

**Village of Somers  
7511 12th Street  
Somers, WI 53171**

**Village Board Meeting  
Agenda  
Tuesday, March 26, 2024  
5:30 p.m.**

<b>Village Board Meeting:</b>	
<b>Item #</b>	
1	Call to order
2	Pledge of Allegiance
3	Consent and Approval of Minutes of Regular meetings on March 12, 2024. Vouchers dated March 14, 2024, and March 21, 2024
4	Correspondence:
5	Citizens Comments
6	President and Trustee Comments
7	Discussion with Brian Waldherr, DOR Alcohol and Tobacco agent reviewing the upcoming alcohol Renewals
8	Action on Resolution No. 2024-003, A Resolution Authorizing Submittal of MS4 Report
9	Action on Resolution No. 2024-004, A Resolution of the Village Board of Trustees of the Village of Somers to Rescind Previous Resolution 2022-003 Which Supported a Request to the Wisconsin Department of Transportation to Eliminate the North Bound Left Turn Lane from STH 31 to 35 <sup>th</sup> Street and to Request that Said North Bound Turn Lane be Re-opened
10	Action on appointment of Michael DeLuca to the Plan Commission to serve the remaining term of Plan Commissioner Bob Lee (set to expire 04/30/2024) and to approve a new three-year term on the Plan Commission for Michael DeLuca (3-year term to expire 04/30/2027)
11	Action on proposed Ordinance 2024-003, an Ordinance to repeal and recreate section 13.55 Appendix “A” of the Code of Ordinances of the Village of Somers relating to the amount of Sewer service charges
12	Action on proposed Ordinance No. 2024-004, an Ordinance to Repeal and Recreate Section ZN 4.08 of the Code of Ordinance of the Village of Somers
13	Review and Discuss proposed Ordinance No. Ordinance No. 2024-

	005, An Ordinance to Repeal Section 18.30 (R) of the Code of Ordinances of the Village of Somers Relating to Water Connection Impact Fee
14	Discussion and possible action on agreeing to share cost with other municipalities to hire a lobbyist to advance H.R. 860 to have municipalities get their own unique ZIP Code
15	Action on Operator's Licenses: Kodirico Washington
16	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the March 26, 2024 Village Board Meeting & Agenda in 1 public place & on the Village website.

Dated this 22<sup>nd</sup> day of March 2024

Brandi Baker, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken.**

**Village of Somers  
Proceedings from the Regular Board Meeting March 12, 2024**

President Stoner called the meeting to order at 5:30 p.m.

President Stoner led the Pledge of Allegiance.

Present: President George Stoner, Trustees Karl Ostby, Ben Harbach, Scott Fredrick, and Jackie Nelson. Absent: Jack Aupperle and Joe Smith. Also present: Administrator Jason Peters, Clerk/Treasurer Brandi Baker, Assistant to the Administrator Kevin Poirier, and Attorney Jeff Davison.

**Consent and Approval of Minutes of Regular meetings on February 27, 2024, Vouchers dated February 29, 2024, and March 7, 2024, ACH Payments for December 2023, January 2024, and February 2024**

Trustee Harbach moved to approve Minutes of Regular meetings on February 27, 2024, Vouchers dated February 29, 2024, and March 7, 2024, ACH Payments for December 2023, January 2024, and February 2024.

Seconded by Nelson. Motion carried a 5-0 vote.

**Correspondence:**

None

**Citizens Comments**

Bill Hurley 1523 47<sup>th</sup> Ave- Discussed his concern with speed and traffic in the Village.

Mark Molinaro 1011 12<sup>th</sup> Street- Expressed his support of the Village to continue to look into drainage issues within the Village. Specifically in the 11<sup>th</sup> Street neighborhood which his children own properties.

**President and Trustee Comments:**

Trustee Nelson mentioned the Kaba Annual Meeting on April 18<sup>th</sup> and expressed that she would like to attend.

**Action on appointing Samone Naylor as additional Deputy Clerk/Treasurer**

Trustee Harbach moved to appoint Samone Naylor as additional Deputy Clerk/Treasurer.

Seconded by Trustee Ostby. Motion carried a 5-0 vote.

### **Approval of Operator's Licenses: Veronica Scalia**

Trustee Ostby moved to approve Operators license for Veronica Scalia.

Seconded by Trustee Harbach.

Discussion about the charges that were disclosed and found in the DOJ records check for Ms. Scalia.

Trustee Ostby withdrew his motion to approve the operator's license.

Trustee Ostby moved to deny operator's license for Veronica Scalia.

Seconded by Trustee Fredrick. Motion carried a 5-0 vote.

### **Adjourn**

Trustee Ostby moved to adjourn the meeting at 5:44pm.

Seconded by Nelson. Motion carried. 6-0 vote.

Drafted this 13<sup>th</sup> day of March by Brandi Baker Clerk/Treasurer

These minutes are not official until approved by the Village Board.

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
03/14/2024	POOL	63126	ACCURATE	ACCURATE PRINTING CO., INC	199.00
03/14/2024	POOL	63127	AED	AED ESSENTIALS INC	529.00
03/14/2024	POOL	63128	AMERICANPR	AMERICAN PRINTING TECHNOLOGIES INC	1,122.34
03/14/2024	POOL	63129	BTM001	BOUND TREE MEDICAL LLC	1,583.50
03/14/2024	POOL	63130	BAKER	BRANDI BAKER	150.00
03/14/2024	POOL	63131	CENTURYL	CENTURYLINK	15.30
03/14/2024	POOL	63132	CONWAY	CONWAY SHIELD	6,625.00
03/14/2024	POOL	63133	CORE	CORE & MAIN LP	450.00
03/14/2024	POOL	63134	REFUND TAX	DIANN & ROBERT SWAGER JR	1,817.91
03/14/2024	POOL	63135	EME001	EMERGENCY MEDICAL PRODUCTS INC	116.45
03/14/2024	POOL	63136	FAS001	FASTENAL COMPANY	29.09
03/14/2024	POOL	63137	UHS001	FROEDTERT SOUTH INC	382.00
03/14/2024	POOL	63138	GENCOM	GENERAL COMMUNICATIONS INC	1,820.00
03/14/2024	POOL	63139	HERITAGE	HERITAGE-CRYSTAL CLEAN LLC	232.44
03/14/2024	POOL	63140	JCLICHT	JC LICHT LLC	5.20
03/14/2024	POOL	63141	KCSHERIF	KENOSHA CO SHERIFF DEPT	64,823.48
03/14/2024	POOL	63142	LWM001	LEAGUE OF WI MUNICIPALITIES	75.00
03/14/2024	POOL	63143	MEN001	MENARDS - RACINE	989.15
03/14/2024	POOL	63144	MONROE	MONROE TRUCK EQUIPMENT INC	35.95
03/14/2024	POOL	63145	NAP001	NAPA AUTO PARTS	193.88
03/14/2024	POOL	63146	REGFEE	REGISTRATION FEE TRUST	270.50
03/14/2024	POOL	63147	PEREZ	SANDRO PEREZ	1,210.35
03/14/2024	POOL	63148	USPOST	US POSTMASTER	407.22
03/14/2024	POOL	63149	USA001	USABLUBOOK	62.74
03/14/2024	POOL	63150	WEE001	WE ENERGIES	175.88
03/14/2024	POOL	63151	WEE002	WE ENERGIES	1,793.50
03/14/2024	POOL	63152	WIDOA	WI DEPT OF ADMINISTRATION	140.00
03/14/2024	POOL	63153	WSC001	WISCONSIN SUPREME COURT	800.00

POOL TOTALS:

Total of 28 Checks:	86,054.88
Less 0 Void Checks:	0.00
Total of 28 Disbursements:	<u>86,054.88</u>

03/21/2024 12:59 PM  
 User: HKRUK  
 DB: Somers

CHECK REGISTER FOR VILLAGE OF SOMERS  
 CHECK DATE FROM 03/21/2024 - 03/21/2024

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
03/21/2024	POOL	192(E)	KWIKTRIP	KWIK TRIP INC	4,167.57
03/21/2024	POOL	193(E)	SAMSMC	SAM'S CLUB MC/SYNCB	2,833.92
03/21/2024	POOL	194(E)	WID002	WI DEPT OF JUSTICE	42.00
03/21/2024	POOL	63157	AED	AED ESSENTIALS INC	110.00
03/21/2024	POOL	63158	BYFUGLIEN	BYFUGLIEN INC	273.76
03/21/2024	POOL	63159	SPECTRUM	CHARTER COMMUNICATIONS	139.98
03/21/2024	POOL	63160	CORE	CORE & MAIN LP	6,325.01
03/21/2024	POOL	63161	GENCOM	GENERAL COMMUNICATIONS INC	1,958.00
03/21/2024	POOL	63162	HLK001	HOERNEL LOCK & KEY INC	18.95
03/21/2024	POOL	63163	JCLICHT	JC LICHT LLC	67.10
03/21/2024	POOL	63164	KTC001	KENOSHA TROPHY COMPANY	12.00
03/21/2024	POOL	63165	MCDEVITTS	MCDEVITTS TOWING & REPAIR	225.54
03/21/2024	POOL	63166	MEN001	MENARDS - RACINE	387.53
03/21/2024	POOL	63167	QUADIENT	QUADIENT FINANCE USA INC	1,003.00
03/21/2024	POOL	63168	R&RINS	R & R INSURANCE SERVICES INC	19,364.00
03/21/2024	POOL	63169	RICOHUSA	RICOH USA, INC	193.43
03/21/2024	POOL	63170	USPOST	US POSTMASTER	478.67
03/21/2024	POOL	63171	WEE001	WE ENERGIES	1,012.92
03/21/2024	POOL	63172	WEE001	WE ENERGIES	9,600.64
03/21/2024	POOL	63173	WEE001	WE ENERGIES	4,169.41

POOL TOTALS:

Total of 20 Checks:	52,383.43
Less 0 Void Checks:	0.00
Total of 20 Disbursements:	52,383.43



**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

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**MEETING DATE:** March 26<sup>th</sup>, 2024

**TO:** Village President Stoner and Village Trustees

**PREPARED BY:** Brandi Baker, Clerk-Treasurer

**AGENDA ITEM:** #7 Discussion with Brian Waldherr, DOR Alcohol and Tobacco agent reviewing the upcoming alcohol Renewals.

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**BACKGROUND:**

Alcohol licenses expire on June 30<sup>th</sup> of each year. Before the beginning of the renewal season, we invited the Alcohol and Tobacco Agent from the Department of Revenue for the Somers area, Brian Waldherr.

**UPDATE:**

Mr. Waldherr has agreed to attend a meeting to explain and answer some of the questions that we might have regarding the annual process.



**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

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**MEETING DATE:** March 26<sup>th</sup>, 2024

**TO:** Village President Stoner and Village Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #8 Action on Resolution No. 2024-003 A Resolution Authorizing Submittal of MS4 Report

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**BACKGROUND:**

The attached Compliance Documents for Municipal Separate Storm Sewer System (MS4) Permits is a report filed annually with the DNR. The MS4 permit covers the Village's Municipal Separate Storm Sewer System. The Board must review and approve the report before it is filed through the DNR's online system.

The deadline to file this report is March 31<sup>st</sup>.

**PRIOR ACTION TAKEN:**

The Board reviewed and discussed this matter at our March 19<sup>th</sup> Work Session.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

The attached resolution approves the report and directs staff to file it with the DNR. Staff recommends approval. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

*“Motion to approve Resolution 2024-003 regarding approval of MS4 Compliance Document and directing Staff to submit the same with DNR.”*

**ATTACHMENTS:**

Resolution No. 2024-003 Authorizing Submittal of MS4 Report

Compliance Documents for Municipal Separate Storm Sewer System (MS4) Permits

RESOLUTION NO. 2024-003

WHEREAS, the Village of Somers is under the required Wisconsin Department of Natural Resources MS4 Permit; and

WHEREAS, the MS4 Permit has as a condition of continued compliance that the Village file an annual report; and

WHEREAS, the Annual Report has been made available to the Village Board for reviewing and viewing for the General Public through the Village Clerk/Treasurer; and

WHEREAS, the Annual Report by action of the Village Board has been adopted.

NOW THEREFORE be it resolved that the Village of Somers Village Board hereby authorize the submittal of the Annual MS4 Report.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, Village President

Attest: \_\_\_\_\_  
Brandi Baker, Village Clerk/Treasurer

This resolution has been passed by the Village Board of Trustees for the Village of Somers, Wisconsin, this \_\_\_\_\_ day of March 2024.

# Submittal of Annual Reports and Other Compliance Documents for Municipal Separate Storm Sewer System (MS4) Permits

NOTE: Missing or incomplete fields are highlighted at the bottom of each page. You may save, close and return to your draft permit as often as necessary to complete your application. After 120 days your draft is **deleted**.

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Form 3400-224(R8/2021)

## Reporting Information :

Will you be completing the Annual Report or other submittal type?  Annual Report  Other

**Project Name:** 2023 Annual Report

**County:** Kenosha

**Municipality:** Somers, Village & Town

**Permit Number:** S050075

**Facility Number:** 31159

**Reporting Year:** 2023

Is this submittal also satisfying an Urban Nonpoint Source Grant funded deliverable?  Yes  No

## Required Attachments and Supplemental Information

Please complete the contents of each tab to submit your MS4 permit compliance document. The information included in this checklist is necessary for a complete submittal. A complete and detailed submittal will help us review about your MS4 permit document. To help us make a decision in the shortest amount of time possible, the following information must be submitted:

### Annual Report

- Review related web site and instructions for [Municipal storm water permit eReporting](#) [Exit Form]
- Complete all required fields on the annual report form and upload required attachments
- Attach the following other supporting documents as appropriate using the attachments tab above
  - Public Education and Outreach Annual Report Summary
  - Public Involvement and Participation Annual Report Summary
  - Illicit Discharge Detection and Elimination Annual Report Summary
  - Construction Site Pollution Control Annual Report Summary
  - Post-Construction Storm Water Management Annual Report Summary
  - Pollution Prevention Annual Report Summary
    - Leaf and Yard Waste Management
    - Municipal Facility (BMP) Inspection Report
    - Municipal Property SWPPP
    - Municipally Property Inspection Report
    - Winter Road Maintenance
  - Storm Sewer Map Annual Report Attachment
  - Storm Water Quality Management Annual Report Attachment

- TMDL Attachment
  - Storm Water Consortium/Group Report
  - Municipal Cooperation Attachment
  - Other Annual Report Attachment
- Attach the following permit compliance documents as appropriate using the attachments tab above
- Storm Water Management Program
    - Public Education and Outreach Program
    - Public Involvement and Participation Program
    - Illicit Discharge Detection and Elimination Program
    - Construction Site Pollutant Control Program
    - Post-Construction Storm Water Management Program
    - Pollution Prevention Program
      - Municipal Storm Water Management Facility (BMP) Inventory
      - Municipal Storm Water Management Facility (BMP) Inspection and Maintenance Plan
  - Total Maximum Daily Load documents *(\*If applicable, see permit for due dates.)*
    - TMDL Mapping\*
    - TMDL Modeling\*
    - TMDL Implementation Plan\*
    - Fecal Coliform Screening Parameter \*
    - Fecal Coliform Inventory and Map *(S050075-03 general permittees Appendix B B.5.2 – document due to the department by March 31, 2022)*
    - Fecal Coliform Source Elimination Plan *(S050075-03 general permittees Appendix B - document due to the department by October 31, 2023)*
- Sign and Submit form

**Municipal Contact Information- Complete**

**Notice:** Pursuant to s. NR 216.07(8), Wis. Adm. Code, an owner or operator of a Municipal Separate Storm Sewer System (MS4) is required to submit an annual report to the Department of Natural Resources (Department) by March 31 of each year to report on activities for the previous calendar year ("reporting year"). This form is being provided by the Department for the user's convenience for reporting on activities undertaken in each reporting year of the permit term. Personal information collected will be used for administrative purposes and may be provided to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

**Note:** Compliance items must be submitted using the Attachments tab.

**Municipality Information**

**Name of Municipality** Somers, Village & Town

**Facility ID # or (FIN):** 31159

**Updated Information:**  Check to update mailing address information

**Mailing Address:** PO Box 197

**Mailing Address 2:**

**City:** Somers, Village & Town

**State:** WI

**Zip Code:** 53171 xxxxx or xxxxx-xxxx

**Primary Municipal Contact Person (Authorized Representative for MS4 Permit)**

The "Authorized Representative" or "Authorized Municipal Contact" includes the municipal official that was charged with compliance and oversight of the permit conditions, and has signature authority for submitting permit documents to the Department (i.e., Mayor, Municipal Administrator, Director of Public Works, City Engineer).

Select to **create new** primary contact

**First Name:** Jason

**Last Name:** Peters

Select to **update** current contact information

**Title:** Administrator

**Mailing Address:** PO Box 197

**Mailing Address 2:**

**City:** Somers

**State:** WI

**Zip Code:** 53171 xxxxx or xxxxx-xxxx

**Phone Number:** 262-859-2822 Ext: xxx-xxx-xxxx

**Email:** jpeters@somers.org

**Additional Contacts Information (Optional)**

I&E Program

Individual with responsibility for:  
(Check all that apply)

- IDDE Program
- IDDE Response Procedure Manual
- Municipal-wide Water Quality Plan
- Ordinances
- Pollution Prevention Program
- Post-Construction Program
- Winter roadway maintenance

First Name: Andrew

Last Name: Kreye

Title: Public Works Super.

Mailing Address: PO Box 197

Mailing Address 2:

City: Somers

State: WI

Zip Code: 53171      xxxxx or xxxxx-xxxx

Phone Number: 262-859-2822      Ext:      xxx-xxx-xxxx

Email: akreye@somers.org

### Municipal Billing Contact Person (Authorized Representative for MS4 Permit)

Select to **create new** Billing contact

First Name: Jason

Last Name: Peters

Select to **update** current contact information

Title: Village Administrator

Mailing Address: PO Box 197

Mailing Address 2:

City: Somers

State: WI

Zip Code: 53171      xxxxx or xxxxx-xxxx

Phone Number: 262-859-2822      Ext:      xxx-xxx-xxxx

Email: jpeters@somers.org

1. Does the municipality rely on another entity to satisfy some of the permit requirements?

Yes    No

Public Education and Outreach   Root Pike Win Watershed Network

Public Involvement and Participation   Root Pike Win Watershed Network

Illicit Discharge Detection and Elimination

- Construction Site Pollutant Control \_\_\_\_\_
- Post-Construction Storm Water Management \_\_\_\_\_
- Pollution Prevention

2. Has there been any changes to the municipality's participation in group efforts towards permit compliances (i.e., the municipality has added or dropped consortium membership)?

- Yes  No

### Missing Information

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7.

**Minimum Control Measures- Section 1 : Complete**

**1. Public Education and Outreach**

- a. Does MS4 conduct any educational efforts or events independently (not with a group)  Yes  No
- b. How many total educational events were held during the reporting year:
- c. Were any of the public education and outreach delivery mechanisms conducted during the reporting year active or interactive?  Yes  No
- d. Please select all storm water topics, target audiences, and delivery mechanisms used in the reporting year

Public Education and Outreach Delivery Mechanisms (Active and Passive)	
Active/Interactive Mechanisms	Passive Mechanisms
<input checked="" type="checkbox"/> Education activities (school presentations, summer camps) <input checked="" type="checkbox"/> Information booth at event <input checked="" type="checkbox"/> Targeted group training (contractors, consultants, etc.) <input checked="" type="checkbox"/> Government event (public hearing, council meeting) <input checked="" type="checkbox"/> Workshops <input type="checkbox"/> Tours <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> Passive print media (brochures at front desk, posters, etc.) <input checked="" type="checkbox"/> Distribution of print media (mailings, newsletters, etc.) via mail or email. <input checked="" type="checkbox"/> Media offerings (radio and TV ads, press release, etc.) <input checked="" type="checkbox"/> Social media posts <input type="checkbox"/> Signage <input checked="" type="checkbox"/> Website <input type="checkbox"/> Other: <input type="text"/>

Topics Covered	Target Audience
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input checked="" type="checkbox"/> Stream and shoreline management <input checked="" type="checkbox"/> Residential infiltration <input checked="" type="checkbox"/> Construction sites and post-construction storm water management <input checked="" type="checkbox"/> Pollution prevention <input checked="" type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input checked="" type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input checked="" type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input checked="" type="checkbox"/> Industries <input checked="" type="checkbox"/> Public Officials <input type="checkbox"/> Other: <input type="text"/>

- e. Will additional information/summary of these education events be attached to the annual report?  Yes  No

If no, please provide additional comment in the brief explanation box below. *Limit response to 250 characters and/or attach supplemental information on the attachments page.*

See attached

## Missing Information

Do not close your work until you SAVE.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

### Minimum Control Measures - Section 2 : Complete

#### 2. Public Involvement and Participation

a. Permit Activities. Select all of the following topics the Permittee did to engage public participation and involvement.

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> MS4 Annual Report <input checked="" type="checkbox"/> Storm Water Management Program <input type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Public Officials <input type="checkbox"/> Other	101 +	<input checked="" type="radio"/> Yes <input type="radio"/> No

b. Volunteer Activities. Select all of the following audiences targeted for volunteer involvement and participation related to storm water.

NA (Individual Permittee)

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
Volunteer Opportunity	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Public Officials <input type="checkbox"/> Other	1 - 10	<input type="radio"/> Yes <input checked="" type="radio"/> No

c. Brief explanation on Public Involvement and Participation reporting. *Limit response to 250 characters and/or attach supplemental information on the attachments page.*

This education and outreach report and associated activities were produced and executed by Root-Pike WIN's Respect Our Waters Program. Please contact the program manager with questions: [laura@rootpikewin.org](mailto:laura@rootpikewin.org).

## Missing Information

Do not close your work until you **SAVE**.

**Note:** For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

## Minimum Control Measures - Section 3 : Complete

### 3. Illicit Discharge Detection and Elimination

- a. How many total outfalls does the municipality have?
- b. How many outfalls did the municipality evaluate as part of their routine ongoing field screening program?
- c. From the municipality's routine screening, how many were confirmed illicit discharges?
- d. How many illicit discharge complaints did the municipality receive?
- e. From the complaints received, how many were confirmed illicit discharges?
- f. How many of the identified illicit discharges did the municipality eliminate in the reporting year (from both routine screening and complaints)?

(If the sum of 3.c. and 3.e. does not equal 3.f., please explain below.)

- g. What types of regulatory mechanisms does the municipality have available to compel compliance with this program? Check all that are available and how many times each were used in the reporting year.

- Verbal Warning
- Written Warning (including email)
- Notice of Violation
- Civil Penalty/ Citation

Additional Information: \_\_\_\_\_

- h. Brief explanation on Illicit Discharge Detection and Elimination reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

N/A

## Missing Information

Do not close your work until you **SAVE**.

**Note:** For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

## Minimum Control Measures - Section 4 : Complete

#### 4. Construction Site Pollutant Control

- a. How many total construction sites with one acre or more of land disturbing construction activity were active at any point in the reporting year?
- b. How many construction sites with one acre or more of land disturbing construction activity did the municipality issue permits for in the reporting year?
- c. How many erosion control inspections did the municipality complete in the reporting year (at sites with one acre or more of land disturbing construction activity)?

- d. What types of regulatory mechanisms does the municipality have available to compel compliance with this program? Check all that are available and how many times each were used in the reporting year.

- |   |                                |
|---|--------------------------------|
| <input checked="" type="checkbox"/> Verbal Warning                    | <input type="text" value="5"/> |
| <input checked="" type="checkbox"/> Written Warning (including email) | <input type="text" value="8"/> |
| <input checked="" type="checkbox"/> Notice of Violation               | <input type="text" value="0"/> |
| <input checked="" type="checkbox"/> Civil Penalty/ Citation           | <input type="text" value="0"/> |
| <input checked="" type="checkbox"/> Stop Work Order                   | <input type="text" value="1"/> |
| <input checked="" type="checkbox"/> Forfeiture of Deposit             | <input type="text" value="0"/> |
| <input type="checkbox"/> Other - Describe below                       | <input type="text"/>           |

- e. Brief explanation on Construction Site Pollutant Control reporting . *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

New building inspector has implemented system to increase & document erosion control inspections.

#### Missing Information

**Do not close** your work until you **SAVE**.

**Note:** For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

#### Minimum Control Measures - Section 5 : Complete

#### 5. Post-Construction Storm Water Management

- a. How many new structural storm water management Best Management Practice (BMP) have received local approval ?   
\*Engineered and constructed systems that are designed to provide storm water quality control such as wet detention ponds, constructed wetlands, infiltration basins, grassed swales, permeable pavement,
- b. Does the MS4 have procedures for inspecting and maintaining private storm water facilities?  Yes  No

c. If Yes, how many privately owned storm water management facilities were inspected in the reporting year ? Inspections completed by private landowners should be included in the reported number.

d. Does the municipality utilize privately owned storm water management BMP in its pollutant reduction analysis?  Yes  No

e. Does MS4 have maintenance authority on these privately owned BMPs?

f. How many municipally operated (private) storm water management BMPs were inspected in the reporting year?

g. What types of enforcement actions does the municipality have available to compel compliance with the regulatory mechanism? Check all that apply and enter the number of each used in the reporting year.

- Verbal Warning
- Written Warning (including email)
- Notice of Violation
- Civil Penalty/ Citation
- Forfeiture of Deposit
- Complete Maintenance
- Bill Responsible Party
- Other - Describe below

e. Brief explanation on Post-Construction Storm Water Management reporting . *If marked 'Unsure' on any questions above, justify your reasoning. Limit your response to 250 characters and/or attach supplemental information on the attachments page.*

Projects with new facilities enter into a Declaration of Stormwater Facilities plan as apart of DA. Since 2022 Village has allocated funds to test the depths of detention ponds, due to mild winters in 2022 & 2023 testing has not taken place

### Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

## Minimum Control Measures - Section 6 : Complete

### 6. Pollution Prevention

Storm Water Management Best Management Practice Inspections  Not Applicable

a. Enter the total number of municipally owned or operated (i.e., privately

owned BMPs) structural storm water management best management practices.

- b. How many new municipally owned storm water management best management practices were installed in the reporting year?
- c. How many municipally owned (public) storm water management best management practices were inspected in the reporting year?
- d. What elements are looked at during inspections (250 character limit)?
- e. How many of these facilities required maintenance?
- f. Brief explanation on Storm Water Management Best Management Practice inspection reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Public Works Yards & Other Municipally Owned Properties that require a stormwater pollution prevention plan (SWPPP)\*  Not Applicable

- g. How many municipal properties require a SWPPP?
- h. How many inspections of municipal properties have been conducted in the reporting year?
- i. Have amendments to the SWPPPs been made?  
 Yes  No
- j. If yes, describe what changes have been made. Limit response to 250 characters and/or attach supplemental information on the attachment page:
- k. Brief explanation on Storm Water Pollution Prevention Plan reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

\* Any municipally owned property that has the potential to generate stormwater pollution should have a SWPPP. For example, if a municipal property stores compost piles, material storage, yard wastes, etc., outside and can contaminate stormwater runoff—a SWPPP is required.

Collection Services - *Street Sweeping Program*  Not Applicable

- l. Did the municipality conduct street sweeping during the reporting year?  
 Yes  No
- m. If known, how many tons of material was removed?
- n. Does the municipality have a [low hazard exemption](#) for this material?  Yes  No
- o. If street sweeping is identified as a storm water best management practice in the

pollutant loading analysis, was street cleaning completed at the assumed frequency?

- Yes - Explain frequency \_\_\_\_\_
- No - Explain \_\_\_\_\_
- Not Applicable

Collection Services - *Catch Basin Sump Cleaning Program*  Not Applicable

- p. Did the municipality conduct catch basin sump cleaning during the reporting year?  Yes  No
- q. How many catch basin sumps were cleaned in the reporting year?
- r. If known, how many tons of material was collected?
- s. Does the municipality have a low hazard exemption for this material?  Yes  No
- t. If catch basin sump cleaning is identified as a storm water best management practice in the pollutant loading analysis, was cleaning completed at the assumed frequency?
  - Yes- Explain frequency Village attempts to complete 45 per year
  - No - Explain \_\_\_\_\_
  - Not Applicable

Collection Services - *Leaf Collection Program*  Not Applicable

- u. Does the municipality conduct curbside leaf collection?  Yes  No
- v. Does the municipality notify homeowners about pickup?  Yes  No
- w. Where are the residents directed to store the leaves for collection?
  - Pile on terrace  Pile in street  Bags on terrace
  - Other - Describe Yard Waste Disposal Site at Village/Town Hall
- x. What is the frequency of collection?  
Site is open from Spring to late Fall
- y. Is collection followed by street sweeping?  Yes  No
- z. Brief explanation on Collection Services reporting. *Limit response to 250 characters and/or attach supplemental information on the attachments page*

Winter Road Management  Not Applicable

\*Note: We are requesting information that goes beyond the reporting year, answer the best you can.

- aa. How many lane-miles of roadway is the municipality responsible for doing snow and ice control? (*One mile of a two-way road equals two lane miles.*)
- ab. Provide amount of de-icing products used by month last winter season?  
Solids (tons) (ex. sand, or salt-sand)

Product	Oct	Nov	Dec	Jan	Feb	Mar
Salt	0	36	3	112	0	0

Liquids (gallons) (ex. brine)

	Oct	Nov	Dec	Jan	Feb	Mar
None						

ac. Was salt applying machinery calibrated in the reporting year?  Yes  No

ad. Have municipal personnel attended salt reduction strategy training in the reporting year?  Yes  No

Training Date	Training Name	# Attendance

ae. Brief explanation on Winter Road Management reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page*

Staff traditionally attends Salt Wise Training. All Public Works Employees are counseled on salt usage prior to road salting event.

Internal (Staff) Education & Communication

af. Has the municipality provided an opportunity for internal training or education to staff implementing the municipality's procedures for each of the pollution prevention program element?  Yes  No

If yes, describe what training was provided (250 character limit):

Newly hired employees trained in pollution prevention strategies

ag. Describe how the municipality has kept the following local officials and municipal staff aware of the municipal storm water discharge permit programs, procedures and pollution prevention program requirements.

Elected Officials

Work Session

Municipal Officials

Work Sessions

Appropriate Staff ( such as operators, Department heads, and those that interact with public)

Staff meetings and seminars

ah. Brief explanation on Internal Education reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Appropriate staff given copies of Somers Storm Water Management Program.

Missing Information

## Minimum Control Measures - Section 7 : Complete

### 7. Storm Sewer System Map

- a. Did the municipality update their storm sewer map this year?

Yes  No

If yes, check the areas the map items that got updated or changed:

Storm water treatment facilities

Storm pipes

Vegetated swales

Outfalls

Other - Describe below

- b. Brief explanation on Storm Sewer System Map reporting. *If you marked Unsure for an question for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

GPS of manholes, culvers, storm basis, etc has been completed. Waiting on consultant to incorporate new data into GIS Mapping.

## Missing Information

Do not close your work until you SAVE.

Form 3400-224 (R8/2021)

## Final Evaluation - Complete

### Fiscal Analysis

Complete the fiscal analysis table provided below. For municipalities that do not break out funding into permit program elements, please enter the monetary amount to your best estimate of what funding may be going towards these programs.

Annual Expenditure Reporting Year	Budget Reporting Year	Budget Upcoming Year	Source of Funds
-----------------------------------	-----------------------	----------------------	-----------------

**Element:** Public Education and Outreach

1192	1169	1192	<u>Storm water utility</u>
------	------	------	----------------------------

**Element:** Public Involvement and Participation

1192	1169	1192	<u>Storm water utility</u>
------	------	------	----------------------------

**Element:** Illicit Discharge Detection and Elimination

100	100	100	<u>Storm water utility</u>
-----	-----	-----	----------------------------

**Element:** Construction Site Pollutant Control

300	300	300	<u>Storm water utility</u>
-----	-----	-----	----------------------------

**Element:** Post-Construction Storm Water Management

1000	2000	2000	<u>Storm water utility</u>
------	------	------	----------------------------

**Element:** Pollution Prevention

1000	1000	1000	<u>Storm water utility</u>
------	------	------	----------------------------

**Other (describe)**

DNR 2023 Storm Water Environmental Fee			
--	--	--	--

1000	1000	1000	<u>Storm water utility</u>
------	------	------	----------------------------

Please provide a justification for a "0" entered in the Fiscal Analysis. *Limit response to 250 characters.*

### Water Quality

a: Were there any known water quality improvements in the receiving waters to which the

municipality's storm sewer system directly discharges to?

Yes  No  Unsure      If Yes, explain below:

**b:** Were there any known water quality degradation in the receiving waters to which the municipality's storm sewer system directly discharges to?

Yes  No  Unsure      If Yes, explain below:

**c:** Have any of the receiving waters that the municipality discharges to been added to the impaired waters list during the reporting year?

Yes  No  Unsure

**d:** Has the municipality evaluated their storm water practices to reduce the pollutants of concern?

Yes  No  Unsure

### Storm Water Quality Management

**a.** Has the municipality completed or updated modeling in the reporting year (relating to developed urban area performance standards of s. NR 151.13(2)(b)1., Wis. Adm. Code)?  Yes  No

**b.** If yes, enter percent reduction in the annual average mass discharging from the entire MS4 to surface waters of the state as compared to implementing no storm water management controls:

Total suspended solids (TSS)

Total phosphorus (TP)

### Additional Information

Based on the municipality's storm water program evaluation, describe any proposed changes to the municipality's storm water program. *If your response exceeds the 250 character limit, attach supplemental information on the attachments page.*

In 2023, Storm Water Utility hired Strand & Associates begin study of stormwater & identify new projects. PIM held in June. Priority list developed.

Do not close your work until you SAVE.

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Form 3400-224 (R8/2021)

**Requests for Assistance on Understanding Permit Programs**

Would the municipality like the Department to contact them about providing more information on understanding any of the Municipal Separate Storm Sewer Permit programs?

Please select all that apply:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Pollutant Control
- Post-Construction Storm Water Management
- Pollution Prevention
- Storm Water Quality Management
- Storm Sewer System Map
- Water Quality Concerns
- Compliance Schedule Items Due
- MS4 Program Evaluation

Do not close your work until you SAVE.

Form 3400-224(R8/2021)

## Required Attachments and Supplemental Information

Any other MS4 program information for inclusion in the Annual Report may be attached on here. Use the Add Additional Attachments to add multiple documents.

Upload Required Attachments (15 MB per file limit) - [Help reduce file size and trouble shoot file uploads](#)

\*Required Item

**Note:** To replace an existing file, use the 'Click here to attach file ' link or press the to delete an item.

### Attach - Other Supporting Documents

#### AR EO

 File Attachment

[2024.02.26 ADM DNR MS4 Synopsis - ROW 2023 - Village and Town of Somers.pdf](#)

#### AR IP

 File Attachment

[2024.02.02 ADM DNR 2023 MS4 Slide Deck - ROW 2023 - Village and Town of Somers.pdf](#)

#### AR EO

 File Attachment

[2024.02.02 ADM DNR 2023 MS4 Survey Results - ROW 2023 - Village and Town of Somers.pdf](#)

(To remove items, use your cursor to hover over the attachment section. When the drop down arrow appears, select remove item)

### Attach - Permit Compliance Documents

#### EO Program

 File Attachment

[2024.03.14 ADM DNR 2023 MS4 Somers Storm Water Management Program Section 2 - Public Education and Outreach w Appendix A.pdf](#)

#### IP Program

 File Attachment

[2024.03.14 ADM DNR 2023 MS4 Somers Storm Water Management Program Section 3 - Public Involvement and Participation w Appendix A.pdf](#)

#### IDDE Program

 File Attachment

[2024.03.14 ADM DNR 2023 MS4 Somers Storm Water Management Program Section 4 - Illicit Discharge Detection and Elimination Appendix B C.pdf](#)

#### CS Program

 File Attachment

[2024.03.14 ADM DNR 2023 MS4 Somers Storm Water Management Program Section 5 - Construction Site Pollutant Control Appendix D.pdf](#)

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## PP BMPInsp

 File Attachment

[2024.03.14 ADM DNR 2023 MS4 Somers Storm Water Management Program Section 7 - Pollution Prevention Appendix E.pdf](#)

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## CS Program

 File Attachment

[2023.10.16 DNR MS4 2023 LTR DNR Repsonse Executed.pdf](#)

(To remove items, use your cursor to hover over the attachment section. When the drop down arrow appears, select remove item)

## Missing Information

**Draft and Share PDF Report with the permittee's governing body or delegated representatives.**

Press the button below to create a PDF. The PDF will be sent to the email address associated with the WAMS ID that is signed in. After the annual report has been reviewed by the governing body or delegated representative, return to the MS4 eReporting System to submit the final report to the DNR.

[Draft and Share PDF Report](#)

## Sign and Submit Your Application

### Steps to Complete the signature process

1. Read and Accept the Terms and Conditions
2. Press the Submit and Send to the DNR button

**NOTE:** For security purposes all email correspondence will be sent to the address you used when registering your WAMS ID. This may be a different email than that provided in the application. For information on your WAMS account click [HERE](#).

### Terms and Conditions

**Certification:** I hereby certify that I am an authorized representative of the municipality covered under Somers, Village & Town MS4 Permit for which this annual report or other compliance document is being submitted, and that the information contained in this submittal and all attachments were gathered and prepared under my direction or supervision. Based on my inquiry of the person or persons under my direction or supervision involved in the preparation of this document, to the best of my knowledge, the information is true, accurate, and complete. I further certify that the municipality's governing body or delegated representatives have reviewed or been apprised of the contents of this annual report. I understand that Wisconsin law provides severe penalties for submitting false information.

Signee (must check current role prior to accepting terms and conditions)

- Authorized municipal contact using WAMS ID.
- Delegation of Signature Authority ( Form 3400-220 ) for agent signing on the behalf of the authorized municipal contact.
- Agent seeking to share this item with authorized municipal contact (authorized municipal contact must get WAMS id and complete signature).

**Name:**

**Title:**

Authorized Signature.

- I accept the above terms and conditions.

After providing the final authorized signature, the system will send an email to the authorized party and any agents. This email will include a copy to the final read only version of this application.

**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

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**MEETING DATE:** March 26<sup>th</sup>, 2024

**TO:** Village President Stoner and Village Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #9 Action on proposed Resolution No. 2024-004, A Resolution to rescind Previous Resolution No. 2022-003 Which Supported a Request to the Wisconsin Department of Transportation to Eliminate the North Bound Left Turn Lane from STH 31 to 35<sup>th</sup> Street and Request that Said North Bound Turn Lane Be Re-Opened

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**BACKGROUND:**

In 2022, the Village passed Resolution 2022-003. This Resolution was in response to an increase in crashes at the North Bound left turn lane from STH 31 to 35<sup>th</sup> Street. The crashes involved vehicles heading south, striking vehicles crossing west to 35<sup>th</sup> Street. After this Resolution was submitted to the DOT, the north bound left turn lane was “shut off.”

At our July 5<sup>th</sup>, 2023 Work Session, the Board received an update from Administrator Peters regarding possible work the DOT was considering at this intersection. The DOT had informed the Village that they had completed a Highway Safety Inspection Program (HISP) Application. This document states that the DOT is considering permanently closing the left turn lane. On June 6<sup>th</sup>, 2023 Administrator Peters and President Stoner met with two DOT engineers to inquire about the possibility of traffic lights being installed at this crossing, as opposed to a permanent closure.

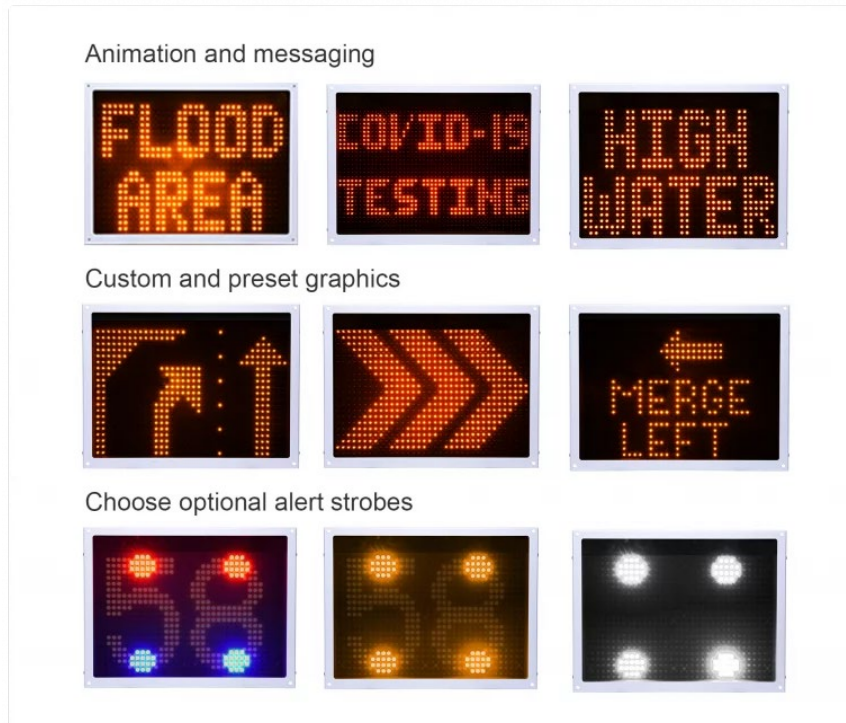
President Stoner and Administrator Peters met with representatives from DOT and the City of Kenosha on June 22<sup>nd</sup>, 2023 to further discuss the possibility of traffic lights. The DOT seemed open to studying the matter.

On September 28<sup>th</sup>, 2023 President Stoner and Administration held a meeting with the DOT, City of Kenosha, and Kenosha County to discuss DOT’s further findings regarding the crossing. The DOT has concluded that the design of the crossing was not the complete cause of the fatal accidents. The main factors of the crashes were speed, alcohol and drugs. Administration was provided with crash reports for these incidents.

Based on these findings the DOT is willing to halt their HISP application and reopen of the North Bound left turn lane from STH 31 to 35<sup>th</sup> Street. The DOT also discussed the option of changing the signal patterns at STH 31 and 31<sup>st</sup> Street. The City, County and Village also discussed an increase in law enforcement presence in this area due to the beforementioned “main factors.”

On October 9<sup>th</sup>, 2023, President Stoner and Administration met with the Sheriff’s department to discuss the possible reopening of this crossing. If this crossing were to reopen, we informed the Sheriff’s department that increased enforcement in this area would be requested. On October 17<sup>th</sup>, 2023 the Board discussed whether they would be supportive of taking action on a Resolution to rescind 2022-003 and support the reopening of the crossing in question. During this Work Session, the Board discussed the pros and cons of re-opening the crossing. The matter was further discussed at our November 7<sup>th</sup>, 2023 Work Session and a proposed Resolution was reviewed.

On February 6<sup>th</sup>, the Board reviewed the matter again during a Work Session. At said Work Session, President Stoner informed the Board of the possibility of installing additional flashing signage. He has suggested to the DOT that a Stalker Street Dynamics Speed Sign be installed. Stalker states that a dynamic sign can “show any message or graphic that you desire. Its full-matrix design can be programmed to show any character, number, or shape – it is not just a speed sign! You can also string together a series of messages together into sequences if you have more information to communicate.” An example that could be used to deter speeders in this area is the flashing red and blue lights in the bottom right corner.



The cost to install the solar version of the sign would be \$8,238. The cost to “hard wire” would be \$6,670. DOT has indicated that the sign would be on the outside shoulder north of the 35<sup>th</sup> St. intersection of the south bound lanes of STH 31. They have also stated that

maintenance of the proposed Dynamic Speed Sign would be the responsibility of the municipality. Based on our discussion the DOT engineers indicated that because the HSIP application had been filed, the Village would need to rescind the Resolution for the DOT to reopen the North Bound left turn lane from STH 31 to 35<sup>th</sup> Street. At this time the Board requested additional meetings with the DOT.

On February 21st, Administration, Chief Andersen, Sheriff's Department, President Stoner, Trustee Nelson, Trustee Ostby and Trustee Harbach met with the DOT in regards to the possible reopening of the Westbound turn lane off of STH 31 to 35th Street. The DOT provided a timeline of events and explained the safety studies they have completed and listened to questions from the group. The DOT took these questions and stated that they would get back to the Village.

On March 13th, Administration, Chief Andersen, President Stoner, Trustee Nelson, Trustee Ostby and Trustee Harbach meet with the DOT to review their updated information. This information included data that was collected during the DOT's speed studies. Attached you will find an email from the DOT that summarized the questions from our February 21<sup>st</sup> meeting and the answers they provided. After our meeting on the 13<sup>th</sup>, the DOT provided additional information regarding the data and steps that will be taken if the turn lane is reopened. This information is attached.

#### PRIOR ACTION TAKEN:

This matter was reviewed and discussed on the following dates:

- July 5<sup>th</sup>, 2023 Work Session
- February 6<sup>th</sup>, 2024 Work Session
- February 13<sup>th</sup>, 2024 Board Meeting; and
- March 19<sup>th</sup>, 2024 Work Session

#### SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

The DOT is seeking direction from the Board. The DOT would like this information as soon as possible so they do not miss their window on the HSIP application. If the Village Board wishes to move forward with the proposed Resolution, a suggested motion to approve would be as follows:

*“Motion to approve proposed Resolution No. 2024-004, A Resolution to rescind Previous Resolution No. 2022-003 Which Supported a Request to the Wisconsin Department of Transportation to Eliminate the North Bound Left Turn Lane from STH 31 to 35th Street and Request that Said North Bound Turn Lane Be Re-Opened”*

#### ATTACHMENTS:

Map

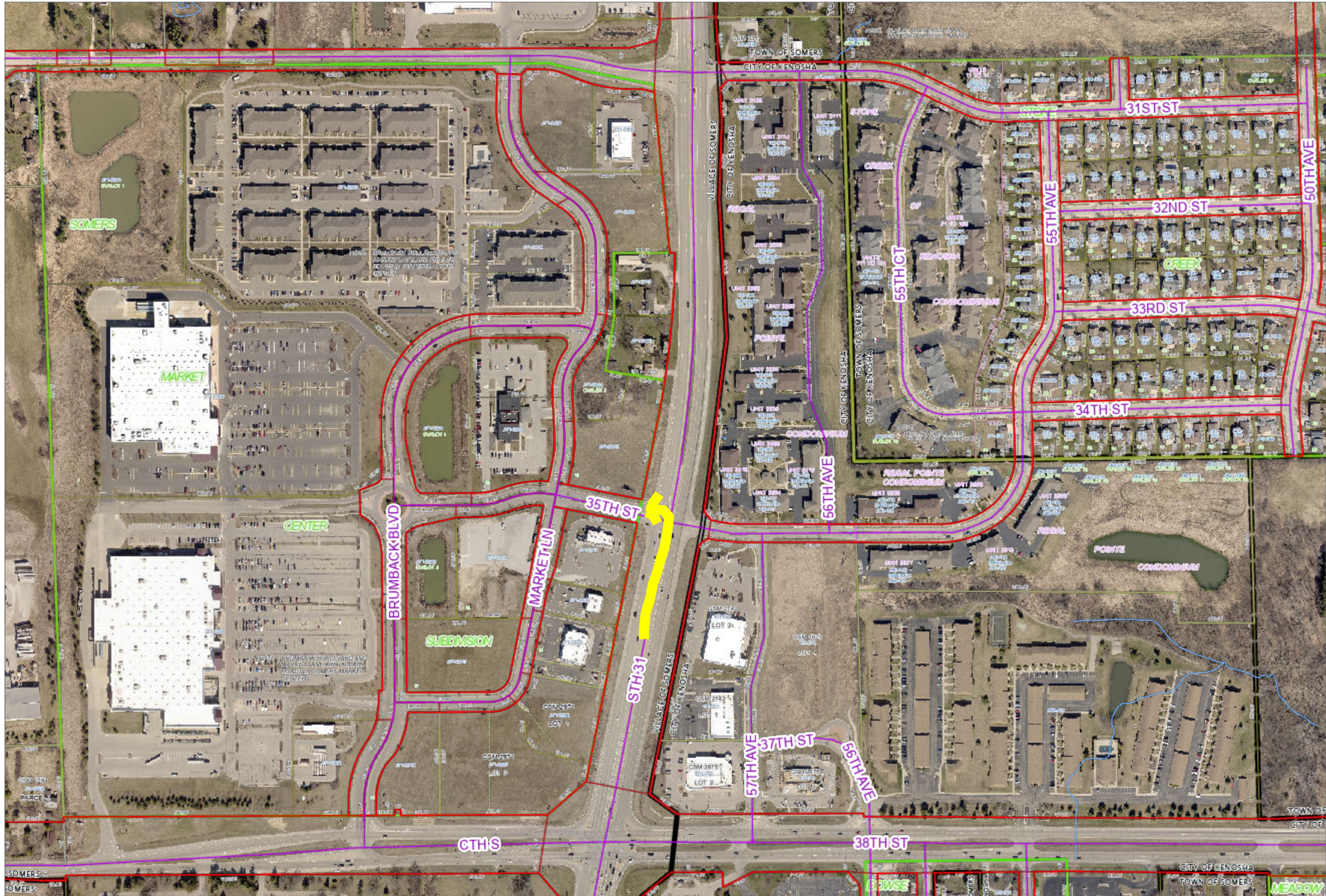
Proposed Resolution 2022-003

Proposed Resolution 2024-004

DOT Timeline from February 21<sup>st</sup>, 2024

DOT Email from March 1<sup>st</sup>, 2024

DOT Email from March 14<sup>th</sup>, 2024



1:3,831

RESOLUTION 2022-003

A RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF SOMERS SUPPORTING THE WISCONSIN DEPARTMENT OF TRANSPORTATION ELIMINATING THE NORTH BOUND LEFT TURN LANE FROM STH 31 TO 35<sup>TH</sup> STREET

WHEREAS, State Highway 31 traverses the Village of Somers: and

WHEREAS, Recent crash data indicates that the North Bound left turn lane from STH 31 on 35<sup>th</sup> Street has experienced an unacceptable volume of high severity crashes.

WHEREAS, In the interest of public safety the Department of Transportation is proposing to eliminate the above referenced turn lane; and

WHEREAS, Representatives from the Department of Transportations' analysis of recent crashes indicates that the best solution to improve safety at this North bound movement is to eliminate the above referenced turn lane; and

WHEREAS, In the interest of public safety the Village Board of Trustees of the Village of Somers supports the elimination of the above referenced turn lane.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees of the Village of Somers that in the interest of public safety, they support the Department of Transportation's proposal to the eliminate the west bound turn lane from STH 31 to 35<sup>th</sup> Street.

Dated at Somers, Wisconsin, this 25<sup>th</sup> day of January, 2022.



VILLAGE OF SOMERS

By: George Stoner

George Stoner, President

Attest: Mary A. Cole

Mary Ann Cole, Clerk/Treasurer

RESOLUTION 2024-004

A RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF SOMERS TO RESCIND PREVIOUS RESOLUTION 2022-003 WHICH SUPPORTED A REQUEST TO THE WISCONSIN DEPARTMENT OF TRANSPORTATION TO ELIMINATE THE NORTH BOUND LEFT TURN LANE FROM STH 31 TO 35<sup>th</sup> STREET AND TO REQUEST THAT SAID NORTH BOUND TURN LANE BE RE-OPENED

WHEREAS, State Highway 31 traverses the Village of Somers from North to South: and

WHEREAS, in January of 2022, the Village of Somers Board of Trustees passed Resolution 2022-003 in response to crashes at the North Bound left turn lane from STH 31 to 35<sup>th</sup> Street; and

WHEREAS, the above-mentioned Resolution 2022-003 requested that the Department of Transportation (herein referred to as “DOT”) eliminate said North Bound left turn lane; and

WHEREAS, in 2022, the DOT closed said North Bound left turn lane by placing traffic barriers to block access; and

WHEREAS, in July of 2023, the Village of Somers received word from the DOT that under a Highway Safety Inspection Program (HISP) Application they were considering permanent closing said North Bound left turn lane; and

WHEREAS, several businesses have reached to the Village Board of Trustees to express that the permanent closure of said North Bound turn lane has hurt the traffic flow to their locations; and

WHEREAS, based on this above referenced information, representatives from the Village of Somers, City of Kenosha, and Kenosha County met with DOT engineers to discuss other possible options, as opposed to a permanent closure; and

WHEREAS, the DOT has further studied the crashes at said North Bound left turn lane and have determined that high speed, lack of the use of seat belts, drugs and alcohol were the causes of the 2022 crashes; and

WHEREAS, the Village Board of Trustees believes the configuration of the road was not the main factor in these crashes with the main factor in these fatal accidents was excessive speed, the lack of seat belt use, the use of alcohol, and the use of drugs; and

WHEREAS, the Village of Board of Trustees encourages the DOT to continue to explore traffic calming options to avoid a permanent closure the said North Bound turn lane; and

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees of the Village of Somers supports DOT’s position to reopen the North Bound left turn lane from STH 31 to 35<sup>th</sup> Street.

Dated at Somers, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

VILLAGE OF SOMERS

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

George Stoner, President

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

Brandi Baker, Clerk/Treasurer

## **Timeline:**

- 1<sup>st</sup> fatal, Date:12/1/2020
- 2<sup>nd</sup> fatal, Date:6/15/2021
- Fatal crashes received coverage from local media / TV (Kenosha News):
- VOS sent letter to WisDOT, Date: 6/24/2021 (email from George)
- VOS passed resolution, Date: 1/25/2022 (signed)
- Additional local media / TV (Kenosha News): May 05, 2022
- WisDOT immediate response with interim closure of NB Left-turn Lane after much analysis in Summer 2022
- WisDOT initiated HSIP project Summer 2023 to permanently close NB left turn lane.
- VOS reached out to WisDOT and passed along concerns from businesses, with initial request for signalized intersection.
- WisDOT had internal meetings to discuss possible solutions.
- Meeting held (9/28/2023) with State Rep (Tip McGuire), CO Exec, Kerkman, Kenosha Mayor, VOS, WisDOT, Kenosha DPW, COK Engineering
- Challenges with traffic signal discussed at above meeting.
  - Same type of crashes can still occur at another intersection along corridor.
  - Larger intersection footprint
  - Additional real estate needs
  - Additional local funding needed (not part of HSIP project scope)
  - Intersection shared jurisdiction w/ COK
  - Would not meet signal warrants.
- Reckless Driving reduction consists of 3 E's.
  - Engineering
  - Enforcement
  - Education
- Group agreed to reopen after resolution was rescinded by VOS.
- Here to share with all the Board members
- At 9/28/23 meeting - group collaborated and came up with solutions to minimize crash possibility.
  - Dynamic Speed Limit Sign on right shoulder
  - Advanced signage of crossing street
  - Retiming of signal at 31<sup>st</sup> Street with protective NB left turn arrow to create more gaps
  - Request for additional Law Enforcement presence
  - Education: Slow Down! Buckle up! Drive sober!
  - Others?

## Dahlgren, Jason R - DOT

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**From:** Dahlgren, Jason R - DOT  
**Sent:** Friday, March 01, 2024 10:18 AM  
**To:** George Stoner  
**Cc:** Jason Peters; Clement Abongwa; Nguyen, David Q - DOT  
**Subject:** STH 31 / 35th Street: Village of Somers Follow up

Good morning George,

Following up to our meeting last Wednesday (2/21), the Village requested that the project follow up on a few items. Below in bold are the items that were noted at the meeting and WisDOT's response are shown in RED.

**Clement**, please see item #3. Are you able to provide some assistance?

- 1) **WisDOT: Update the crash rate for the STH 31 / 35<sup>th</sup> Street intersection to not include years 2017 and 2018.**
- 2) **What is the crash rate at the intersections of:**
  - **STH 31 / CTH E**
  - **STH 31 / CTH L**
  - **STH 31 / KR**
  - **STH 31 / 142**

For items 1 & 2, please refer to the table below:

Intersection	*Crash Rate (Crashes per Million Entering Vehicles)	
	Years 2017 – 2021	Years 2019 – 2021
WIS 31 & 35 <sup>th</sup> Street	0.36	0.42
WIS 31 & CTH E	0.88	0.96
WIS 31 & CTH L	0.40	0.48
WIS 31 & CTH KR	0.39	0.54
WIS 31 & CTH S – 38 <sup>th</sup> Street	1.32	1.29

\*Crash rates were calculated by using crashes mapped to intersections. Crash reports were not reviewed for the intersections. The northbound left turn lane at WIS 31 & 35<sup>th</sup> Street was closed in 2022.

- 3) **What is the crash rate at the intersection of: CTH S / Brumback Blvd.?**

Information for this intersection is not on the State System. There is AADT information for CTH S but Brumback Blvd does not appear to be mapped on the AADT count map. It also does not appear to be a public road. WisDOT was also not able to see a special intersection count for it in the intersection count spreadsheet maintained by planning. Unfortunately, WisDOT is not able to provide a crash rate for this intersection. Perhaps, Kenosha County can help since CTH S is a county road. We will need to check with Clement.

- 4) **WisDOT: Of the 23 crashes referenced at the STH 31 / 35<sup>th</sup> Street NB left turn lane, how many of those stated excess speed on the report?**

The 23 crashes referenced in the HSIP application for WIS 31 & 35th Street were reviewed and the following is a summary of the crashes that listed speed as a factor:

- 3/14/17: Northbound WIS 31 vehicle lost control on snow covered roads, driver action listed as speed too fast for conditions
- 11/14/19: Eastbound vehicle turned right from 35th St and was rear-ended by southbound WIS 31 vehicle, driver action listed as speed too fast for conditions
- 12/1/20: Northbound WIS 31 left turn crash, southbound WIS 31 driver action listed as exceed speed limit
- 2/5/21: Eastbound vehicle turned right from 35th St and was sideswiped by southbound WIS 31 vehicle, listed as slid on snow/icy road, driver action listed as speed too fast for conditions
- 6/15/21: Northbound WIS 31 left turn crash, southbound WIS 31 vehicle noted as traveling at “high rate of speed” in diagram narrative, driver action listed as speed too fast for conditions

Note: The vehicle travel speeds were not reported in the crash reports as obtained from a vehicle data recorder or an officer taking a speed reading of the vehicle. Notation related to speed could be based on human judgment.

- 5) **WisDOT: When was a speed study performed on the segment between 31<sup>st</sup> Street and 38<sup>th</sup> Street?**
- **What were the results?**
  - **What was the average speed?**

The speed study that was performed for WIS 31, 500 feet north of 35th Street for ONLY southbound WIS 31 through traffic took place on 11/8/2023. The 85th percentile speed was 50 MPH and the average speed was 44.2 MPH.

- 6) **STH 31 / CTH E: V.O.S. would like to incorporate protected left (East and West) on CTH E. Has WisDOT evaluated?**

The WisDOT Traffic Operations Engineer reviewed this intersection as a part of the Traffic Impact Analysis (TIA) for the development located at the NW corner of CTH E and STH 31. The EW Left Turning traffic volumes were evaluated against the opposing STH 31 through volumes. The threshold was not met to warrant protected EW left turning movements.

**Enhanced law enforcement coordination:** Should it be determined that additional law enforcement can be provided, I’d like to request they provide some feedback on the feasibility and potential location for a pad.

Thank you,

**Jason Dahlgren, PE**  
 Project Manager  
 WisDOT SE Region  
 Major Projects PDS-Unit 2  
 Cell: 414-750-3278  
[jason.dahlgren@dot.wi.gov](mailto:jason.dahlgren@dot.wi.gov)

## Jason Peters

---

**From:** Dahlgren, Jason R - DOT <Jason.Dahlgren@dot.wi.gov>  
**Sent:** Thursday, March 14, 2024 11:08 AM  
**To:** George Stoner; Jason Peters  
**Cc:** Nguyen, David Q - DOT  
**Subject:** STH 31/35th Street project follow up  
**Attachments:** SB\_500'\_North\_of\_35th\_St\_Speed Zone Summary.xlsm

Good morning George,

Thank you for hosting the meeting yesterday (3/13/2024) with the department and providing the opportunity to share information regarding the STH 31 and 35<sup>th</sup> intersection. I hope the group found the discussion to be beneficial and productive. As we discussed at the meeting, below are a few safety enhancement items that can be implemented should the Village Board vote to revoke the Resolution (dated 7/25/2022).

### Enhancements provided by WisDOT:

- Advanced signage of crossing street. The sign would be placed on south bound STH 31 in advance of the 35<sup>th</sup> Street intersection.
- Retiming of the 31<sup>st</sup> Street signal to incorporate a protective north bound left turn arrow. This will aid in creating “gaps” in the STH 31 south bound traffic.

### Enhancements provided by municipality/county:

- Dynamic Speed Limit Sign. Dynamic Speed Sign should be placed upstream of the 35<sup>th</sup> intersection on the right shoulder.
- Request for additional law enforcement presence. This was an initial commitment being looked into by the County Sheriff department, per Sargent in charge of the area.

### **November 2023 Speed Study:**

As requested, attached is the Speed Study that was performed in November of 2023. A couple items to note:

- The November Speed Study observed 323 vehicles (this sample size is considered to be on the larger side given the location/corridor)
- Speed Study was conducted at 9:30am (deliberately outside of peak hrs.)

- A radar gun similar to what law enforcement utilizes was used to collect data.
- The data was collected manually and was inclusive of all three through lanes. (no data was collected in the SB right turn lane)
- The technician performing the Speed Study only targeted the STH 31 SB vehicles that utilized the green through movement at the 31<sup>st</sup> Street intersection.

Please don't hesitate to reach out if you have any questions or would like clarification on anything.

Thank you,

**Jason Dahlgren, PE**

Project Manager

WisDOT SE Region

Major Projects PDS-Unit 2

Cell: 414-750-3278

[jason.dahlgren@dot.wi.gov](mailto:jason.dahlgren@dot.wi.gov)



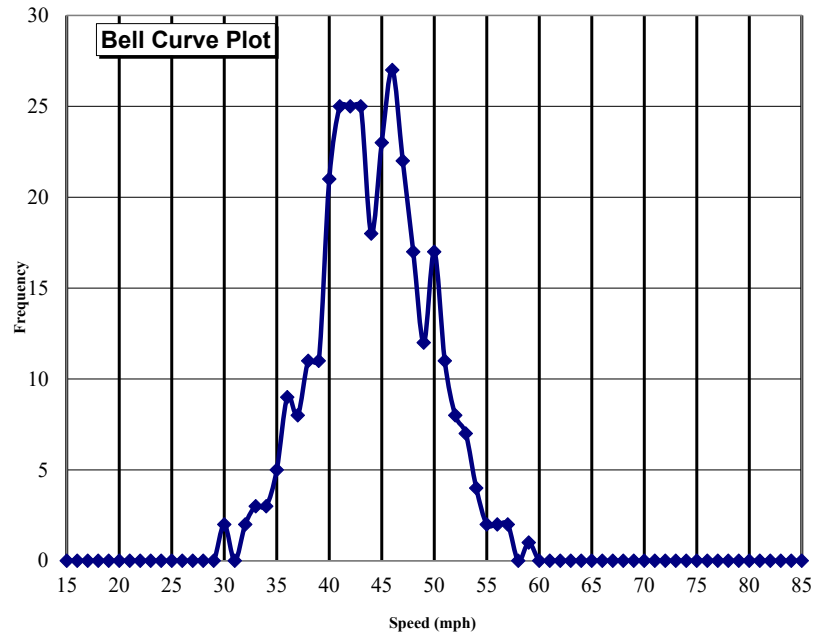
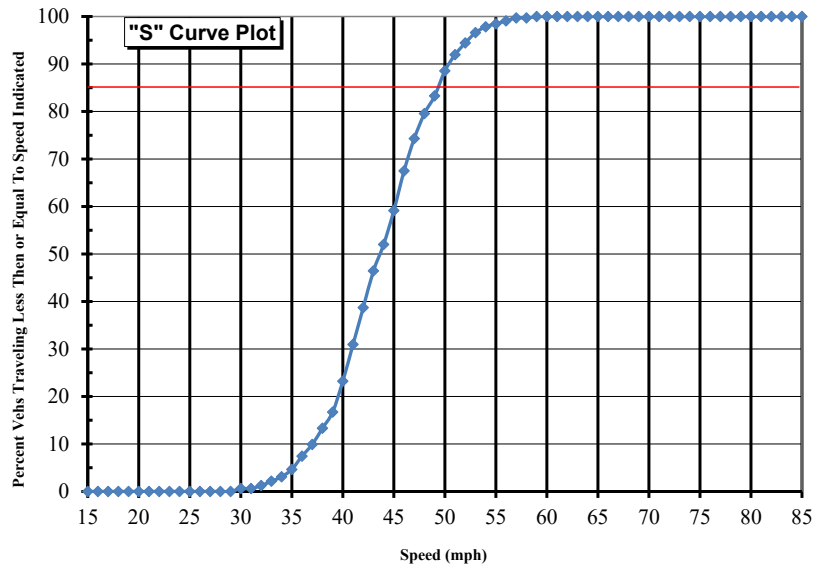
Date: <u>11/8/2023</u>	Major Street: <u>STH 31</u>	Posted Speed: <u>45 MPH</u>
Time: <u>9:30am</u>	Location: <u>500' North of 35th St.</u>	Direction Captured: <u>Southbound</u>
Observer: <u>Weinfurt</u>	Community: <u>Kenosha</u>	Weather: <u>Overcast</u>
	County: <u>Kenosha</u>	

SPEED	Number of VEHICLES (f)	Percent %	CUMM Number of VEHICLES	CUMM %
30	2	1%	2	0.6
31	0	0%	2	0.6
32	2	1%	4	1.2
33	3	1%	7	2.2
34	3	1%	10	3.1
35	5	2%	15	4.6
36	9	3%	24	7.4
37	8	2%	32	9.9
38	11	3%	43	13.3
39	11	3%	54	16.7
40	21	7%	75	23.2
41	25	8%	100	31.0
42	25	8%	125	38.7
43	25	8%	150	46.4
44	18	6%	168	52.0
45	23	7%	191	59.1
46	27	8%	218	67.5
47	22	7%	240	74.3
48	17	5%	257	79.6
49	12	4%	269	83.3
50	17	5%	286	88.5
51	11	3%	297	92.0
52	8	2%	305	94.4
53	7	2%	312	96.6
54	4	1%	316	97.8
55	2	1%	318	98.5
56	2	1%	320	99.1
57	2	1%	322	99.7
58	0	0%	322	99.7
59	1	0%	323	100.0
60	0	0%	323	100.0

STUDY RESULTS

AVERAGE SPEED	50th PERCENTILE	85th PERCENTILE	PACE SPEED RANGE
44.2	44.0	50.0	40.0 to 49.0

Vehicles Observed: 323  
 Lowest Speed: 30  
 Highest Speed: 59  
 % In Pace: 66.6%  
 % Over Pace: 16.7%  
 % Under Pace: 16.7%



**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

---

**MEETING DATE:** March 26<sup>th</sup>, 2024

**TO:** Village President Stoner and Village Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #10 Action on appointment of Michael DeLuca to the Plan Commission to serve the remaining term of Plan Commissioner Bob Lee (set to expire 04/30/2024) and to approve a new three-year term on the Plan Commission for Michael DeLuca (3-year term to expire 04/30/2027)

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**BACKGROUND:**

Plan Commissioner Bob Lee has informed the Village that he needed to resign his post. This post was set to expire on April 30<sup>th</sup>. Administrator Peters had previously spoken to Michael DeLuca about whether he would be willing to serve on a Somers Board if a position were to come open. Mr. DeLuca is willing to serve a 3-year term on the Plan Commission. Mr. DeLuca is a local real estate agent and has previously served as a Town Supervisor, Village Fire Commission and on the Village Plan Commission.

**PRIOR ACTION TAKEN:**

This appointment was reviewed and discussed at our March 19<sup>th</sup> Work Session.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

Staff would recommend the appointment of Mr. DeLuca to the Plan Commission. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

*“Motion to approve appointment of Michael DeLuca to the Plan Commission to serve the remaining term of Plan Commissioner Bob Lee (set to expire 04/30/2024) and to approve a new three-year term on the Plan Commission for Michael DeLuca (3-year term to expire 04/30/2027)”*

**ATTACHMENTS:**

None



**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

---

**MEETING DATE:** March 26<sup>th</sup>, 2024

**TO:** Village President Stoner and Village Trustees

**PREPARED BY:** Brandi Baker, Clerk-Treasurer

**AGENDA ITEM:** #11 Action on proposed Ordinance 2024-003, an Ordinance to repeal and recreate section 13.55 Appendix “A” of the Code of Ordinances of the Village of Somers relating to the amount of Sewer service charges

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**BACKGROUND:**

Mount Pleasant has increased their sewer charges to \$145.00 per quarter. Staff proposes a \$5 increase to the 257 customers located in the KR Utility District to reflect the increase we will be charged from Mount Pleasant. This increase will cost the Village an extra \$1,285 a quarter.

**PRIOR ACTION TAKEN:**

This item was reviewed and discussed at our March 19<sup>th</sup> Work Session.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

Staff would recommend approval. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

*“Motion to waive first reading of Ordinance No. 2024-003”*

*“Motion to approve proposed Ordinance 2024-003, an Ordinance to repeal and recreate section 13.55 Appendix “A” of the Code of Ordinances of the Village of Somers relating to the amount of Sewer service charges”*

**ATTACHMENTS:**

Ordinance 2024-003

Notification letter from the Village of Mount Pleasant

ORDINANCE NO. 2024-003

AN ORDINANCE TO REPEAL AND RECREATE SECTION 13.55 APPENDIX “A”  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
RELATING TO AMOUNT OF SEWER SERVICE CHARGES

---

The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 13.55 Appendix “A” of the Code of Ordinances of the Village of Somers to read as follows:

**APPENDIX “A”**

**1 Somers Utility District** (Rates Revised and Effective 1-1-2022)

Residential - (REU)	Fixed Charge	\$185.40/3 months
Non-Residential (per REU)		\$185.40/3 months

**2 KR Utility District** (Rates Revised and Effective 7-1-2023)

Residential (all units)	Somers administration fee	\$60.71/3 months
	Mt. Pleasant charge	\$145.00/3 months

**3 Public Entities** (Rates Revised and Effective 1-1-2022)

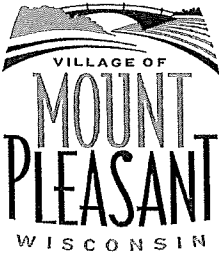
UW-Parkside	Meter volume billing at	
Petrifying Springs Park	\$6.8093 x 1,000 gallons	

Dated at Somers, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, President

Attest: \_\_\_\_\_  
Brandi Baker, Clerk/Treasurer



December 15, 2023

Re: Notification of Sewer Rate Increase for 2024

Dear Resident and/or Property Owner,

The Mount Pleasant Sewer Utility District will be increasing their sewer user rates beginning in the 1<sup>st</sup> quarter of 2024. On November 13, 2023, the Village Board unanimously voted to increase the sewer rates per below:

8811 Campus Drive  
Mount Pleasant, WI  
53406

T: 262.664.7800  
F: 262.664.7801  
info@mtpleasantwi.gov  
www.mtpleasantwi.gov

Police Dept.  
Non-Emergency  
T: 262.884.0454

South Shore Fire Dept.  
Non-Emergency  
T: 262.554.8812

**SECTION 1.** Section 82-133(b) of the Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

(b) *Category A. Category A includes sanitary sewer user who discharge normal domestic strength wastewater with concentrations of biochemical oxygen demand (BOD) no greater than 200 mg/l, suspended solids no greater than 250 mg/l and phosphorus no greater than six mg/l. The sewer service charge for category A wastewater is as follows:*

(1) Customer Service Charge		<u>2024</u>
Total Customer Service		\$13.00
(2) Volume Charge	Charge Unit Customer	Metered Customers
Total Volume Charge	\$132.00	\$5.11/1,000 gal.
Total User Charge	\$145.00/quarter	\$3.82/100 cu.ft.

**SECTION 2.** Section 82-133(c) of the Municipal Code of Ordinances is hereby repealed and replaced to read as follows:

*Category B. Category B includes sanitary sewer users who discharge wastewater with concentrations in excess of 200 mg/l of BOD, 250 mg/l of suspended solids or six mg/l of phosphorus. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in category B. The sewer service charge for category B wastewater is as follows:*

- (1) Customer Service Charge: \$13.00 per quarter
- (2) Volume Charge:
 

Customers	Metered
Total Volume Charge	\$4.25/1,000 gal.
	\$3.18/100 cu. ft.
- (3) Surcharge
  - 1. BOD= \$288.20/1,000 lbs.
  - 2. Suspended Solids – \$357.75/1,000 lbs.
  - 3. Phosphorus = \$2,830.04/1,000 lbs.

*The foregoing surcharges are those charges presently made by the City of Racine; hereafter, such surcharges will be identical to the surcharges established from time to time by the City of Racine*

The proposed fee increases result in a \$5.00/quarter increase to a single-family, residential sewer bill. At this time, an increase is necessary to adequately fund increasing operating costs and planned capital projects.

Sincerely,  
Mount Pleasant Sewer Utility District #1

Anthony J. Beyer, P.E.  
Director of Public Works | Village Engineer



**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

---

**MEETING DATE:** March 26<sup>th</sup>, 2024

**TO:** Village President Stoner and Village Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #12 Action on proposed Ordinance No. 2024-004, an Ordinance to Repeal and Recreate Section ZN 4.08 of the Code of Ordinance of the Village of Somers

---

**BACKGROUND:**

In October the DNR reached out the Village and all Kenosha County jurisdictions to inform them that they had updated their model floodplain ordinance. The DNR took the step to update this model ordinance due to the fact that the County is in the process of adopting new flood maps and due to the fact that this ordinance had not been updated in many years.

The Village's floodplain ordinance is currently mixed in with our other zoning ordinances. The DNR suggested that the Village change to a standalone Floodplain Ordinance. The DNR states that benefit of the standalone ordinance will be that the Village would not need agency approvals when amending sections of the ordinance that have nothing to do with floodplain.

Attorney Davison and Staff have worked with DNR to create ordinance 2024-001 adopting the DNR standard ordinance. It was adopted Feb. 13, 2024.

Attorney Davison has renumbered the ordinance to better fit into our Zoning Ordinance.

**PRIOR ACTION TAKEN:**

This matter was reviewed and discussed at our March 19<sup>th</sup> Work Session.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

This is a "housekeeping" item. Staff recommends approval. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

*“Motion to waive first reading of Ordinance No. 2024-0XX”*

*“Motion to approve proposed Ordinance No. 2024-004, an Ordinance to Repeal and Recreate Section ZN 4.08 of the Code of Ordinance of the Village of Somers”*

ATTACHMENTS:

Proposed Ordinance No. 2024-004

AN ORDINANCE TO REPEAL AND RECREATE SECTION ZN 4.08  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
RELATING TO OVERLAY DISTRICTS

---

The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section ZN 4.08 of the Code of Ordinances of the Village of Somers to read as follows:

**ZN 4.08 OVERLAY DISTRICTS.**

**(1) FLOODPLAIN OVERLAY DISTRICT REGULATIONS.**

**(a) Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions.**

- 1 Statutory Authorization. This ordinance is adopted pursuant to the authorization in §61.35 and §62.23, Wis. Stats., for villages and cities; and the requirements in §87.30, Wis. Stats.
- 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.
- 3 Statement of Purpose. This ordinance is intended to regulate floodplain development to:
  - a Protect life, health and property;
  - b Minimize expenditures of public funds for flood control projects;
  - c Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
  - d Minimize business interruptions and other economic disruptions;
  - e Minimize damage to public facilities in the floodplain;
  - f Minimize the occurrence of future flood blight areas in the floodplain;

- g Discourage the victimization of unwary land and homebuyers;
  - h Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
  - l Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- 4 Title. This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Somers, Wisconsin.
- 5 General Provisions.
- a Areas to Be Regulated. This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.
  - b Official Maps & Revisions. Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, VE, V1-30, or V on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subsec. 1) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR. These maps and revisions are on file in the office of the Village of Somers Clerk.
    - 1) Official Maps : Based on the Flood Insurance Study (FIS):
      - a) Flood Insurance Rate Map (FIRM), panel numbers (55059C0062D, 55059C0064D, 55059C0066D, 55059C0067D, 55059C0068D, 55059C0069D, 55059C0086D, 55059C0087D, 55059C0088D, 55059C0177D, 55059C0181D, 55059C0182D and 55059C0201D, dated 06/19/2012.
      - b) Flood Insurance Rate Map (FIRM), panel number 55059C0184E, dated 03/17/2017.
      - c) Flood Insurance Rate Map (FIRM), panel numbers 55059C0089E, 55059C0091E, 55059C0093E, 55059C0202E

dated 4/11/2024.

- d) Flood Insurance Study (FIS) for Kenosha County, dated 4/11/2024.
- e) Letter of Map Revision Case No. 22-05-3273P, effective 8/16/2023.
- f) Letter of Map Revision Case No. 17-05-6202P, effective 06/14/2021.

Approved by: The DNR and FEMA

- c) Establishment of Floodplain Zoning Districts. The flood hazard areas regulated by this ordinance are divided into districts as follows:
  - 1) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. (e)1e.
  - 2) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. (e)1e within A Zones shown on the FIRM.
  - 3) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
  - 4) The Coastal Floodplain District (CFP) is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms, including areas identified as zone V, V1-30, or VE on the FIRM. Where a riverine AE floodway extends into the CFP district, development within the floodway must comply with the regulations for both the FW and CFP districts. Where a riverine A zone or AE zone with no floodway determination abuts the CFP district, the riverine study's floodway limit must be determined based on standard

floodway expansion principles within the CFP district and development within the floodway must comply with the standards for both the FW and CFP districts.

- d Locating Floodplain Boundaries. Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subsec. (a) or (b) below. If a significant difference exists, the map shall be amended according to s. (h) *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. (g)3c and the criteria in 1) and 2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. (h) *Amendments*.
  - 1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
  - 2) Where flood profiles do not exist for projects, including any boundary of zone A, AO, V1-30, VE, or V, the location of the boundary shall be determined by the map scale.
  
- e Removal of Lands from Floodplain.
  - 1) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. (h) *Amendments*.
  - 2) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgment form

unless all criteria set forth in the following paragraphs are met:

- a) The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
- b) The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- 3) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stats. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

f Compliance.

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

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

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

h Abrogation and Greater Restrictions.

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

i 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.

j 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.

- k 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.
  
- l Annexed Areas for Cities and Villages. The Kenosha 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.

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

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, including the effects of buoyancy;
- be constructed with flood-resistant materials;
- be constructed by methods and practices that minimize flood damages; and
- Mechanical and utility equipment must be elevated to or above the flood protection elevation.

If a subdivision or other proposed new development is in a flood-prone area, the

community shall assure that:

- such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
- public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. (g)1b.

1 Hydraulic and Hydrologic Analyses.

a No floodplain development shall:

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

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

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. (b)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. (h) *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.

- 3 Chapter 30, 31, Wis. Stats., Development. Development which requires a permit from the Department, under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. (h) *Amendments*.
- 4 Public or Private Campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
  - a The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
  - b A land use permit for the campground is issued by the zoning administrator;
  - c The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
  - d There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
  - e This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. d - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
  - f All mobile recreational vehicles placed on site must meet one of the following:
    - 1) Be fully licensed, if required, and ready for highway use; or

- 2) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
- 3) Meet the requirements in either s. (c), (d) or (e)<sup>1</sup> for the floodplain district in which the structure is located;

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

- g All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with s. (b)<sup>4</sup>f and shall ensure compliance with all the provisions of this section;
- h The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- l 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
- j All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and
- k Standards for structures in a campground:
  - 1) All structures must comply with s. (b)<sup>4</sup> or meet the applicable requirements in s. (c), (d) or (e)<sup>1</sup> for the floodplain district in which the structure is located;
  - 2) Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry

point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with s. (b)4d. Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

- 3) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
- 4) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with s. (b)4d.
- 5) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with s. (b)4d.

- I A land use permit shall be obtained as provided under s. (g)1b before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

(c) Floodway District (FW).

- 1 Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. (e)1e.
- 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. (c)3 and (c)4; and
  - all permits or certificates have been issued according to s. (g)1.
- a Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
  - b Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - c Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. (c)3d.
  - d Uses or structures accessory to open space uses or classified as historic structures that comply with s. (c)3 and (c)4.
  - e Extraction of sand, gravel or other materials that comply with s. (c)3d.
  - f Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.
  - g Public utilities, streets and bridges that comply with s. (c)3c.
  - h Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
  - i Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
  - j Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
  - k Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

3 Standards for Development in the Floodway.

a General.

- 1) Any development in the floodway shall comply with s. (b) and have a low flood damage potential.
- 2) Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. (b)1 and (g)1b3). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- 3) Any encroachment in the regulatory floodway is prohibited unless the data submitted for s. (c)3a2) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. (a)5e.

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

- 1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- 2) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
  - a) Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
  - b) Have structural components capable of meeting all provisions of s. (c)3b7); and
  - c) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency

Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with s. (c)3b7).

- 3) Must be anchored to resist flotation, collapse, and lateral movement;
- 4) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- 5) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- 6) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. (c)3b1) through (c)3b5) and meets or exceeds the following standards:
  - a) The lowest floor must be elevated to or above the regional flood elevation;
  - b) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - c) the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
  - d) The use must be limited to parking, building access or limited storage.
- 7) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
  - a) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures

or debris buildup;

- b) Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in s. (c)4d and (c)4e;
  - c) Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
  - d) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
  - e) Placement of utilities to or above the flood protection elevation.
- c) Public Utilities, Streets and Bridges. Public utilities, streets and bridges may be allowed by permit, if:
- 1) Adequate floodproofing measures are provided to the flood protection elevation; and
  - 2) Construction meets the development standards of s. (b)1.
- d) Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:
- 1) The requirements of s. (b)1 are met;
  - 2) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
  - 3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
  - 4) The fill is not classified as a solid or hazardous material.
- 4) Prohibited Uses. All uses not listed as permitted uses in s. (c)2 are prohibited, including the following uses:

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

(d) Floodfringe District (FF).

- 1 Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. (e)1e.
- 2 Permitted Uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. (d)3 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in s. (g)1 have been issued.
- 3 Standards for Development in the Floodfringe. Section (b) 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. (f) Nonconforming Uses;

- a 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. (f) Nonconforming Uses;
- 1) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. (a)5e.
  - 2) Notwithstanding s. (d)3a1), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;
  - 3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsec. 4).
  - 4) In developments where existing street or sewer line elevations make compliance with subsec. 3) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
    - a) The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
    - b) The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.
- b Accessory Structures or Uses. In addition to s. (b), new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

- c Commercial Uses. In addition to s. (b), any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of s. (d)3a. Subject to the requirements of s. (d)3e, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- d Manufacturing and Industrial Uses. In addition to s. (b), 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 (g)5. Subject to the requirements of s. (d)3e, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- e Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. (g)5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- f Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
  - 1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. (g)5.
  - 2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- g Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. (g)5c, to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.
- h Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. (g)5c, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis.

Adm. Code.

- i Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j Deposition of Materials. Any deposited material must meet all the provisions of this ordinance.
- k Manufactured Homes.
  - 1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
  - 2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
    - a) have the lowest floor elevated to the flood protection elevation; and
    - b) be anchored so they do not float, collapse, or move laterally during a flood.
  - 3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. (d)3a.
- l Mobile Recreational Vehicles. All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:
  - 1) fully licensed and ready for highway use; or
  - 2) shall meet the elevation and anchoring requirements in s. (d)3k2) and 3).

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

(e) Other Floodplain Districts.

1 General Floodplain District (GFP).

- a Applicability. The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. (a)5b1).
- b Floodway Boundaries. For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. (a)5b1), the boundaries of the regulatory floodway shall be determined pursuant to s. (e)1e. If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s. (c). If the development is located entirely within the floodfringe, the development is subject to the standards of s. (d).
- c Permitted Uses. Pursuant to s. (e)1e it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. (c)2) and Floodfringe (s. (d)2) Districts are allowed within the General Floodplain District, according to the standards of s. (e)1d provided that all permits or certificates required under s. (g)1 have been issued.
- d Standards for Development in the General Floodplain District. Section (c) applies to floodway areas, determined to pursuant to s. (e)1e; s. (d) applies to floodfringe areas, determined to pursuant to s. (e)1e.
  - 1) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
    - a) To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
    - b) If the depth is not specified on the FIRM, two (2) above the highest adjacent natural grade or higher.
  - 2) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

3) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

4) All development in zones AO and zone AH shall meet the requirements of s. (d) applicable to flood fringe areas.

e Determining Floodway and Floodfringe Limits. Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator 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. (g)1b3).

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.

## 2 Coastal Floodplain District (CFD).

a Applicability. The provisions of this section apply to all Coastal Floodplain Districts (CFD) shown on the floodplain zoning maps, which includes zones V, V1-30, and VE. Where a floodway shown on the floodplain zoning maps, or a floodway determined as explained in s. (a)5c4) or a regulatory floodway identified pursuant to s. (e)1e, extends

into a Coastal Floodplain District, development shall comply with the standards of s. (c).

b Standards for Development in the Coastal Floodplain District.  
Development in the CFD district shall meet the requirements of s. (b), as well as the following:

- 1) New construction shall be located landward of the Ordinary High-Water Mark.
- 2) Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected to the foundation or superstructure of a building and shall be designed and constructed so as not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.
- 3) Man-made alterations of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.
- 4) The use of fill for structural support of buildings is prohibited.
  - a) Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause runup, ramping, or deflection of floodwaters that cause damage to buildings.
- 5) New construction and substantial improvement of buildings shall be elevated, consistent with SPS 321.34, Wis. Adm. Code, on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the FPE.
  - a) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 Minimum design loads and associated criteria for buildings

and other structures, or other equivalent standard.

- b) A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of these ordinances.
- 6) New construction and substantial improvement of buildings shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- a) For the purpose of these ordinances, a breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot.
  - b) Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
    - (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
    - (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 Minimum design loads and associated criteria for buildings and other structures, or equivalent standard.

c) All space enclosed by breakaway walls, open wood latticework, or insect screening below the lowest floor shall be used solely for parking, building access, or storage.

7) Require within flood-prone areas:

a) New and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

b) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

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

a) fully licensed and ready for highway use; or

b) shall meet the standards of these ordinances.

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

9) Manufactured homes placed or substantially improved within the Coastal Floodplain District shall meet the standards of these ordinances.

(f) Nonconforming Uses.

1 General.

a Applicability.

1) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with §87.30, Wis. Stats. and §§ NR

116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

- 2) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.

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

- 1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

- 2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building

thereon, shall conform to the applicable requirements of this ordinance;

- 3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- 4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. (d)3a. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- 5) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. (d)3a. Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- 6) If on a per event basis the total value of the work being done under 4) and 5) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. (d)3a.

- 7) Except as provided in subsec. 8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- 8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:
  - a) Residential Structures.
    - (i) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. (g)5b.
    - (ii) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
    - (iii) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
    - (iv) In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
    - (v) In AO Zones with no elevations specified, shall

have the lowest floor, including basement, meet the standards in s. (e)1d.

- (vi) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

c Nonresidential Structures.

- (i) Shall meet the requirements of s. (f)1b8)a)(i) – (vi).
- (ii) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. (g)5a or b.
- (iii) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. (e)1d.

c A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. (c)3a, flood resistant materials are used, and construction practices and floodproofing methods that comply with s. (g)5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. (f)1b8)a) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

d Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:

- 1) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
- 2) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;

- 3) The nonconforming building is permanently changed to conform to the applicable requirements of s. (b);
- 4) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of s. (c)3a, s. (c)3b2) through 5), s. (c)3c, s. (c)3d, and (f)2. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with s. (e)1e. If the encroachment is in the floodway, it must meet the standards in s. (c)3d;
- 5) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of s. (d)3 and (f)3;
- 6) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;
- 7) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
  - a) Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s. (f)1d7) above.
  - b) The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;

- 8) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
  - a) A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
  - b) The bottom of all openings must be no higher than one foot above the adjacent grade.
  - c) Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- 9) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- 10) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported

by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;

- 11) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:
  - a) Be on site for fewer than 180 consecutive days; or
  - b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
  - c) Meet the elevation and anchoring requirements for manufactured homes in s. (f)1d9) above;
- 12) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- 13) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet s. (f)1d6) through 12) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with s. (e)1e. If the encroachment is in the floodway, it must meet the standards in s. (c)3d. Subsequent improvements to repair or reconstructed

nonconforming structures must not increase the degree of their nonconformity;

- 14) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with s. (e)1e. If the encroachment is in the floodway, it must meet the standards in s. (c)3d. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- 15) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or
- 16) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in s. (f)1d7) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

## 2 Floodway District.

- a No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
  - 1) Has been granted a permit or variance which meets all ordinance requirements;

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

applicable requirements of all municipal ordinances, s. (g)5c and Chs. NR 811 and NR 812, Wis. Adm. Code.

3 Floodfringe District.

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

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

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

1 Zoning Administrator.

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

changes, appeals, variances and amendments.

- e) All substantial damage assessment reports for floodplain structures.
  - f) List of nonconforming structures and uses.
  - g) In the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements.
  - h) In the Coastal Floodplain District, certification by a licensed professional engineer or architect where required for new construction and substantial improvement under these ordinances.
- 5) Submit copies of the following items to the Department Regional office:
- a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
  - b) Copies of case-by-case analyses and other required information.
  - c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- 6) 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.
- 7) Submit copies of amendments to the FEMA Regional office.
- b) Land Use Permit. A land use permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

- 1) General Information.
  - a) Name and address of the applicant, property owner and contractor;
  - b) Legal description, proposed use, and whether it is new construction or a modification;
- 2) Site Development Plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
  - a) Location, dimensions, area and elevation of the lot;
  - b) Location of the ordinary highwater mark of any abutting navigable waterways;
  - c) Location of any structures with distances measured from the lot lines and street center lines;
  - d) Location of any existing or proposed on-site sewage systems or private water supply systems;
  - e) Location and elevation of existing or future access roads;
  - f) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
  - g) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
  - h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. (c) or (d) are met; and
  - i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. (b)1. This may include any of the information noted in s. (c)3a.
- 3) Hydraulic and Hydrologic Studies to Analyze Development. All

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

- a) Zone A floodplains and in AE zones within which a floodway is not delineated:
  - (i) Hydrology.
    - (a) 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.
  - (ii) 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:
    - (a) determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
    - (b) channel sections must be surveyed.
    - (c) minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
    - (d) a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

- (e) the most current version of HEC-RAS shall be used.
  - (f) a survey of bridge and culvert openings and the top of road is required at each structure.
  - (g) additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
  - (h) standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
  - (i) the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- (iii) Mapping. A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- (a) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

- (b) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
- b) Zone AE Floodplains.
- (i) 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.
  - (ii) 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:
    - (a) Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
    - (b) Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.

- (c) Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
  - (d) Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
  - (e) All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
  - (f) Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- (iii) Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- (a) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated

FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

- (b) Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
  - (c) Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
  - (d) If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
  - (e) The revised floodplain boundaries shall tie into the effective floodplain boundaries.
  - (f) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
  - (g) Both the current and proposed floodways shall be shown on the map.
  - (h) The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
- 4) Expiration. All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The

permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

- c Certificate of Compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
- 1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
  - 2) Application for such certificate shall be concurrent with the application for a permit;
  - 3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
  - 4) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. (g)5 are met.
  - 5) Where applicable pursuant to s. (e)1d, the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
  - 6) Where applicable pursuant to s. (e)1d, the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. (e)1d.
- d Other Permits. Prior to obtaining a floodplain development permit the

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

2 Zoning Agency.

a The Village Board of Appeals shall:

- 1) oversee the functions of the office of the village administrator;  
and
- 2) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
- 3) publish adequate notice pursuant to Ch. 985, Wis. Stats., specifying the date, time, place, and subject of the public hearing.

b The Village Administrator shall not:

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

3 Board of Appeals. The Board of Appeals, created under §62.23(7)(e), Wis. Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this 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.

a Powers and Duties. The Board of Appeals shall:

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

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

b Appeals to the Board.

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

2) Notice and Hearing for Appeals Including Variances.

a) Notice - The board shall:

(i) Fix a reasonable time for the hearing;

(ii) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and

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

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

(i) Resolve boundary disputes according to s. (g)3c;

(ii) Decide variance applications according to s. (g)3d; and

(iii) Decide appeals of permit denials according to s. (g)4.

3) Decision: The final decision regarding the appeal or variance application shall:

- a) Be made within a reasonable time;
  - b) Be sent to the Department Regional office within 10 days of the decision;
  - c) Be a written determination signed by the chairman or secretary of the Board;
  - d) State the specific facts which are the basis for the Board's decision;
  - e) Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
  - f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- c) Boundary Disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
- 1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
  - 2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
  - 3) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. (h) Amendments.
- d) Variance.
- 1) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
    - a) Literal enforcement of the ordinance will cause

unnecessary hardship;

- b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
- c) The variance is not contrary to the public interest; and
- d) The variance is consistent with the purpose of this ordinance in s. (a)3.

2) In addition to the criteria in subsec. 1), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:

- a) The variance shall not cause any increase in the regional flood elevation;
- b) The applicant has shown good and sufficient cause for issuance of the variance;
- c) Failure to grant the variance would result in exceptional hardship;
- d) Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- e) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

3) A variance shall not:

- a) Grant, extend or increase any use prohibited in the zoning district;
- b) Be granted for a hardship based solely on an economic gain or loss;
- c) Be granted for a hardship which is self-created.

- d) Damage the rights or property values of other persons in the area;
  - e) Allow actions without the amendments to this ordinance or map(s) required in s. (h) Amendments; and
  - f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- 4) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.
- 4 To Review Appeals of Permit Denials.
- a The Zoning Agency (s. (g)2) or Board shall review all data related to the appeal. This may include:
    - 1) Permit application data listed in s. (g)1b;
    - 2) Floodway/floodfringe determination data in s. (e)1e;
    - 3) Data listed in s. (c)3a2) where the applicant has not submitted this information to the zoning administrator; and
    - 4) Other data submitted with the application or submitted to the Board with the appeal.
  - b For appeals of all denied permits the Board shall:
    - 1) Follow the procedures of s. (g)3;
    - 2) Consider zoning agency recommendations; and
    - 3) Either uphold the denial or grant the appeal.
  - c For appeals concerning increases in regional flood elevation the Board shall:
    - 1) Uphold the denial where the Board agrees with the data showing

an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. (h) Amendments; and

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

5 Floodproofing Standards.

- a No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in s. (b), s. (c), s. (d) or s. (e)1.
- b For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
  - 1) certified by a registered professional engineer or architect; or
  - 2) meeting or exceeding the following standards:
    - a) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - b) the bottom of all openings shall be no higher than one foot above grade; and
    - c) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c Floodproofing measures shall be designed, as appropriate, to:
  - 1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - 2) Protect structures to the flood protection elevation;

- 3) Anchor structures to foundations to resist flotation and lateral movement;
- 4) Minimize or eliminate infiltration of flood waters;
- 5) Minimize or eliminate discharges into flood waters;
- 6) Placement of essential utilities to or above the flood protection elevation; and
- 7) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
  - a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
  - b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
  - c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
  - d) The use must be limited to parking, building access or limited storage.

6 Public Information.

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

- (h) 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. (h)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. (h)1. Any such alterations must be reviewed and approved by FEMA and the DNR.
  - 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. (h)1.
- 1 General. The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. (h)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:
- a Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
  - b Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
  - c Any changes to any other officially adopted floodplain maps listed in s. these ordinances;
  - d Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
  - e Correction of discrepancies between the water surface profiles and floodplain maps;
  - f Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
  - g All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based

on a base flood elevation from a FIRM requires prior approval by FEMA.

- 2 Procedures. Ordinance amendments may be made upon petition of any party according to the provisions of §62.23, Wis. Stats., for cities and villages. The petitions shall include all data required by s. (e)1e and s. (g)1b. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
  - a The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of §62.23, Wis. Stats., for cities and villages.
  - b No amendments shall become effective until reviewed and approved by the Department.
  - c All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- (i) Enforcement and Penalties. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to §87.30, Wis. Stats
- (j) Definitions. Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.
- 1 A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

- 2 AH ZONE – See “AREA OF SHALLOW FLOODING”.
- 3 AO ZONE – See “AREA OF SHALLOW FLOODING”.
- 4 ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
- 5 ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- 6 AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on 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 on all sides.
- 9 BREAKAWAY WALL – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- 10 BUILDING – See STRUCTURE.
- 11 BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to §30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- 12 CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

- 13 CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
- 14 CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- 15 CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 16 COASTAL FLOODPLAIN – An area along the coast of Lake Michigan or Lake Superior which is inundated by the regional flood and which is also subject to additional hazard due to wave runup.
- 17 COASTAL HIGH HAZARD AREA – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms.
- 18 CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- 19 DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
- 20 DEPARTMENT – The Wisconsin Department of Natural Resources.
- 21 DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 22 DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and

wide enough for wheeled rescue and relief vehicles.

- 23 ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
- 24 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
- 25 FLOOD INSURANCE RATE MAP (FIRM) – A map of 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.
- 26 FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- The overflow or rise of inland waters;
  - The rapid accumulation or runoff of surface waters from any source;
  - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
  - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- 27 FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 28 FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 29 FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

- 30 FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 31 FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
- 32 FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- 33 FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- 34 FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 35 FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 36 FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
- 37 FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 38 FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 39 FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to

development and aggregation of the river or stream bed.

- 40 HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
- 41 HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- 42 HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 43 HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 44 HISTORIC STRUCTURE – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- 45 INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of

mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

- 46 LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- 47 LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
- 48 LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in these ordinances, is not considered the building's lowest floor.
- 49 MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.
- 50 MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- 51 MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
- 52 MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- 53 MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 54 MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed,

light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

- 55 MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- 56 MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- 57 MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- 58 MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. 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.
- 59 MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- 60 MODERATE WAVE ACTION AREA (MoWA) – A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet, where the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate Wave Action, where identified. (Also known as "coastal A zone")
- 61 MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
- 62 NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

- 63 NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
- 64 NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
- 65 NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
- 66 NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- 67 NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- 68 OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 69 OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. (a)5b, which has been approved by the Department and FEMA.
- 70 OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
- 71 ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 72 PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
- 73 PRIMARY FRONTAL DUNE – A continuous or nearly continuous mound or ridge

of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

- 74 PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
- 75 PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
- 76 REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 77 REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 78 SAND DUNES – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- 79 START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction

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

- 80 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 lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 81 SUBDIVISION – Has the meaning given in §236.02(12), Wis. Stats.
- 82 SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 83 SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.
- 84 UNNECESSARY HARDSHIP – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 85 VARIANCE – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 86 VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

- 87 WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.
  
- 88 WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
  
- 89 WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Dated at Somers, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, President

Attest: \_\_\_\_\_  
Brandi Baker, Clerk/Treasurer



**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

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**MEETING DATE:** March 26<sup>th</sup>, 2024

**TO:** Village President Stoner and Village Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #13 Review and Discuss proposed Ordinance No. Ordinance No. 2024-005, An Ordinance to Repeal Section 18.30 (R) of the Code of Ordinances of the Village of Somers Relating to Water Connection Impact Fee

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**BACKGROUND:**

In 2021, the Village undertook a full water rate case with the PSC. During this case, the PSC called into question the use of 18.30 (R) as a water connection fee. The reasoning, which the Village disputed, was the 2005 study that was conducted to establish the fee was found by the PSC to be deficient. In 2021, the Village ceased collecting this fee. In 2022, the PSC issued a final order for the Village. One of the points was to complete an impact fee study and ordinance. As the Village has continued the practice of not collecting this fee, we feel it is best to simply revoke this section of the Ordinance. In the future if the Village wishes to collect this fee a new study will be completed.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

Attorney Davison has drafted the attached Ordinance to revoke section 18.30 (R). In the event the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

*“Motion to waive first reading of Ordinance No. 2024-005”*

*“Motion to approve proposed Ordinance No. Ordinance No. 2024-005, An Ordinance to Repeal Section 18.30 (R) of the Code of Ordinances of the Village of Somers Relating to Water Connection Impact Fee”*

**ATTACHMENTS:**

Proposed Ordinance 2024-005

ORDINANCE NO. 2024- 005

AN ORDINANCE TO REPEAL SECTION 18.30(R)  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF  
SOMERS RELATING TO WATER CONNECTION IMPACT FEE

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals Section 18.30(R) of the Code of Ordinances of the Village of Somers relating to read as follows:

(R) REPEALED.

Dated at Somers, Wisconsin, this \_\_\_\_ day of \_\_\_\_\_, 2024.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, President

Attest: \_\_\_\_\_  
Brandi Baker, Clerk/Treasurer



**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

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**MEETING DATE:** March 26<sup>th</sup>, 2024

**TO:** Village President Stoner and Village Trustees

**PREPARED BY:** Kevin Poirier, Assistant to the Administrator

**AGENDA ITEM:** #14 Discussion and possible action on agreeing to share cost with other municipalities to hire a lobbyist to advance H.R. 860 to have municipalities get their own unique ZIP Code.

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**BACKGROUND:**

Addressing Somers' Zip Code issues was a 2022 Goal for the Village. As you are aware, Somers residents have 13 different Zip Codes from seven different municipalities.

On Oct. 25, 2022, the Village adopted resolution 2022-017 requesting a ZIP Code Boundary Review, which was submitted to the US Postal Service that fall. Concurrently, Administration reached out to Senator Ron Johnson, Senator Tammy Baldwin and Congressman Bryan Steil for support and to introduce legislation to address the issue. The Village is on House Bill H.R. 860.

In the meantime, we have had regular meetings with other municipalities with ZIP Code issues to coordinate efforts.

We met March 14 with City of Eastvale Economic Development Manager Alex Flung. He mentioned that the main block for the bill to be introduced to the House is to get it out of the Oversight and Accountability Committee and that its chair, Representative from the Kentucky 1<sup>st</sup> District, James Comer, is the one stopping it.

Hiring a lobbyist to appeal to him directly was identified as the best solution at this time to move the bill forward.

Mr. Flung reached out to lobbyists and received five proposals on March 10<sup>th</sup>.

**PRIOR ACTION TAKEN:**

This matter was reviewed and discussed at our March 19<sup>th</sup> Work Session.

UPDATE:

Administration has had discussions with Mount Pleasant and a meeting has been scheduled for Monday March 25 to review proposals from lobbyists. We will update the board during the Board Meeting.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Per our Work Session of March 19<sup>th</sup>, Staff was directed to put this item on the agenda so that the Board could decide what amount, if any, the Village would be willing to contribute. In the event that the Village Board wishes to move forward, suggested motion to approve would be as follows:

*“Motion to direct Administration to enter into agreement to hire a lobbyist to lobbyist to advance H.R. 860, Village of Somers cost not to exceed \$\_\_\_\_\_.*

ATTACHMENTS:

City of Eastvale Joint Lobbyist Proposal

H.R. 860 Proposed Bill

Zip Code Review Board Materials

Resolution 2022-017



# H.R. 860 CITIES LEGISLATIVE ADVOCACY DISCUSSION

Joint Lobbyist Proposal & Timeline Overview



**CITY OF  
EASTVALE**

KINDNESS. GRIT. SOLUTIONS-DRIVEN.

# FEBRUARY DISCUSSION RECAP

- Chairman Comer – House Oversight Committee
- H.R. 860 Cities’ Interest Strategies:



Municipality	Joint Lobbyist Approach	Joint Lobbying Trip
Caledonia, WI	Interested in Reviewing Cost	Interested
Castle Pines, CO	Interested in Reviewing Cost	Interested
Eastvale, CA	Interested in Reviewing Cost	Not Interested
Hollywood, FL	Lobbyist Contract in Place	Not Interested
Miami Lakes, FL	Lobbyist Contract in Place	Not Interested
Mount Pleasant, WI	Interested in Reviewing Cost	Unsure
Somers, WI	Interested in Reviewing Cost	Unsure



# REQUEST FOR COST PROPOSALS

- The City of Eastvale partnered with Florida lobbyists to develop a Scope of Work as part of the Request for Cost Proposals.
- Tasks include:
  - Lobbying Strategy Implementation
  - Meetings & Communications
  - Invoicing and Contract Management
- Staff contacted more than 10 qualified lobbying firms and they had until the end of March 10<sup>th</sup> to submit proposals via email.



## H.R. 860 Lobbyist Request for Cost Proposals

### BACKGROUND

H.R. 860 was introduced by Congressman Mario Diaz-Balart (R-FL) on February 7, 2023 to require the United States Postal Service to designate single and unique ZIP codes for 7 cities across the nation, including Caledonia, WI, Castle Pines, CO, Eastvale, CA, Hollywood, FL, Miami Lakes, FL, Mount Pleasant, WI, and Somers, WI. The bill is co-sponsored by Congressman Ken Buck (R-CO), Congressman Ken Calvert (R-CA), Congressman Kevin Kiley (R-CA), Congresswoman Brittany Pettersen (D-CO), Congressman Bryan Steil (R-WI), Congresswoman Norma Torres (D-CA), and Congresswoman Debbie Wasserman Schultz (D-FL). H.R. 860 is currently referred to the House Oversight and Accountability Committee.

A majority of the cities listed in H.R. 860, including **Caledonia, WI, Castle Pines, CO, Eastvale, CA, Mount Pleasant, WI, and Somers, WI**, desire to collaborate with a lobbyist and seek passage of H.R. 860 in the House of Representatives. Particularly, the interested cities are looking for a lobbyist specializing in Kentucky issues and engage with several key Members and Congressional staff.

### SCOPE OF WORK

#### **Task 1: Lobbying Strategy Implementation**

The lobbyist shall collaborate with participating cities and the contracted lobbyists of H.R. 860 cities to implement a successful strategy with key Members and Congressional staff to boost support of H.R. 860 in the House of Representatives.

#### **Task 2: Meetings and Communications**

The lobbyist shall communicate in biweekly virtual meetings with participating cities to provide updates and obtain directions when necessary. Given that the participating cities are located in different timezones across the country, evening and/or weekend meetings may be required.

#### **Task 3: Invoicing and Contract Management**

The nature of this project is unique in that it includes municipalities from multiple states. While this is treated as the same project with the same Scope of Work, the lobbyist shall execute Professional Services Agreements individually with each of the participating cities and issue invoices to each of the participating cities separately.

### PROJECT TIMELINE

Once a qualified lobbyist or consultant firm is selected, the participating cities will need several weeks to obtain approval from their respective City Councils and/or City Managers given that this project involves



# LOGISTICS

If this Joint Lobbyist Strategy approach comes to fruition:

- The participating cities will manage the Joint Lobbyist collectively. Representatives of each participating city are expected to join every check-in meeting with the Joint Lobbyist.
- Each participating city will execute its own agreement/Professional Services Contract with the selected firm.
- The selected firm will equally split the total contract amount between participating cities. The firm will also furnish individual monthly invoices to each participating city.



CITY OF EASTVALE

12363 Limonite Avenue | Suite 910 | Eastvale, CA 91752  
951.361.0900

H.R. 860 Lobbyist  
Request for Cost Proposals

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# RECEIVED PROPOSALS\*

Firm**	Contract Cost	What Stands Out?	Most Concerning Point
<b>BGR Group</b>	\$15,000/Month + Travel and Fees	Strategy includes identifying other legislative vehicles.	Lack of experience with postal advocacy.
<b>Capitol Counsel</b>	\$15,000/Month + Travel and Fees	Acknowledges that Congress is reluctant on involving itself with granular postal matters.	Strategies mostly involve participating cities' implementing the actual advocacy work.
<b>Crossroads Strategies</b>	\$10,000/Month + Travel and Fees	Strategy includes identifying other legislative vehicles, including the NDAA package (known as the last 118 <sup>th</sup> large package).	Multiple typos in the proposal.
<b>McCarthy Strategic Solutions</b>	\$10,000/Month + Travel and Fees	Confirmed personal relationships with Chairman Comer.	Lack of experience with postal advocacy.
<b>Smith-Free Group</b>	\$15,000/Month + Travel and Fees	Confirmed personal relationships with Chairman Comer.	Aside from the high costs, proposed strategies are realistic and solid.

\*Proposed contract timeline runs from April 15, 2024 to June 30, 2024.

\*\*Proposals will be shared with cities that plan on participating.



# ROUNDTABLE DISCUSSION

## Information Gathering:

1. Based on the received proposals, are you interested in proceeding with this approach?
2. If so, what is the maximum amount that your municipality is willing to contribute before the approach becomes unviable? Please keep in mind that some cities may drop out during the contract negotiation process.



## Next Steps:

- Proposal Application Review
- Interview Panel
- Contract Execution



118TH CONGRESS  
1ST SESSION

# H. R. 860

To establish new ZIP Codes for certain communities, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2023

Mr. DIAZ-BALART (for himself, Ms. WASSERMAN SCHULTZ, Mr. STEIL, Mr. CALVERT, Mr. BUCK, and Mrs. TORRES of California) introduced the following bill; which was referred to the Committee on Oversight and Accountability

---

## A BILL

To establish new ZIP Codes for certain communities, and  
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ESTABLISHING NEW ZIP CODES.**

4 Not later than 270 days after the date of enactment  
5 of this Act, the United States Postal Service shall des-  
6 ignate a single, unique ZIP Code for each of the following  
7 communities:

8 (1) Miami Lakes, Florida.

9 (2) Hollywood, Florida.

10 (3) Village of Somers, Wisconsin.

- 1 (4) Village of Mount Pleasant, Wisconsin.
- 2 (5) Village of Caledonia, Wisconsin.
- 3 (6) Eastvale, California.
- 4 (7) Castle Pines, Colorado.

○

Village of Somers, Wisconsin  
Zip Code Boundary Review Request  
Exhibit "A"

WHO

Village of Somers, County of Kenosha, State of Wisconsin

WHAT

Request Zip Code Boundary review which would allow property owners inside the Village boundaries to use a Somers, Wisconsin zip code. Example: Instead of Racine, WI 53403, use Somers, WI 53171.

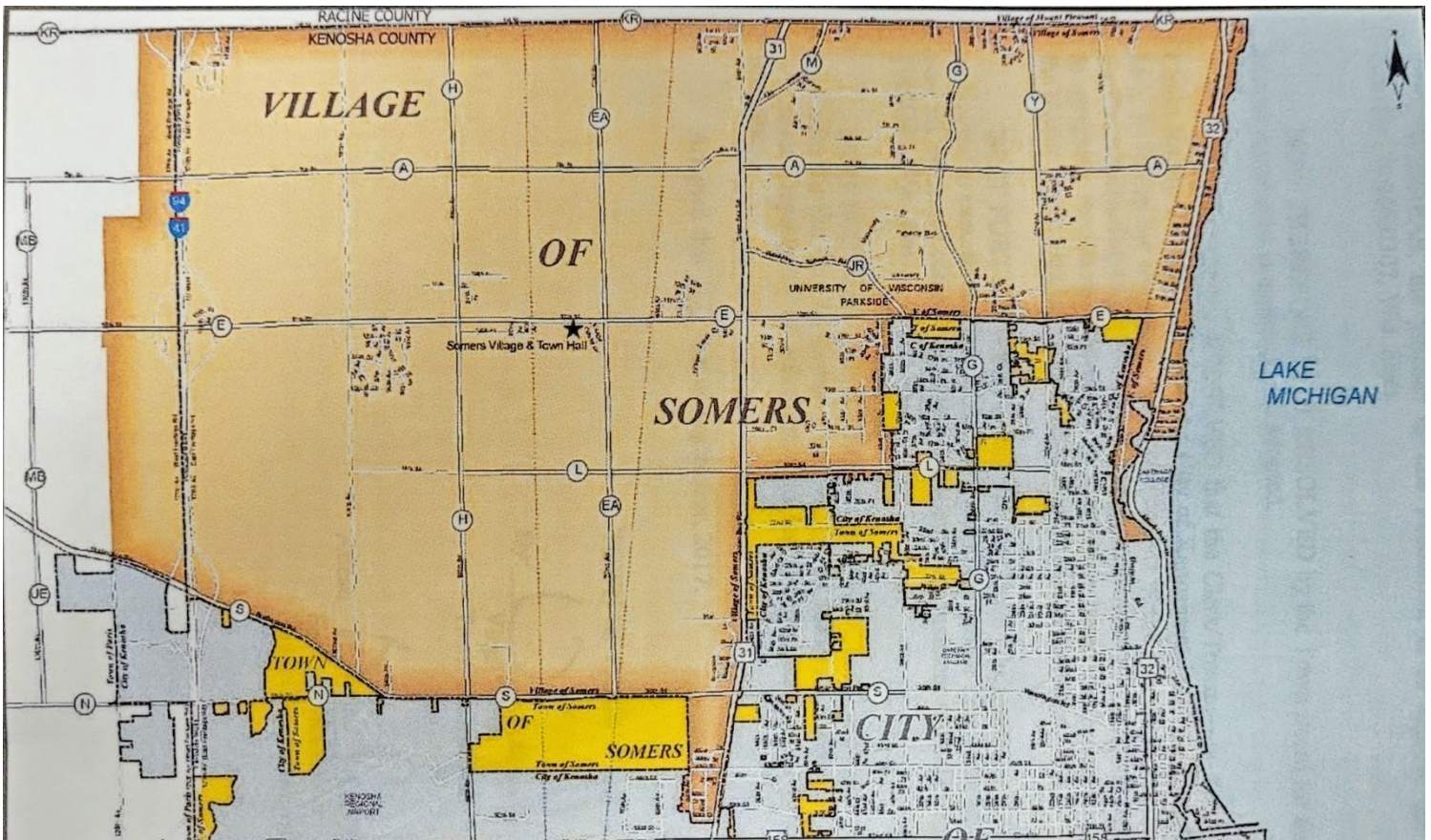
HISTORY

According to the National Archives, Washington, DC records, the Somers post office was established June 6, 1870. Within the Town of Somers boundary throughout our history, there were "neighborhood" post offices established around 1905 in the Somers neighborhoods of Kellogg's Corners, Berryville in addition to rural routes going out of the City of Racine, Village of Sturtevant (Racine County), and City of Kenosha.

EXISTING SOMERS POST OFFICE

Village of Somers, population 8,402 (Source: US Census dated 4-1-2010) has an existing physical post office and Somers, Wisconsin zip code of 53171. A portion of the Town of Somers was annexed into the Village of Somers in 2015.

DESCRIPTION WITH STREET NAMES OF VILLAGE OF SOMERS BOUNDARY MAP



Village of Somers, Wisconsin  
Zip Code Boundary Review Request  
Exhibit "A"

TOP CURRENT ZIP CODES UTILIZED INSIDE VILLAGE BOUNDARY

10	City of Racine (53405)
11	City of Kenosha (53141)
15	City of Racine (53406)
28	Village of Pleasant Prairie, Kenosha County (53158)
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36	City of Kenosha (53143)
44	Village of Sturtevant, Racine County (53177)
107	Village of Somers (53171)
126	Village of Caledonia, Racine County (53126)
170	City of Kenosha (53142)
220	City of Racine (53403)
904	City of Kenosha (53140)
1,762	City of Kenosha (53144)

Source: Information from Village tax bills

REASONS FOR WANTING SOMERS, WISCONSIN ZIP CODE FOR AREA WITHIN VILLAGE BOUNDARY

1. DIRECT FINANCIAL IMPACTS

a. HIGHER HOMEOWNER AND AUTO INSURANCE PREMIUMS

245 Village of Somers residents who have a City of Racine zip code pay a significant premium on homeowners and auto insurance rates, having a negative economic impact to Village residents relating to homeowners and automobile premiums.

Example 1:

A Village resident who has West Bend Mutual Insurance for homeowners and automobile coverage pays an annual 9% premium (\$200.00) on homeowners and a 16% premium (\$435.00) premium for auto because they have a City of Racine zip code of 53403.

Example 2:

West Bend Mutual Insurance underwriters do not recognize a 53171 Somers, Wisconsin zip code.

Village of Somers, Wisconsin  
Zip Code Boundary Review Request  
Exhibit "A"

b. LOSS OF POTENTIAL TENANTS

Landlords express difficulty in re-leasing units due of Racine zip code. One landlord has stated that "Prospective tenants searching for space in Somers can't easily find us, while those searching in Racine often find Somers to be too far from their desired location."

c. DIRECT GOVERNMENT FINANCIAL IMPACT:

- a. Funding or credits that are zip code based.
- b. Drivers License renewals
- c. Loss of transportation aids due to vehicles that are located in the Village being changed at the State level to City of Racine or City of Kenosha due to their mailing address.

2. CONFUSION OVER POLLING PLACES

Majority of our population, evidenced by the zip code information above lists Racine, Kenosha, Sturtevant, and Franksville as mailing address; however, residents are required to vote in the Village of Somers.

3. MISDIRECTION OF MAIL

- a. Somers incorporated into a Village in 2015. We have experienced substantial growth in the Village and the County of Kenosha. Since this time the Village has nearly doubled in value. The current zip code affects nearly \$1,155,365,200 of estimated assessed value. This growth is the result of 4/5<sup>th</sup> generation farmers who wish to sell farmland, our ideal location between Chicago and Milwaukee. This growth helps Somers diversify its tax base which is necessary to fund the best public works and public safety services for our residents and businesses.
- b. Customers, employees, deliveries, and contractors experience confusion when the mailing address of a business is located in Somers but has a Kenosha mailing address. Additional confusion applies to their marketing functions such as business cards, stationary, website, delivery of goods/services and building or highway signs.
- c. Approximate 245 residents have a City of Racine or Racine County zip code but live in the Village of Somers in Kenosha County. Crossing county lines also leads to the following:
  - a. Confusion where to vote
  - b. Confusion on where to pay property taxes
  - c. Confusion over sales tax revenue rebated by states to other cities than where it is collected
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Village of Somers, Wisconsin  
Zip Code Boundary Review Request  
Exhibit "A"

- e. Confusion how to explain to visitors, emergency calls to sheriff or rescue, and delivery companies where a resident lives.
- f. In the past the Village has had to renamed streets to avoid packages being delivered to Racine addresses as opposed to the Village.

4. THREATS TO PUBLIC SAFETY

The Somers Fire Department has seen several issues related to Fire and EMS calls due to the Village not having their own Zip code.

- a. A common issue is that elderly residents who are often afraid to call 911, will utilize a fire department non-emergency number. On several occasions residents in one of our senior citizen complex, that has a Sturtevant mailing address, have called Sturtevant fire station in Racine County to request assistance. Once this occurs, they then have to be transferred to Kenosha County's dispatch center. This leads to delayed response times.
- b. It is difficult to runs reports for total calls ran in our community verses outside our community. This makes it difficult to apply for grant funding. IE. FEMA grant applications.
- c. Streets in the Village have had to be renamed because emergency calls have been dispatched to the City of Racine for houses with the same house number and street number.

5. LOSS OF COMMUNITY IDENTITY

Somers was established in 1843 and its historic character primarily has been agri-business and residential. It is sandwiched between the cities of Kenosha and Racine and borders I=94 and Lake Michigan. Residents who live here place a high value on the quality of life and the living environment of Somers. We are rich with natural resources, green space, parks, golf courses, and have a significant educational presence. We are a sought-after community to live.

We are the home of Somers Elementary School, Shoreland Lutheran High School, the University of Wisconsin Parkside, and partially border Carthage College, bringing culture, sports, and the arts to our community. Residents pride themselves on associating themselves with being a Somers resident and being a part of our many friendly neighborhood clusters throughout the Village.

As evidenced by the SWRPC Neighborhood plans, residents wish to retain, maintain, and enhance their lifestyle and living environment and do not wish to trend toward high density urbanization as the Village grows in the future.

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish new ZIP codes for certain Wisconsin communities, and for other purposes.

\_\_\_\_\_  
IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_  
Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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7 ticable, each of the following communities:

- 8 (1) Village of Somers, Wisconsin.
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- 10 (3) Village of Caledonia, Wisconsin.

**RESOLUTION NO. 2022-017**

**RESOLUTION TO REQUEST A MODIFICATION OF THE BOUNDARIES FOR THE VILLAGE OF SOMERS UNITED STATES POSTAL SERVICE ZIP CODE DESIGNATION THROUGH THE REQUEST FOR ZIP CODE AND BOUNDARY REVIEW PROCESS**

WHEREAS, the Village of Somers (the Village), along with its residents and businesses, suffer detrimental consequences connected to existing USPS ZIP Code Designations for the Village; and

Whereas, the consequences connected to the existing USPS ZIP Code Designations for the Village, include but are not limited to 1) direct financial impacts; 2) confusion over polling places; 3) misdirection of mail; 4) threats to public safety; and 5) loss of community identity; and

WHEREAS the Village wishes to seek a Zip code boundary review to correct these consequences due to being assigned zip codes that do not match its municipal boundaries; and

WHEREAS, the current USPS ZIP Code Designation fails to recognize and support the reality of the Village's growth, the Village's operations, the needs of the Village's first responders, the Village's residents, and the Village's businesses; and


WHEREAS, the Village President and Village Board of Trustees desire to officially request a modification of the boundaries for the Village's USPS ZIP Code Designation and desire to initiate the USPS Zip Code Boundary Review Process by filing with the USPS Wisconsin District Manager the "Request for Zip Code and Boundary Review Process" attached hereto and incorporated as Exhibit A.

NOW THEREFORE, be it resolved that the Village President and Village Board of Trustees of the Village of Somers, Wisconsin:

1. That the Village hereby declares that it is necessary for the USPS to modify the Village's Zip Code Designation boundary currently assigned to the Village of Somers, Wisconsin;
2. That the Village President and Village Administrator may proceed with the process of changing the USPS Zip Codes currently assigned to the Village of Somers residents and businesses by filing with the USPS Wisconsin District Manager the "Request for Zip Code Boundary Review Process" attached hereto and incorporated as Exhibit A, and by pursuing any administrative processes and remedies connected thereto;
3. That the Village is aware of proposed federal legislation, that if enacted would serve to direct the United States Postal Service to designate a single unique zip code for the Village of Somers and supports said legislation; and

4. That the Village President and Village Board of Trustees, and Village Staff are hereby authorized and directed to do all acts necessary for initiating and proceeding with the administrative USPS Zip Code Boundary Review Process of the USPS.

VILLAGE OF SOMERS

By:   
George Stoner, Village President

By:   
Brandi Baker, Village Clerk/Treasurer

This resolution has been passed by the Village Board of Trustees for the Village of Somers, Wisconsin, this 25<sup>th</sup> day of October 2022.





Village of Somers, Wisconsin  
Zip Code Boundary Review Request  
Exhibit "A"

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Village of Somers, Wisconsin  
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**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

---

**MEETING DATE:** March 26<sup>th</sup>, 2024

**TO:** Village President Stoner and Village Trustees

**PREPARED BY:** Brandi Baker, Clerk/Treasurer

**AGENDA ITEM:** #15 Action on Operator’s Licenses: Kodirico Washington

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**BACKGROUND:**

Kodirico Washington has applied for an operator’s license for the Village of Somers. No discrepancies with their applications.

**PRIOR ACTION TAKEN:**

None.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

Staff recommends approval. In the event that the Village Board agrees with the recommendation to approve: Operators applications, a suggested motion would be as follows:

*“Motion to approve Operator License for Kodirico Washington”*

**ATTACHMENTS:**

NONE