in which case the forfeiture shall be \$25.00, along with the costs of prosecution. Forfeitures for second and subsequent offenses shall be double that of the first offense.

SECTION 2: SEVERABILITY: If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 3: CONFLICTING ORDINANCES: All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE: Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

Signed by:
LeRoy Craig, President
Village of Melrose

Attest signed by:
Mary Hatlevig, Clerk
Village of Melrose

Dated: 01/02/2008
Passed: 01/02/08
Published: 01/09/2008

13.50 CREATING SECTION 13.50 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE, WISCONSIN AS IT RELATES TO WELLHEAD PROTECTION

The Village Board of the Village of Melrose, Jackson County, Wisconsin, does hereby ordain as follows:

SECTION 13.50 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE is hereby created to read as follows:

13.50 WELLHEAD PROTECTION:

1. CONSTRUCTION OF ORDINANCE:

- a) **TITLE:** This chapter shall be known, cited and referred to as the “Wellhead Protection Ordinance” (hereafter WHP ORDINANCE).

- b) **PURPOSE AND AUTHORITY:**
 - 1) The residents of the Village of Melrose (hereafter Village) depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP Ordinance is to institute land use regulations and restrictions to protect the Village municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village.

 - 2) Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection, in 59.97(1) and 62.23(7)(c), Wis. Stats., to the statutory authorization for county and municipal planning and zoning to protect the public health, safety and welfare. In addition, under 62.23(7)(c), Wis. Stats., the Village has the authority to enact this ordinance, effective in the incorporated area of the Village, to encourage the protection of groundwater resources.

- c) **APPLICABILITY:**
 - 1) The regulations specified in this Wellhead Protection Ordinance shall apply only to lands within approximately 1,861 feet area of the Melrose municipal wells (Cones of Depression) and which lie within the Village of Melrose corporate limits as follows:

Add legal description

- 2) No new use or change in use of any structure, land or water shall be located, extended, converted, or structurally altered, and no development shall commence without full compliance with the terms of this section and other applicable regulations. If there is a conflict between this ordinance and the zoning ordinance, the more restrictive provision shall apply.

2. DEFINITIONS:

- a) **EXISTING FACILITIES:** “Existing facilities” means current facilities, practices and activities that may cause or threaten to cause environmental pollution with that portion of the Village’s wellhead protection area that lies within the corporate limits of the Village. Existing facilities include but are not limited to the type listed in the Department of Natural Resources form 3300-215, Public Water Supply Potential Contaminant Use Inventory form which is incorporated herein as if fully set forth.
- b) **GROUNDWATER DIVIDE:** “Groundwater divide” means a ridge in the water table or the potentiometric surface from which ground water flows away at right angles in both directions. The line of highest hydraulic head in the water table or potentiometric surface represents a groundwater divide.
- c) **GROUNDWATER PROTECTION OVERLAY DISTRICT:** “Groundwater protection overlay district” means that area described within the Village’s wellhead protection plan. A copy of the Village’s wellhead protection plan can be obtained from the Village Clerk.
- d) **RECHARGE AREA:** “Recharge area” means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well.
- e) **CONE OF DEPRESSION:** “Cone of depression” means the area around a well, in which the water level has been lowered at least one tenth of a foot by pumping of the well.
- f) **CALCULATED FIXED RADIUS:** “Calculated fixed radius” means the theoretical area around a well that would be dewatered after five years of pumping at the well’s capacity.
- g) **WELL FIELD:** “Well field” means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

3. GROUNDWATER PROTECTION OVERLAY DISTRICT (hereafter DISTRICT):

- a) **INTENT:** The area to be protected, as a District is that portion of the Melrose well fields’ calculated fixed radius are contained within the Village boundary limits and shown on the attached map. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination. Ground water captured by the wells is recharged by infiltration of precipitation in area extending up gradient from each well to a groundwater divide that lies several miles north and west of Melrose.
- b) **PERMITTED USES:** Subject to the exemptions listed in section (3)(e), the following are the only permitted uses within the DISTRICT. Uses not listed are to be considered non-permitted uses.
 - 1) Parks, provided there are no on-site waste disposal or fuel storage tank

facilities associated with this use.

- 2) Playgrounds.
 - 3) Wildlife areas.
 - 4) Non-motorized trails, such as biking, skiing, nature and fitness trails.
 - 5) Municipally sewerred residential development, free of flammable, and combustible liquid underground storage tanks.
 - 6) Municipally sewerred business development zoned-B-1, except for the following uses:
 - a) Above ground storage tanks.
 - b) Asbestos product sales.
 - c) Automotive service and repair garages, body shops.
 - d) Blue printing and photocopying services.
 - e) Car washes.
 - f) Equipment repair services.
 - g) Laundromats and diaper services.
 - h) Dry cleaning.
 - i) Gas stations.
 - j) Holding ponds or lagoons.
 - k) Infiltration ponds.
 - l) Nurseries, lawn and garden supply stores.
 - m) Small engine repair services.
 - n) Underground storage tanks.
 - o) Wells, private, production, injection or other.
 - p) Any other use determined by the Village Zoning Administrator to be similar in nature to the above listed items.
 - 7) Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.
- c) ADMINISTRATIVE CODE SEPARATION DISTANCES.
- 1) Intent: The areas to be protected are the lands immediately surrounding Village wells. These lands are subject to the most stringent land use and development restrictions because of their proximity to the well field and the corresponding high threat of contamination.
 - 2) Separation Distances.
 - a) Fifty-feet between a well and a storm sewer main.
 - b) Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or a single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA C600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.

- c) Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
- d) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm. 10.10.Wis Adm Code.
- e) One thousand feet between a well and land application of municipal, commercial or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation; industrial, commercial or municipal wastewater lagoons or storage structures; manure stacks of storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
- f) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s.Comm. 10.10, Wis. Adm. Code; bulk fuel storage facilities and pesticide or fertilizer handling or storage facilities.

d) **REQUIREMENTS FOR EXISTING FACILITIES**

- 1) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the Village.
- 2) Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but is not limited to storm water runoff management and monitoring.
- 3) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- 4) Existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an

environmental emergency.

e) EXEMPTIONS AND WAIVERS

- 1) Individuals and/or facilities may request the Village in writing, to permit additional land uses in the District.
- 2) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Village and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village and/or designee(s) for recommendation and final decision by the Village Board.
- 3) The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- 4) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the Village.

4. ENFORCEMENT & PENALTIES:

- a) In the event that an individual and/or facility causes the release of any contaminants which endanger the DISTRICT, the individual and/or facility causing said release shall immediately stop the release and clean up the release to the satisfaction of the Village.
- b) The individual/facility shall be responsible for all costs of cleanup, including all of the following:
 - 1) Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.
 - 2) The cost of Village employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
 - 3) The cost of Village equipment employed.
 - 4) The costs of mileage reimbursed to Village employees attributed to the cleanup.
- c) Following any such discharge the Village may require additional test monitoring and/or bonds/securities.
- d) All Ordinances in conflict with the foregoing are hereby repealed or amended to read consistent with this Ordinance.

5. PENALTIES: Any person, firm or corporation who fails to comply with the provisions of

this Ordinance shall, upon conviction thereof, forfeit not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

6. SEVERABILITY CLAUSE: If any section, subsection, sentence, clause paragraph or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof. The Village Board of the Village of Melrose hereby declares that they would have passed this Ordinance and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentence, clause, paragraphs, or phrases may be declared invalid or unconstitutional.
7. EFFECTIVE DATE: This ordinance shall take effect upon passage as provided by law. Adopted this 3rd day of November, 2010.

Signed by:
Jeff Hanson, President
Village of Melrose

Attest signed by:
Mary Hatlevig, Clerk
Village of Melrose

Published: 11/10/2010

VILLAGE of MELROSE
ORDINANCE 13.60
FLOODPLAIN ZONING ORDINANCE
Effective September 28, 2012

Key Dates

DATE of Public Hearing: **August 1, 2012**

DATE of Adoption: **August 1, 2012**

DATE of Publication:

- a. July 13 & July 20 (notice posted in 5 locations in the Village of Melrose)
- b. July 18 & July 25 (notice published in Jackson County Chronicle Newspaper)

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

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

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

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

1.4 TITLE

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

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Clerk, Village of Melrose, Jackson County, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS : Based on the FIS for the Village of Melrose (Community ID: 550188): Flood Insurance Rate Map (FIRM), panel numbers (55053C0545C, 55053C0563C, 55053C0732C, 55053C0751C) dated 09/28/12; with corresponding profiles that are based on the Flood Insurance Study (FIS) 55053CV000A dated 09/28/2012;

ADDED ADDENDUM (6-5-13)

The Village Board adopts: Hazard Rating Assessment, Melrose Mill Pond Dam Proposed Replacement, Field File No. 27.06, Jackson County, Wisconsin by Ayres Associates and the associated hydraulic shadow map dated December 2011. Approved by WI-DNR.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING 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 and are contained within AE Zones as shown on the FIRM.
- (b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for

documenting actual pre-development field conditions and the basis upon which the district boundary was determined 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. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

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

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

(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. 8.0 *Amendments*.

(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. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

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

(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 Jackson County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

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

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) No floodplain development shall:

- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - (b) Cause any increase in the regional flood height due to floodplain storage area lost.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2.2 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 standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

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

- (1) The campground is approved by the Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This

procedure shall include a written agreement between the campground owner, the 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) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0 or 5.0 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; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas

of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1.
- (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. 3.3(4).
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
 - (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
 - (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
 - (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY

(1) GENERAL

- (a) Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c):
 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 cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.

(2) STRUCTURES

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

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Must be anchored to resist flotation, collapse, and lateral movement;
- (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES

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. 2.1.

(4) FILLS OR DEPOSITION OF MATERIALS

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

- (a) The requirements of s. 2.1 are met;
- (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 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. SPS 383, 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; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

S. 2.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- (a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s 4.3 (1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- (d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are 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 DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

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

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
- (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

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

(10) DEPOSITION OF MATERIALS

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

(11) MANUFACTURED HOMES

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse or move laterally during a flood
- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) 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. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 GENERAL FLOODPLAIN DISTRICT (GFP)

5.1 APPLICABILITY

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.-

5.2 PERMITTED USES

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

(1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

- (a) at or above the flood protection elevation; or
- (b) two (2) feet above the highest adjacent grade around the structure; or
- (c) the depth as shown on the FIRM

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

5.4 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; and the flood zone as shown on the FIRM.
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.

- (a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
- (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
- (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, 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. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The 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 equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- (f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- (g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant

to flood damage.

- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
- b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).
- c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).

- (3) 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. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

6.2 FLOODWAY DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) Shall not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by

means other than the use of fill, to the flood protection elevation; and

(e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
4. The use must be limited to parking, building access or limited storage.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and ch. SPS 383, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.

(2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

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

- (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, shall not be installed;
 - (d) Flood depths shall not exceed two feet;
 - (e) Flood velocities shall not exceed two feet per second; and
 - (f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

7.0 ADMINISTRATION

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

7.1 ZONING ADMINISTRATOR

(1) **DUTIES AND POWERS**

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
 1. All permits issued, inspections made, and work approved;
 2. Documentation of certified lowest floor and regional flood elevations;
 3. Floodproofing certificates.
 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 5. All substantial damage assessment reports for floodplain structures.
 6. List of nonconforming structures and uses. .

- (e) Submit copies of the following items to the Department Regional office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - 2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
 - 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT

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

(a) GENERAL INFORMATION

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

(b) SITE DEVELOPMENT PLAN

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

- 1. Location, dimensions, area and elevation of the lot;
- 2. Location of the ordinary highwater mark of any abutting navigable waterways;
- 3. Location of any structures with distances measured from the lot lines and street center lines;
- 4. Location of any existing or proposed on-site sewage systems or private water supply systems;
- 5. Location and elevation of existing or future access roads;

6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 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. 2.1. This may include any of the information noted in s. 3.3(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

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

1. Zone A floodplains:
 - a. Hydrology
 - i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - b. Hydraulic modeling

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

 - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - ii. channel sections must be surveyed.
 - iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

- v. the most current version of HEC_RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

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

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

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

b. Hydraulic model

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

- i. Duplicate Effective Model
The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 - ii. Corrected Effective Model.
The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
 - iii. Existing (Pre-Project Conditions) Model.
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - iv. Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- c. Mapping
Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and a

planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in

compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

(4) **OTHER PERMITS**

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

(1) The Village of Melrose Planning Committee shall:

- (a) oversee the functions of the office of the zoning administrator; and
- (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(2) The Village of Melrose Planning Committee shall not:

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

7.3 BOARD OF ADJUSTMENT/APPEALS

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(1) **POWERS AND DUTIES**

The Board of Adjustment/Appeals shall:

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

(2) **APPEALS TO THE BOARD**

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the 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; and
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

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

- a. Resolve boundary disputes according to s. 7.3(3);
- b. Decide variance applications according to s. 7.3(4); and
- c. Decide appeals of permit denials according to s. 7.4.

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

(3) BOUNDARY DISPUTES

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

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;

- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

(4) VARIANCE

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

- 1. Literal enforcement of the ordinance will cause unnecessary hardship;
- 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
- 3. The variance is not contrary to the public interest; and
- 4. The variance is consistent with the purpose of this ordinance in s. 1.3.

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

- 1. The variance shall 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; and
- 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. 8.0 *Amendments*; and

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

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

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:

(a) Permit application data listed in s. 7.1(2);

(b) Floodway/floodfringe determination data in s. 5.4;

(c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and

(d) Other data submitted with the application, or submitted to the Board with the appeal.

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

(a) Follow the procedures of s. 7.3;

(b) Consider zoning agency recommendations; and

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

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

(a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS FOR NONCOMFORMING STRUCTURES OR USES

(1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

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

7.6 PUBLIC INFORMATION

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

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.

- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all data required by ss. 5.4 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of 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 causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of

government before the amendment can be approved by the governing body.

9.0 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 \$10.00 and not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

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

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. BUILDING – See STRUCTURE.

10. **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.
11. **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.
12. **CAMPING UNIT** – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. **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.
14. **CHANNEL** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. **CRAWLWAYS OR "CRAWL SPACE"** – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. **DECK** – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. **DEPARTMENT** – The Wisconsin Department of Natural Resources.
18. **DEVELOPMENT** – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. **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.
20. **ENCROACHMENT** – Any fill, structure, equipment, use or development in the floodway.

21. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency that administers the National Flood Insurance Program.
22. **FLOOD INSURANCE RATE MAP (FIRM)** – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. **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.
24. **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.
25. **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.
26. **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.
27. **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.
28. **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.
29. **FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

30. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. 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.
32. 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.
33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. 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.
37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
38. 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.
39. 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.
40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. 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.
42. **INCREASE IN REGIONAL FLOOD HEIGHT** – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. **LAND USE** – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. **LOWEST ADJACENT GRADE** – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. **LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. **MAINTENANCE** – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. **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."
48. **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
50. **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** – The preparation

of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

51. **MOBILE RECREATIONAL VEHICLE** – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
52. **MODEL, CORRECTED EFFECTIVE** – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. **MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. **MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. **MUNICIPALITY" or "MUNICIPAL** – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
58. **NAVD" or "NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
59. **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
60. **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.

61. **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.)
62. **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.)
63. **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.
64. **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.
65. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
66. **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.
67. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. **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.
70. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

71. **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.
72. **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.
73. **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.
74. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
75. **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.
76. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
77. **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.
78. **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.

- 79. 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.
- 80. WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.
- 81. 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.
- 82. 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.

Signed

LeRoy Craig, Village President

Signed

Daniel Ciechanowski, Village Clerk

Passed: August 1, 2012
Published: August 16, 2012
Approved: Sept 5, 2012

State of Wisconsin
County of Jackson

I certify this is a true and correct copy of a document in the possession of Daniel A. Ciechanowski, Clerk, Village of Melrose which was copied on:

_____.
date

Notary Signature _____

Notary Expiration Date _____

**VILLAGE OF MELROSE
ADDENDUM - ORDINANCE NO. 13.60**

FLOODPLAIN ZONING ORDINANCE

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1.5 (2) Official Maps: The following is added:

The Village Board adopts: Hazard Rating Assessment, Melrose Mill Pond Dam Proposed Replacement, Field File No. 27.06, Jackson County, Wisconsin by Ayres Associates and the associated hydraulic shadow map dated December 2011.
Approved by WI-DNR.

SECTION 2: SEVERABILITY

If a section, subsection, clause, provision, or portion of this Ordinance Is judged unconstitutional or invalid by a Court of competent jurisdiction, such judgment shall not affect the remainder of this Ordinance.

SECTION 3: CONFLICTING ORDINANCES

All other Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as provided by law.

Signed by:
Tory Lockington, President
Village of Melrose

Attest signed by:
Dan Ciechanowski, Clerk
Village of Melrose

Dated: 06/05/2013
Passed: 06/05/2013
Published: 06/12/2013