



MINUTES OF THE COMMON COUNCIL

TUESDAY, JANUARY 21, 2014, 7:00 P.M.

COUNCIL CHAMBERS

ROOM 203, CITY HALL

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Tony Wachewicz. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, A. Kocha, J. Moore, D. Boyce, J. Brunette, J. Warner, M. Steuer, B. Danzinger, T. Sladek. Excused: None.

Boy Scout Troop #1040 from First United Methodist Church led the pledge of allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to approve the minutes of the December 17, 2013, meeting. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Warner to approve the agenda.

Moved by Ald. Thomas DeWane, seconded by Ald. Boyce to move the Bonding Resolution after the public hearings. Motion carried.

Moved by Ald. Moore, seconded by Ald. Warner to approve the agenda as amended. Motion carried.

REPORT BY THE MAYOR

The Mayor announced that his State of the City Address will be on March 19 at 5:00 P.M. at the Meyer Theater.

PUBLIC HEARINGS

General Ordinance No. 26-13

An ordinance amending Chapter 13-1300 of the Code relating to Floodplain Overlay District. (Item #22)

No one appeared.

Zoning Ordinance No. 17-13

An ordinance amending Zoning Ordinance No. 16-97 for modified signage at 2926 Finger Road. (Item #23)

No one appeared.

Zoning Ordinance No. 18-13

An ordinance creating a Planned Unit Development (PUD) for the Preserve, located in the 100-300 block of North Huron Road. (Item #24)

No one appeared.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting these ordinances with one roll call vote. Motion carried.

At this time action was taken on the Bond Resolution.

PRESENTATION

Mike Reed gave a PowerPoint presentation about the operation of the Wildlife Sanctuary.

PETITIONS & COMMUNICATIONS

IMPROVEMENT & SERVICE COMMITTEE

Applications for Tree & Brush Trimmer Licenses by the following:

- A. A-1 Tree Service, Inc.
- B. Economy Tree Service
- C. Trugreen
- D. Yesterday's Trees, LLC

Applications for Concrete Sidewalk Builder's Licenses by the following:

- A. IEI General Contractors, Inc.
- B. Bill Weise Construction

Request by Ald. Tim DeWane, on behalf of constituents, to possibly relocate the outdoor warning siren located at Cass and Goodell Streets.

PERSONNEL COMMITTEE

Request by Ald. Kocha to discuss, with possible action, the issue of revising the overtime payment policy, as it relates to the current requirement for employees to actually work 40 hours per week before overtime is paid.

PROTECTION & WELFARE COMMITTEE

Application for a "Class B" Combination License by Bullseye 708 LLC at 708 Bodart. (Transfer from Phase II, Inc.)

Application for an available "Class B" Combination License by Gasoline Bar, LLC at 709-711 S. Broadway.

Moved by Ald. Tim DeWane, seconded by Ald. Moore to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE GREEN BAY PLAN COMMISSION January 21, 2014

The Green Bay Plan Commission, having met on Monday, January 13, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request to rezone 1026 9th Street from Low Density Residential (R1) to Office Residential (OR), and 1028 and 1036 9th Street from Highway Commercial (C2)/Low Density Residential (R1) to Office/Residential (OR).
2. To deny the request for a Conditional Use Permit (CUP) to authorize a two-family dwelling in a Low Density Residential (R1) District located at 3190 Tobermory Drive.
3. To deny the request for a Conditional Use Permit (CUP) to authorize a two-family dwelling in an Office/Residential (OR) District located at 805 Cherry Street.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the report with the exception of Item #3. Motion carried.

Moved by Ald. Kocha, seconded by Ald. Moore to adopt Item #3.

Moved by Ald. Boyce, seconded by Ald. Kocha to refer Item #3 back to the Plan Commission. Motion carried.

REPORT OF THE FINANCE COMMITTEE
January 21, 2014

The Finance Committee, having met on Tuesday, January 14, 2014 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the use of any additional funding by the Fire Chief remaining after Station 6 repairs have been completed to use towards repairs and maintenance needed at various fire stations.
2. To approve the request by the IT Admin to approve a three-year renewal of ESRI Small Municipal and Country Government Enterprise License Agreement (ELA) for \$157,500 or \$52,500 annually.
3. To award the purchase of a Triple Combination Pumper Fire Engine to Pierce Mfg. in the amount of \$537,400.
4. To award the purchase of ten 2014 Dodge Charger Police Pursuit Squad Cars to Eward Automotive in the amount of \$235,070.
5. To receive and place on file the report of the Finance Director.

2014 Contingency Fund
\$110,000

Moved by Ald. Thomas DeWane, seconded by Ald. Kocha to adopt the report with the exception of Item #4. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to adopt Item #4. Motion carried with Ald. Moore abstaining.

REPORT OF THE
IMPROVEMENT AND SERVICE COMMITTEE
January 21, 2014

The Improvement and Service Committee, having met on January 15, 2014 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Gordon and Carol Gardipee for a variance to requirement for a trash cart due to the house being for sale and is currently vacant at 2425 Matchwood Lane.

2. To receive and place on file the request by Ald. Steuer to see the permission to park on-street overnight up to a maximum of twelve (12) times per year.
3. To deny the request by Ald. Kocha to consider, constructing the sidewalk on the south side of University Avenue, from Humboldt Road to St. Anthony Drive, as a multi-use trail, as an alternative to a sidewalk.
4. To approve the request by Ald. Wiezbiskie, on behalf of constituents on the north end of Bay Highland Circle Drive, to have the City enter on the private drive to pick up garbage and recyclables, and to authorize the Director of Public Works to enter into an agreement subject to the provision of Municipal code §9.02(7)e2, and authorize the Mayor and the City Clerk to sign.
5. To approve the request by Department of Public Works to address requests for additional and/or lesser number of trash carts at the staff level.
6. To approve the 2014 Department of Public Works service charges.

Moveouts and Bulk Collection Charges:

| | |
|----------------|--------------------|
| ≤3CY | \$70.00 each stop |
| >3CY but ≤10CY | \$140.00 each stop |
| >10CY | \$210.00 each stop |

Construction/Demolition Materials:

\$48.00 per cubic yard

Appliance Collection:

| | |
|---------|----------------------------|
| \$35.00 | Refrigerators and freezers |
| \$25.00 | All other appliances |

Recycling and Trash Carts:

| | |
|---------|-----------|
| \$60.00 | 64-gallon |
| \$60.00 | 96-gallon |

Early Set-Out:

| | |
|---------|----------|
| Minimum | \$59.00 |
| Hourly | \$152.00 |

Asphalt Pavement Repair:

| | |
|----------------------|------------|
| Concrete Base Street | \$46.00/SY |
| Gravel Base Street | \$91.00/SY |

Snow and Ice Control on Public Sidewalks:

\$0.15 per lineal foot plus \$52.00 administrative charge per parcel

Weed Cutting:

Fixed charge per parcel \$44.00

Plus labor per hour \$34.00

Plus equipment per hour \$31.00

Minimum charge-1/4 hour \$60.25

7. To approve the request by Department of Public Works to replace a pick-up truck as the result of a traffic accident.
8. To approve the request by Department of Public Works to amend the 2014 equipment replacement plan to purchase two (2) automated sanitation collection trucks from the City of DePere.
9. To receive and place on file the presentation of the Downtown Parking Study report and direct the Department of Public Works to prepare an implementation plan based on the report recommendations.
10. To approve the request by Rhonda Budez (tenant) on behalf of Sand & Sun, LLC (owner) for an Air Rights Easement to allow for the installation of a flag-mounted sign above the N Broadway right-of-way at 143 N Broadway, subject to execution of a hold harmless agreement, filing the required insurance with Risk Management, and authorize the Mayor and the City Clerk to sign.
11. To approve the request by 154 N Broadway, LLC (owner) on behalf of Salon 54 (tenant) for an Air Rights Easement to allow the installation of a flag-mounted sign above the N Broadway right-of-way at 154 N Broadway, subject to execution of a hold harmless agreement, filing the required insurance with Risk Management, and authorize the Mayor and the City Clerk to sign.
12. To approve the following Temporary Limited Easements (TLE) and Permanent Limited Easements (PLE):

MONROE AVENUE – CASS STREET TO MAIN STREET PROJECT ID. # 1481-07-21

| | | |
|--------------------------------|-----------|-----------|
| Robert L. Vertz Parcel 27 | \$250.00 | TLE |
| DOS Espiritu, LLC Parcel 47 | \$250.00 | TLE |
| Associated Bank Parcel 71 | \$250.00 | TLE |
| Associated Bank Parcel 72 | \$1500.00 | PLE & TLE |

| | | |
|---------------------------------------|-----------|-----------|
| Feld Limited Partnership Parcel 78 | \$4050.00 | PLE & TLE |
| Econoprint Centers, Inc. Parcel 81 | \$250.00 | TLE |

13. To approve the applications for Tree and Brush Trimmer Licenses by the following:
 - A. Big Boy's Landscape and Snow Services, LLC
 - B. A Four Season Tree Care
 - C. Casey's Tree Service, LLC
 - D. Ripley Stump Grinding
 - E. Beaver Tree Specialists
 - F. Fallrite Tree Services
 - G. Carl's Tree Service
 - H. Mike's Stump Removal
 - I. Best Stump Grinding

14. To receive and place on file the verbal Director's Report on the recent activities of the Public Works Department.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt the report with the exception of Items #3 and #6. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt Item #3.

Moved by Ald. Kocha, seconded by Ald. Moore to amend Item #3 by receiving it and placing it on file rather than denying it. Motion carried.

Moved by Ald. Kocha, seconded by Ald. Tim DeWane to adopt Item #3 as amended. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopted Item #6. Ald. Nicholson requested a display vote.

Ayes: Wiezbiskie, Kocha, Moore, Boyce, Warner, Steuer, Danzinger, Sladek. Noes: Thomas DeWane, Nicholson, Tim DeWane, Brunette. Motion carried.

REPORT OF THE PERSONNEL COMMITTEE January 21, 2014

The Personnel Committee, having met on Tuesday, January 14, 2014 considered all matters on its agenda and reports and recommends the following:

1. To receive and place on file the 2013 Health Risk Assessment Executive Report presented by Bellin Health for the City of Green Bay.

2. To approve the requests to fill the following positions and all subsequent vacancies resulting from internal transfers. 1, 2, 4, 5, and 6 were approved unanimously; 3 was approved 3-1, Ald. Nicholson voting no.

1. Clerk III Front Desk - Police
 2. Assistant City Attorney I/Community Prosecutor - Law
 3. Neighborhood Development Specialist – Community Development
 4. Sweeper/Flusher Operator (Days) – Public Works
 5. Tractor Operator (Street) – Public Works
 6. Truck Driver (Street) – Public Works
3. To hold until the next Personnel Committee meeting the requests by Ald. Moore that the 2% general salary increases scheduled for the start of the pay period in which October 1, 2014 occurs be conducted as follows:
- a. The salary increase will not take effect for current employees without a merit review recommendation by the Director or designee of that employees department. Department Heads to be reviewed by the Mayor.
 - b. The 2% general salary increase will be delayed until a newly hired employee has been employed for 6-months and receives a merit review recommendation as discussed in item 3.a.
4. To approve the following contract agreements for the 2014 calendar year with a 2% general salary increase effective with the start of the pay period in which October 1, 2014 occurs.
- a. City of Green Bay Parks and Forestry Labor Association
 - b. City of Green Bay Department of Public Works Labor Association
5. To approve the tentative agreement between the City and the Green Bay Metro Bus Mechanics, Local 420 for a 1-year contract effective January 1, 2014 through December 31, 2014 with a 2% general salary increase effective with the start of the pay period in which January 1, 2014 occurs (this group did not receive the salary increase provided other general municipal employees on October 1, 2013) and a 2% general salary increase effective with the start of the pay period in which October 1, 2014 occurs.
6. To receive and place on file the report of routine Personnel Actions for regular employees.
7. To receive and place on file report of the Human Resources Director that Police Department will hold on filling the Assistant Chief of Police position at this time.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the report with the exception of Item #3. Motion carried.

Ald. Moore requested that this item be separated.

Moved by Ald. Wiezbiskie, seconded by Ald. Warner to adopt Item #3.

Moved by Ald. Moore, seconded by Ald. Kocha to receive and place on file Item #3a.

Motion carried.

Moved by Ald. Moore, seconded by Ald. Kocha to refer Item #3b back to the Personnel Committee. Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

January 21, 2014

The Protection & Welfare Committee, having met on Monday, January 13, 2014 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the notice of change of agent for Wal-Mart Stores East, LP at 2440 West Mason Street.
2. To approve the request by Green Bay Water Utility to adopt a wellhead protection ordinance.
3. To approve the request by the City Attorney's Office to amend Green Bay Municipal Code Section 27.603(2), relating to the discharge of bows and crossbows within city limits for hunting purposes.
4. To deny the appeal by Chad Grunwald to a nuisance charge at 1175 Smith Street.
5. To postpone until the next meeting the appeal by KB Properties, LLP to the chronic nuisance citation issued at 718-720 Bodart (postponed from the December 9, 2013 meeting).
6. To propose that the City Legal Department and the Green Bay Police Department to develop a policy where the Police Department will utilize social media to inform the public of the monthly Sex Offender Residency Board meetings for all placements within a geographical area for a trial period of six months.

Moved by Ald. Wiezbiskie, seconded by Ald. Boyce to adopt the report with the exception of Item #3, #4, and #6. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt Item #3.

Moved by Ald. Sladek, seconded by Ald. Warner to refer Item #3 back to the Protection & Welfare Committee. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt Item #4.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to suspend the rules to allow interested parties to speak. Motion carried.

Chad Grunwald, owner of 1175 Smith Street, explained the SWAT call and eviction of tenants.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to return to the regular order of business. Motion carried.

A vote was then taken on the motion to adopt Item #4, thereby denying the appeal. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to adopt Item #6.
Motion carried.

**REPORT OF THE PROTECTION AND WELFARE COMMITTEE
GRANTING OPERATOR LICENSES
January 21, 2014**

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Arellano, Vicente M
Bauer, Alicia S
Challe, Maria M
Geraths, Nicholas G
Gille, Jessica M
Hackman, Heather J
King, Krisha A
Miller, Jennifer M
Ninham, Elijah A
Oleson, Matthew E
Paul, Cindy L
Salinas, Sandra
Terrell, Melissa S
Wall, Callie M
Williams, Katherin T

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to adopt the report. Motion carried with Ald. Danzinger abstaining on the approval of Jessica M. Gille, Jennifer M. Miller, Melissa S. Terrell, Callie M. Wall and Katherin T. Williams.

RECEIVE & PLACE ON FILE

City of Green Bay Trial Balance Report for December, 2013.

Building Permit Reports for November and December, 2013.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to receive the reports and place them on file. Motion carried.

RESOLUTIONS
COMMON COUNCIL
OF THE
CITY OF GREEN BAY, WISCONSIN

January 21, 2014

Resolution No. 8

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$4,925,000 Taxable General Obligation Community Development Bonds, Series
2014A,
and All Related Details**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Green Bay, Wisconsin (the “**Issuer**”) makes the following findings and determinations:

1. The Issuer needs funds for providing financial assistance to blight elimination, slum clearance, community development, redevelopment, and urban renewal programs and projects under Sections 66.1105, 66.1301 to 66.1329, and 66.1331 to 66.1337 of the Wisconsin Statutes, including, but not limited to, financing separate developer grants to provide for the construction of mixed-use residential and retail facilities within the Issuer’s Tax Incremental Districts No. 5 and 13 (the “**Project**”).

2. On December 17, 2013, the Governing Body adopted an initial resolution authorizing the issuance of taxable general obligation community development bonds of the Issuer in the maximum principal amount of \$7,500,000 for the purposes, including the Project, and among other things, authorizing and directing the publication of notice of the adoption of the Initial Resolution (the “**Initial Resolution**”).

3. The Clerk of the Issuer caused notice of the following actions:

- (i) *Notice of the adoption of the Initial Resolution.* Notice of the adoption of the Initial Resolution (the “**Legal Notice**”) was given by publication of a notice in the Issuer’s official newspaper on December 20, 2013 in the manner and form directed by the Initial Resolution.
- (ii) *Notice of the sale of the Obligations.* Notice of the sale (the “**Notice to Bidders**”) of the \$4,925,000 City of Green Bay, Wisconsin Taxable General Obligation Community Development Bonds, Series 2014A (the “**Obligations**”) was

given to such media typically monitored by potential bidders in the manner and form directed by the Initial Resolution.

These notices are made of record in these proceedings, and the Governing Body ratifies the notices.

4. No sufficient petition for referendum on the question of the adoption or effectiveness of the Initial Resolution or issuance of the Obligations was filed with the Clerk of the Issuer within 30 days after the date on which the Initial Resolution was adopted.

5. In accordance with the Notice to Bidders and the bidding terms that were included in the document that was used for offering the Obligations for sale by competitive bid (the “**Notice of Sale**”), written bids for the sale of the Obligations were received and delivered to the Governing Body.

6. The Governing Body has considered all the bids it received. The Governing Body has decided to accept the bid of BOSCO, Inc., or a group that it represents (the “**Purchaser**”), to purchase the Obligations on the terms specified in the Purchaser’s bid. The Purchaser bid the price of \$4,934,819.30 for the entire issue of Obligations (the “**Purchase Price**”), plus any accrued interest, and specified that the Obligations maturing on April 1 in the years shown below will bear interest at the respective interest rates shown below:

| <u>Year</u> | <u>Principal Amount</u> | <u>Interest Rate</u> | <u>Year</u> | <u>Principal Amount</u> | <u>Interest Rate</u> |
|-------------|-------------------------|----------------------|-------------|-------------------------|----------------------|
| 2016 | \$270,000 | 2.00% | 2024 | \$335,000 | 3.50% |
| 2017 | 280,000 | 2.00 | 2025 | 355,000 | 3.75 |
| 2018 | 285,000 | 2.00 | 2026 | 365,000 | 4.00 |
| 2019 | 290,000 | 2.25 | 2027 | 380,000 | 4.20 |
| 2020 | 295,000 | 2.50 | 2028 | 395,000 | 4.35 |
| 2021 | 305,000 | 3.00 | 2030 | 345,000 | 4.60 |
| 2022 | 315,000 | 3.25 | 2032 | 380,000 | 4.85 |
| 2023 | 330,000 | 3.50 | | | |

7. The Purchaser’s bid complies with all terms of the Notice to Bidders and the Notice of Sale.

8. The Issuer has taken all actions required by law and has the power to sell and issue the Obligations.

9. The Governing Body is adopting this resolution to sell the Obligations and provide for their issuance upon the terms and conditions set forth in this resolution.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In this resolution, the following terms have the meanings given in this section, unless the context clearly requires another meaning.

“Book-Entry System” means a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer, or in the name of such a depository’s nominee, and the depository and its participants record beneficial ownership and effect transfers of the Obligations electronically.

“Code” means the Internal Revenue Code of 1986, as amended.

“Continuing Disclosure Agreement” means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Issuer and delivered on the closing date of the Obligations.

“Debt Service Fund” means the fund created by the Issuer pursuant to Section 67.11 of the Wisconsin Statutes to provide for the payment of debt service on its general obligations.

“Depository” means DTC or any successor appointed by the Issuer and acting as securities depository for the Obligations.

“DTC” means The Depository Trust Company.

“Financial Officer” means the Issuer’s Treasurer.

“Fiscal Agent” means Associated Trust Company, National Association, or any successor fiscal agent appointed by the Issuer to act as paying agent and registrar for the Obligations pursuant to Section 67.10 (2) of the Wisconsin Statutes.

“Governing Body” means the Issuer’s Common Council.

“Initial Resolution” has the meaning set forth in the recitals to this resolution.

“Issuer” means the City of Green Bay, Wisconsin.

“Legal Notice” means the notice of the adoption of the Initial Resolution. The Legal Notice was published in the Issuer’s official newspaper on December 20, 2013.

“Municipal Officers” means the Mayor and the Clerk of the Issuer. These are the officers required by law to execute general obligations on the Issuer’s behalf.

“Notice of Sale” has the meaning set forth in the recitals to this resolution.

“Obligations” means the \$4,925,000 City of Green Bay, Wisconsin Taxable General Obligation Community Development Bonds, Series 2014A, which will be issued pursuant to this resolution.

“Original Issue Date” means February 11, 2014.

“Project” has the meaning given in the recitals to this resolution.

“Purchase Price” means \$4,934,819.30.

“Purchaser” means BOSC, Inc., or a group that it represents.

“Record Date” means the 15th day (whether or not a business day) of the calendar month just before a regularly scheduled interest payment date for the Obligations.

“Recording Officer” means the Issuer’s Clerk.

“Register” means the register maintained by the Fiscal Agent at its principal office, in which the Fiscal Agent records:

- (i) The name and address of the owner of each Obligation.
- (ii) All transfers of each Obligation.

“Treasurer” means the Issuer’s Treasurer.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

Exhibit A — Form of Obligation.

Exhibit B — Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Obligations.

The Governing Body authorizes the Obligations and orders that they be prepared, executed, and issued. The Obligations will be fully registered, negotiable, taxable general obligation community development bonds of the Issuer in the principal amount of \$4,925,000. The Obligations will be issued pursuant to the provisions of Chapter 67 of the Wisconsin Statutes and the authority granted by the adoption of the Initial Resolution to pay the costs of the Project and to pay certain expenses of issuing

the Obligations (including costs for printing, financial consultants, bond counsel, rating agencies, insurance, and registration, as applicable).

Section 4. Terms of Obligations.

The Obligations will be named “City of Green Bay, Wisconsin Taxable General Obligation Community Development Bonds, Series 2014A.” The Obligations will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Obligation will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Obligation will be \$5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Obligations will bear interest from the Original Issue Date. Interest will be payable semiannually on each April 1 and October 1, beginning on April 1, 2015, until the principal of the Obligations has been paid. Interest on each Obligation will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date. The Obligations will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Obligations. The following table shows when the Obligations will mature and the rate of interest each maturity will bear:

| <u>Maturity Date</u> <u>(April 1)</u> | <u>Principal Amount</u> | <u>Interest Rate</u> |
|--|-------------------------|----------------------|
| 2016 | \$270,000 | 2.00% |
| 2017 | 280,000 | 2.00 |
| 2018 | 285,000 | 2.00 |
| 2019 | 290,000 | 2.25 |
| 2020 | 295,000 | 2.50 |
| 2021 | 305,000 | 3.00 |
| 2022 | 315,000 | 3.25 |
| 2023 | 330,000 | 3.50 |
| 2024 | 335,000 | 3.50 |
| 2025 | 355,000 | 3.75 |
| 2026 | 365,000 | 4.00 |
| 2027 | 380,000 | 4.20 |
| 2028 | 395,000 | 4.35 |
| 2030 | 345,000 | 4.60 |
| 2032 | 380,000 | 4.85 |

The principal of, and interest on, the Obligations will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent.

The Issuer appoints the Fiscal Agent to act as paying agent and registrar for the Obligations. The appropriate officers of the Issuer are directed to enter into a fiscal agency agreement with the Fiscal Agent on behalf of the Issuer. The fiscal agency agreement may provide for the Issuer to pay the reasonable and customary charges of the Fiscal Agent for those services. The fiscal agency agreement must require the Fiscal Agent to comply with all applicable federal and state regulations. Among other things, the Fiscal Agent must maintain the Register.

Section 6. Appointment of Depository.

The Issuer appoints DTC to act as securities depository for the Obligations. An authorized representative of the Issuer has previously executed a blanket issuer letter of representations with DTC on the Issuer's behalf, and the Issuer ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Obligations will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Issuer's relationship with DTC is terminated, then the Issuer may appoint another securities depository to maintain the Book-Entry System.

The Issuer may decide at any time not to maintain the Obligations in a Book-Entry System. If the Issuer decides not to maintain a Book-Entry System, then it will do the following:

- (i) At its expense, the Issuer will prepare, authenticate, and deliver to the beneficial owners of the Obligations fully registered certificated Obligations in the denomination of \$5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.
- (ii) The Issuer will appoint a fiscal agent to act as paying agent and registrar for the Obligations under Section 67.10 (2) of the Wisconsin Statutes (the Fiscal Agent may be reappointed in this capacity).

Section 8. Redemption.

The Obligations maturing on or after April 1, 2025 are subject to redemption before their stated maturity dates, at the Issuer's option, in whole or in part, in the order of maturity selected by the Issuer, on April 1, 2024 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest

to the redemption date, and no premium will be paid. If less than all outstanding Obligations are redeemed, then the Obligations will be redeemed in \$5,000 multiples in accordance with Sections 9 and 10 hereof and, if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Issuer will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption.

The Obligations maturing on April 1 in the years 2030 and 2032 (the “**Term Bonds**”) are also subject to mandatory partial redemptions prior to their stated maturity dates by operation of a sinking fund. On the following redemption dates (each a “**Sinking Fund Redemption Date**”), the Issuer will redeem the following principal amounts of the Term Bonds:

Term Bonds Maturing April 1, 2030

| <u>Sinking Fund Redemption Date (April 1)</u> | | <u>Principal Amount to be Redeemed</u> |
|---|-------------------|--|
| 2029 | | \$170,000 |
| 2030 | (Stated Maturity) | 175,000 |

Term Bonds Maturing April 1, 2032

| <u>Sinking Fund Redemption Date (April 1)</u> | | <u>Principal Amount to be Redeemed</u> |
|---|-------------------|--|
| 2031 | | \$185,000 |
| 2032 | (Stated Maturity) | 195,000 |

The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in accordance with Sections 9 and 10 hereof, and the Issuer will give notice of the redemption in the manner stated in this resolution.

Section 9. Payment of Obligations/Transfers/Redemption Notices Under Book-Entry System.

So long as the Issuer maintains the Obligations in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Obligations by wire transfer to the Depository or its nominee in accordance with the Depository’s rules that are then in effect.

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the surrender of the Obligations to the Fiscal Agent, and the payment of a charge sufficient to reimburse the Fiscal Agent for any tax, fee, or other governmental charge required to be made with respect to such registration, the Issuer will issue new fully registered Obligations in the same aggregate principal amounts to the successor securities depository, and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If an Obligation has been called for redemption but less than all of the principal amount of a specific maturity is redeemed, then on the redemption date and upon surrender of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed redemption date.

Accrual of Interest. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date.

Register. The Issuer, the Fiscal Agent, and any alternate fiscal agent may treat the entity or person in whose name any Obligation is registered on the Register as the absolute owner of the Obligations for all purposes whatsoever under this resolution.

Section 9. Payment of Obligations/Transfers/Redemption Notices Not Under Book-Entry System.

If at any time the Issuer decides not to maintain the Obligations in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Obligation upon its presentation and surrender on or after its maturity or earlier redemption date at the principal office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest

payment date, the interest on each Obligation by wire or other electronic transfer or by check of the Fiscal Agent sent by first class mail to the person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date.

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation must be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Fiscal Agent will issue one or more new fully registered Obligations in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar day period before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after the Obligation has been called for redemption.

Partial Redemptions. If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer will randomly select the Obligations to be redeemed. If less than all of a particular Obligation has been called for redemption, then upon surrender of the Obligation to be redeemed, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations must be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of the Obligations to be redeemed. A notice of redemption may be revoked by sending a notice, by first class mail, not less than 15 days prior to the proposed redemption date to the registered owners of the Obligations which have been called for redemption.

Accrual of Interest. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date.

Register. The Issuer, the Fiscal Agent, and any alternate fiscal agent may treat the entity or person in whose name any Obligation is registered on the Register as the absolute owner of the Obligation for all purposes whatsoever under this resolution.

Section 11. Form of Obligations.

The Obligations must be in substantially the form shown in Exhibit A. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution.

Section 12. Execution of Obligations.

The Obligations must be signed by the persons who are the Municipal Officers on the date on which the Obligations are signed. The Obligations must be sealed with the Issuer's corporate seal (or a facsimile), if the Issuer has one, and they must also be authenticated by the manual signature of an authorized representative of the Fiscal Agent.

The Obligations will be valid and binding even if before they are delivered any person whose signature appears on the Obligations is no longer living or is no longer the person authorized to sign the Obligations. In that event, the Obligations will have the same effect as if the person were living or were still the person authorized to sign the Obligations.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Issuer are directed to sign the Continuing Disclosure Agreement, and the Issuer agrees to comply with all of its terms.

Section 14. Sale of Obligations.

The Issuer awards the sale of the Obligations to the Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Obligations. The Issuer approves and accepts the purchase agreement signed and presented by the Purchaser to evidence the purchase of the Obligations (the "**Purchase Agreement**"). The Municipal Officers are directed (i) to sign the Purchase Agreement in the Issuer's name and (ii) to take any additional actions needed to complete the sale of the Obligations, including arranging for a specific time and place of closing of the sale.

The Financial Officer is directed to comply with the terms of the Notice of Sale with respect to any good-faith deposit requirements.

The officers of the Issuer are directed to sign the Obligations and to arrange for delivery of the Obligations to the Purchaser in accordance with the Notice of Sale, the Purchase Agreement, and this resolution. The Obligations may be delivered to the Purchaser upon payment by the Purchaser of the Purchase Price, plus any accrued interest, as required by the Notice of Sale.

The sale of the Obligations is conditioned upon the Issuer furnishing the following items to the Purchaser:

- (i) The Obligations, together with the written, unqualified approving opinion of the law firm of Foley & Lardner LLP, bond counsel, evidencing the legality of the Obligations.
- (ii) A transcript of the proceedings relating to the issuance of the Obligations.
- (iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Obligations or the right of the Issuer to issue them at the time of their delivery.

Section 15. General Obligation Pledge; Tax Levy.

For the prompt payment of the principal of, and interest on, the Obligations, the Issuer irrevocably pledges its full faith, credit, and resources. The Issuer hereby levies upon all taxable property in its territory a direct, annual, and irrevocable tax in an amount sufficient to pay, and for the express purpose of paying, the interest on the Obligations as it falls due and also to pay and discharge the principal of the Obligations on their maturity dates.

This tax must be carried from year to year into the Issuer's tax roll. It must be collected in addition to all other taxes and in the same manner and at the same time as all other taxes. The amount of this tax that is carried into the Issuer's tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund available to pay debt service on the Obligations. The tax for each year the levy is made will be in the following amounts:

| <u>Levy Year</u> | <u>Debt Service Amount Due in Following Year</u> | <u>Levy Year</u> | <u>Debt Service Amount Due in Following Year</u> |
|------------------|--|------------------|--|
| 2014 | \$276,345.34 | 2023 | \$436,217.50 |
| 2015 | 435,917.50 | 2024 | 443,698.75 |
| 2016 | 440,417.50 | 2025 | 439,742.50 |
| 2017 | 439,767.50 | 2026 | 439,462.50 |
| 2018 | 438,655.00 | 2027 | 437,891.25 |
| 2019 | 436,705.00 | 2028 | 200,390.00 |
| 2020 | 438,442.50 | 2029 | 197,455.00 |
| 2021 | 438,748.75 | 2030 | 198,943.75 |
| 2022 | 442,855.00 | 2031 | 199,728.75 |

Section 16. Debt Service Fund.

The Treasurer is directed to keep the proceeds of the taxes levied under this resolution, when they are collected, in the Debt Service Fund. The Debt Service Fund must be maintained and administered as provided in Section 67.11 of the Wisconsin Statutes. The Issuer must create a separate account within the Debt Service Fund solely for the Obligations. Any accrued interest received at the time of delivery of the Obligations and the premium, if any, paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations must be deposited into the Debt Service Fund and used to pay interest on the Obligations. If the money in the Debt Service Fund is insufficient to make a payment of principal or interest on the Obligations on a date on which such a payment is due, then the Issuer will promptly provide the necessary funds to make the payment from other available sources.

Section 17. Borrowed Money Fund.

The sale proceeds of the Obligations (not including any accrued interest or premium received) must be deposited in and kept by the Treasurer in a separate fund. The fund must be designated with both the name of the Obligations and the name Borrowed Money Fund (herein referred to as the “**Borrowed Money Fund**”). Money in the Borrowed Money Fund, including any earnings, must be (a) used to pay the costs of the Project and issuing the Obligations or (b) transferred to the Debt Service Fund as provided by law.

Section 18. Official Statement.

The Issuer ratifies and approves the preliminary offering document prepared and distributed in connection with the sale of the Obligations, and the Issuer authorizes and directs the final version of such document (the “**Official Statement**”) to be prepared prior to the issuance of the Obligations; *provided* that the Official Statement must be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers must deliver copies of the Official Statement to the Purchaser and, if the Purchaser requests, execute one or more copies on behalf of the Issuer. Execution and delivery of the Official Statement conclusively evidences the approval of the Municipal Officers.

Section 19. Publication of Notice.

The Recording Officer must publish notice that the Issuer has agreed to sell the Obligations. The notice must be published in the Issuer’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the adoption of this resolution. The notice must be in substantially the form shown in Exhibit B. The Recording Officer must obtain proof, in affidavit form, of the publication, and must compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 20. Authorization of Officers.

The appropriate officers of the Issuer are directed to prepare and furnish the following items to the Purchaser and the attorneys approving the legality of the Obligations:

- (i) Certified copies of proceedings and records of the Issuer relating to the Obligations and to the financial condition and affairs of the Issuer.
- (ii) Other affidavits, certificates, and information that may be required to show the facts about the legality of the Obligations, as such facts appear on the books and records under the officer’s custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose are representations of the Issuer as to the facts they present.

Section 21. Further Authorization.

The Issuer authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 22. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, the Issuer rescinds that part of the prior action.

Section 23. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 24. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * *

Adopted: January 21, 2014

Approved: January 22, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

EXHIBIT A

FORM OF OBLIGATION

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

STATE OF WISCONSIN
CITY OF GREEN BAY

Registered

No. R-____ \$_____

TAXABLE GENERAL OBLIGATION COMMUNITY DEVELOPMENT BOND, SERIES 2014A

| <u>Interest Rate</u> | <u>Maturity Date</u> | <u>Original Issue Date</u> | <u>CUSIP</u> |
|--------------------------|--------------------------|--------------------------------|--------------|
| ____% | April 1, 20__ | February 11, 2014 | 392641 ____ |

REGISTERED OWNER: CEDE & CO.
PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF GREEN BAY, WISCONSIN (herein called the "**Issuer**"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner, the Principal Amount, on the Maturity Date, and to pay interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is payable semiannually on April 1 and October 1, beginning on April 1, 2015, until the Principal Amount has been paid. Interest is computed on the basis of a 360 day year of twelve 30 day months.

This Obligation is one of a duly authorized issue of obligations (the "**Obligations**") of the Issuer of an aggregate principal amount of \$4,925,000, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Issuer pursuant to the provisions of Chapter 67 of the Wisconsin Statutes, and is authorized by (1) an initial resolution adopted by the governing body of the Issuer on December 17, 2013, specifying a not to exceed amount of \$7,500,000 for purposes, including the purpose of providing financial assistance to

blight elimination, slum clearance, community development, redevelopment, and urban renewal programs and projects under Sections 66.1105, 66.1301 to 66.1329, and 66.1331 to 66.1337 of the Wisconsin Statutes, including, but not limited to, financing separate developer grants to provide for the construction of mixed-use residential and retail facilities within the Issuer's Tax Incremental Districts No. 5 and 13; and (2) the resolution duly adopted by the governing body of the Issuer on January 21, 2014, entitled: "A Resolution Authorizing and Providing for the Sale and Issuance of \$4,925,000 Taxable General Obligation Community Development Bonds, Series 2014A, and All Related Details" (the "**Resolution**"). The Obligations are issuable only in the form of fully registered obligations.

On the date of their initial delivery, the Obligations will be maintained in a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer (a "**Depository**"), or in the name of the Depository's nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Obligations electronically (a "**Book-Entry System**"). So long as the Obligations are maintained in a Book Entry System, then the principal of, and interest on, this Obligation will be paid by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect by Associated Trust Company, National Association, or any successor fiscal agent appointed by the Issuer under Section 67.10 (2) of the Wisconsin Statutes (the "**Fiscal Agent**"), who will act as paying agent and registrar for the Obligations.

If at any time the Issuer decides not to maintain the Obligations in a Book-Entry System, then (i) the principal of this Obligation will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or prior redemption date at the principal office of the Fiscal Agent, and (ii) the interest on this Obligation will be paid, on each interest payment date, by wire or other electronic transfer or by check of the Fiscal Agent sent by first class mail to the person in whose name this Obligation is registered on the register (the "**Register**") maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the "**Record Date**").

The principal of, and interest on, this Obligation is payable in lawful money of the United States of America. For the prompt payment of the principal of, and interest on, this Obligation, the Issuer has irrevocably pledged its full faith, credit, and resources. The Issuer has levied upon all taxable property in its territory a direct, annual, and irrevocable tax sufficient in amount to pay, and for the express purpose of paying, the interest on this Obligation as it falls due and the principal of this Obligation on the Maturity Date.

The Obligations maturing on or after April 1, 2025 are subject to redemption before their stated maturity dates, at the Issuer's option, in whole or in part, in the order of maturity selected by the Issuer, on April 1, 2024 and on any date thereafter. The

redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If less than all outstanding Obligations are redeemed, then the Obligations will be redeemed in \$5,000 multiples as set forth below and, if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Issuer will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption.

The Obligations maturing on April 1 in the years 2030 and 2032 (the “**Term Bonds**”) are also subject to mandatory partial redemptions prior to their stated maturity dates by operation of a sinking fund. On the following redemption dates (each a “**Sinking Fund Redemption Date**”), the Issuer will redeem the following principal amounts of the Term Bonds:

Term Bonds Maturing April 1, 2030

| <u>Sinking Fund Redemption Date (April 1)</u> | | <u>Principal Amount to be Redeemed</u> |
|---|-------------------|--|
| 2029 | | \$170,000 |
| 2030 | (Stated Maturity) | 175,000 |

Term Bonds Maturing April 1, 2032

| <u>Sinking Fund Redemption Date (April 1)</u> | | <u>Principal Amount to be Redeemed</u> |
|---|-------------------|--|
| 2031 | | \$185,000 |
| 2032 | (Stated Maturity) | 195,000 |

The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected as described below, and the Issuer will give notice of the redemption in the manner described below.

So long as the Issuer maintains the Obligations in a Book-Entry System, then the following provisions apply:

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the surrender of the Obligations to the Fiscal Agent and in exchange and upon the payment of a charge sufficient to reimburse the Fiscal Agent for any tax, fee, or other governmental charge required to be made with respect to such registration, the Issuer will issue new fully registered Obligations in the same aggregate principal amounts

to the successor securities depository and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If an Obligation has been called for redemption but less than all of the principal amount of a specific maturity is redeemed, then on the redemption date and upon surrender of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed redemption date.

Accrual of Interest. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date.

Register. The Issuer, the Fiscal Agent, and any alternate fiscal agent may treat the entity or person in whose name this Obligation is registered on the Register as the absolute owner of this Obligation for all purposes.

If at any time the Issuer decides not to maintain the Obligations in a Book-Entry System, then the following provisions apply:

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation must be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Fiscal Agent will issue one or more new fully registered Obligations, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered

Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar day period before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer will randomly select the Obligations to be redeemed. If a portion of an Obligation has been called for redemption, then on the redemption date, and upon surrender of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations must be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of any Obligations to be redeemed. A notice of redemption may be revoked by sending a notice, by first class mail, not less than 15 days prior to the proposed redemption date to the registered owners of the Obligations which have been called for redemption.

Accrual of Interest. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date.

Register. The Issuer, the Fiscal Agent, and any alternate fiscal agent may treat the entity or person in whose name this Obligation is registered on the Register as the absolute owner of this Obligation for all purposes.

The Issuer certifies, recites, and declares that all acts, conditions, and procedures required by law to be, or to be done, leading up to and in the issuing of this Obligation and of the issue of which it is a part, do exist, have happened, and have been done and performed in regular and due form, time, and manner as required by law; that the indebtedness of the Issuer, including this Obligation and the issue of which it is a part, does not exceed any limitation, general or special, imposed by law; and that a valid, direct, annual and irrevocable tax has been levied by the Issuer sufficient to pay the interest on this Obligation when it falls due and also to pay and discharge the principal of this Obligation at maturity.

IN WITNESS WHEREOF, the Issuer, by its governing body, has caused this Obligation to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of February 11, 2014.

CITY OF GREEN BAY, WISCONSIN

By:

Mayor

[SEAL]

And:

Clerk

Certificate of Authentication

Dated: February __, 2014

This Obligation is one of the Obligations
described in the Resolution.

ASSOCIATED TRUST COMPANY, NATIONAL ASSOCIATION,
as Fiscal Agent

By: _____
Authorized Signatory

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

(Please Print or Type Name and Address of Assignee)

the within-mentioned Obligation and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Fiscal Agent. Those requirements include membership or participation in the Securities Transfer Association Medallion Program ("STAMP") or such other "signature guarantee program" as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Obligation in every particular, without any alteration or change. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of the person's authority to act must accompany this Obligation.

February __, 2014

City of Green Bay
100 North Jefferson Street
Green Bay, Wisconsin 54301

Subject: \$4,925,000
City of Green Bay, Wisconsin
Taxable General Obligation Community Development Bonds,
Series 2014A

We have acted as bond counsel to the City of Green Bay, Wisconsin (the “**Issuer**”) in connection with the issuance of its \$4,925,000 Taxable General Obligation Community Development Bonds, Series 2014A, dated February 11, 2014 (the “**Obligations**”).

We examined the law, a certified copy of the proceedings relating to the issuance of the Obligations, and certifications of public officials and others. As to questions of fact material to our opinion, we relied upon the certified proceedings and certifications without independently undertaking to verify them.

Based upon this examination, it is our opinion that, under existing law:

1. The Obligations are valid and binding general obligations of the Issuer.
2. All taxable property in the Issuer’s territory is subject to ad valorem taxation without any limit as to rate or amount to pay the principal and interest coming due on the Obligations. The Issuer is required by law to include in its annual tax levy the principal and interest coming due on the Obligations except to the extent that the Issuer has deposited other funds, or there is otherwise surplus money, in the account within the debt service fund created for the Obligations under Wisconsin law.

The rights of the owners of the Obligations and the enforceability of the Obligations may be limited by bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditors’ rights and by equitable principles (which may be applied in either a legal or an equitable proceeding).

We express no opinion as to the truth or completeness of any official statement or other disclosure document used in connection with the offer and sale of the Obligations.

February __, 2014

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Our opinion is given as of the date of this letter. We assume no duty to update our opinion to reflect any facts or circumstances that later come to our attention or any subsequent changes in law. In acting as bond counsel, we have established an attorney-client relationship only with the Issuer.

Very truly yours,

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF GREEN BAY, WISCONSIN
RELATING TO TAXABLE BOND SALE

On January 21, 2014, pursuant to Chapter 67 of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Green Bay, Wisconsin authorized the borrowing of money and entered into a contract to sell taxable general obligation community development bonds in the principal amount of \$4,925,000. It is anticipated that the closing of this bond financing will be held on or about February 11, 2014. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk, at 100 North Jefferson Street, Green Bay, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Publication Date: January 24, 2014

/s/ Kris A. Teske

City Clerk

Moved by Ald. Thomas DeWane, seconded by Ald. Brunette to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of adopting all the remaining resolutions with one roll call vote. Motion carried.

**FINAL PAYMENTS RESOLUTION
JANUARY 21, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. SEWERS 3-13 (INCLUDING WATER MAIN)

De Groot, Inc.

| | |
|-----------------------|----------------|
| TOTAL AMOUNT EARNED: | \$ 733,796.35 |
| LESS AMOUNT RETAINED: | \$ <u>0.00</u> |

| | |
|----------------------------------|---------------------|
| | \$ 733,796.35 |
| LESS AMOUNT PREVIOUSLY PAID: | \$ 720,221.56 |
| AMOUNT DUE THIS ESTIMATE: | \$ 13,574.79 |

ACCOUNT NUMBERS

501-00-000-000-12201-000000-000-63083: \$0.00
403-50-500-502-55355-000000-000-63083: \$0.43
412-50-500-501-55355-000000-000-63083: \$13,574.36
PO #105378

Adopted January 21, 2013

Approved January 22, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Boyce, seconded by Ald. Kocha to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING TEMPORARY
LIMITED EASEMENTS (TLEs) AND
PERMANENT LIMITED EASEMENTS (PLEs)
FOR MONROE AVENUE
FROM CASS STREET TO MAIN STREET
January 21, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the following Temporary Limited Easements (TLE) and Permanent Limited Easements (PLE):

MONROE AVENUE – CASS STREET TO MAIN STREET PROJECT ID. # 1481-07-21

Robert L. Vertz

\$250.00

TLE

| | | |
|---------------------------------------|-----------|-----------|
| Parcel 27 | | |
| DOS Espiritu, LLC Parcel 47 | \$250.00 | TLE |
| Associated Bank Parcel 71 | \$250.00 | TLE |
| Associated Bank Parcel 72 | \$1500.00 | PLE & TLE |
| Feld Limited Partnership Parcel 78 | \$4050.00 | PLE & TLE |
| Econoprint Centers, Inc. Parcel 81 | \$250.00 | TLE |

Adopted January 21, 2014

Approved January 22, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Boyce, seconded by Ald. Kocha to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING
AIR RIGHTS EASEMENT
AT 143 N BROADWAY
January 21, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Rhonda Budez (tenant) on behalf of Sand & Sun, LLC (owner) for an Air Rights Easement to allow for the installation of a flag-mounted sign above the N Broadway right-of-way at 143 N Broadway, subject to execution of a hold harmless agreement, filing the required insurance with Risk Management, and authorize the Mayor and the City Clerk to sign.

Adopted January 21, 2014

Approved January 22, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Boyce, seconded by Ald. Kocha to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING
AIR RIGHTS EASEMENT
AT 154 N BROADWAY
January 21, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by 154 N Broadway, LLC (owner) on behalf of Salon 54 (tenant) for an Air Rights Easement to all for the installation of a flag-mounted sign above the N Broadway right-of-way at 154 N Broadway, subject to execution of a hold harmless agreement, filing the required insurance with Risk Management, and authorize the Mayor and the City Clerk to sign.

Adopted January 21, 2014

Approved January 22, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Boyce, seconded by Ald. Kocha to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING THE CITY
OF GREEN BAY TO ENTER PRIVATE DRIVE
AT BAY HIGHLANDS CIRCLE DRIVE
TO PICK UP GARBAGE AND RECYCLABLES
HOLD HARMLESS AGREEMENT
January 21, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Ald. Wiezbiskie, on behalf of constituents on the north end of Bay Highland Circle Drive, to have the City enter on the private drive to pick up garbage and recyclables, and to authorize the Director of Public Works to enter into an agreement subject to the provision of Municipal code §9.02(7)e2, and authorize the Mayor and the City Clerk to sign.

Adopted January 21, 2014

Approved January 22, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Boyce, seconded by Ald. Kocha to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION RECOGNIZING INTERNATIONAL MIGRATORY BIRD DAY

January 21, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, migratory birds are some of the most beautiful and easily observed wildlife that share our communities; and

WHEREAS, many citizens recognize and welcome migratory songbirds as symbolic harbingers of spring; and

WHEREAS, these migrant species also play an important economic role in our community, controlling insect pests and generating millions in recreational dollars statewide; and

WHEREAS, migratory birds and their habitats are declining throughout the Americas, facing a growing number of threats on their migration routes and in both their summer and winter homes; and

WHEREAS, public awareness and concern are crucial components of migratory bird conservation; and

WHEREAS, citizens enthusiastic about birds, informed about the threats they face, and empowered to help address those threats can directly contribute to maintaining healthy bird populations; and

WHEREAS, since 1993 International Migratory Bird Day (IMBD) has become a primary vehicle for focusing public attention on the nearly 350 species that travel between nesting habitats in our communities and throughout North America and their wintering grounds in South and Central America, Mexico, the Caribbean, and the southern U.S.; and

WHEREAS, hundreds of thousands of people will observe IMBD, gathering in town squares, community centers, schools, parks, nature centers, and wildlife refuges to learn about birds, take action to conserve them, and simply to have fun; and

WHEREAS, while IMBD officially is held each year on the second Saturday in May, its observance is not limited to a single day, and planners are encouraged to

schedule activities on the dates best suited to the presence of both migrants and celebrants; and

WHEREAS, IMBD is not only a day to foster appreciation for wild birds and to celebrate and support migratory bird conservation, but also a call to action.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Green Bay, Wisconsin, does hereby proclaim May 10, 2014, as International Migratory Bird Day in the City of Green Bay and urges all citizens to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitats in our community and the world at large.

Adopted January 21, 2014

Approved January 22, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Boyce, seconded by Ald. Kocha to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

ORDINANCES - FIRST READING

GENERAL ORDINANCE NO. 1-14

AN ORDINANCE
AMENDING SECTION 29.208,
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING 8:00 AM – 4:00 PM SCHOOL DAYS zones:

ROBINSON AVENUE, south side, from a point 600 feet east of Edgewood Drive to a point 130 feet west of Radinz Road

ROBINSON AVENUE, west side, from a point 35 feet south of Radinz Road to a point 335 feet east of Radinz Road

SECTION 2. Section 29.208, Green Bay Municipal Code is hereby amended by adding thereto the following NO STOPPING OR STANDING 8:00 AM – 4:00 PM SCHOOL DAYS zone:

ROBINSON AVENUE, south side, from a point 130 feet west of Radinz Road to a point 35 feet east of Radinz Road

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

FRANK STREET, east side, from a point 35 feet south of Rockdale Street to Rockdale Street

ROCKDALE STREET, south side, from Frank Street to a point 35 feet east of Frank Street

SECTION 4. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following TWO-HOUR PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

TILKENS STREET, both sides, from Tommark Street to Spence Street

SECTION 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 2-14

AN ORDINANCE
AMENDING SECTION 29.307,
GREEN BAY MUNICIPAL CODE,
RELATING TO TRAFFIC REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.307, Green Bay Municipal Code, is hereby amended by adding thereto the following ONE-WAY YIELD conditions:

FRED STREET at BASTEN STREET

PETERS STREET at BASTEN STREET

SQUARE TERRACE at OPEN GATE TRAIL

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____,
2014.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 3-14

AN ORDINANCE
AMENDING SECTION 27.603(2),
GREEN BAY MUNICIPAL CODE,
RELATING TO BOWS AND CROSSBOWS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 27.603(2), Green Bay Municipal Code, is hereby amended to read:

(2) BOW AND CROSSBOW

(a) Use and Discharge Prohibited. No person shall use or discharge an arrow from a bow or a bolt from a crossbow in the City.

(b) Exceptions. A bow and arrow or crossbow may be used under the following conditions:

1. As part of a supervised activity sponsored by a public or private institution of learning duly licensed by the State of Wisconsin.

2. At a licensed sportsmen's club, gallery, or range.

3. In conformity with the conditions of subsection ~~(1)(b)3~~, (1)(b)4, or (1)(b)5.

4. While hunting at least 100 yards from a building located on another person's land and only if discharging the arrow or bolt toward the ground.

5. While hunting with the permission of any person who owns a building within 100 yards and only if discharging the arrow or bolt toward the ground.

SECTION 2. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

Clerk

This item had previously been referred back to the Protection & Welfare Committee.

GENERAL ORDINANCE NO. 4-14
AN ORDINANCE
CREATING SECTION 21.10,
GREEN BAY MUNICIPAL CODE,
RELATING TO WELL HEAD PROTECTION

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 21.10, Green Bay Municipal Code, is created to read:

21.10 WELL HEAD PROTECTION.

- (1) **PURPOSE.** Certain land use practices and activities can threaten or degrade groundwater quality. The purpose of the "Well Head Protection Ordinance" is to institute land use regulations and restrictions to protect The Green Bay municipal well water supply and to promote the public health, safety and general welfare of the residents of the City of Green Bay.
- (2) **DEFINITIONS.**
 - (a) **Aquifer** - A saturated permeable, geologic formation that contains and will yield significant quantities of water.
 - (b) **Cone of Depression** - The cone-shaped area around a well, in which the water level is lowered by pumping of the well. The cone of depression for Green Bay Municipal Well has been estimated.
 - (c) **Groundwater** - Any of the waters of the state, as defined in § 281.01(18), Wis. Stats., occurring in a saturated subsurface geological formation of rock or soil.
 - (d) **Groundwater Divide** - A ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. The line of highest hydraulic head in the water table or potentiometric surface.

- (e) Hazardous Substance - Any waste or material which because of its quantity, concentration or physical chemical or infectious characteristics may:
 - 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - 2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (f) Nonconforming Use - An existing lawful use of land, structure, building or accessory use which is not in conformity with the provisions of this ordinance.
- (g) Petroleum Product - Any fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, and other similar products.
- (h) Potable Water - Any water that is satisfactory for drinking, culinary, and domestic purposes meeting current State and Federal drinking water standards.
- (i) Primary Management Zone - The area within a 1,200 foot radius of a well. The setbacks to contamination sources as set forth in the Wisconsin Administrative Code Chapter NR 811 shall be part of this ordinance and enforceable under the ordinance.
- (j) Primary Protection Area - An area calculated as the zone of influence characteristic to each individual well supply of potable water to any community water system. It begins at the well head and extends radially outward a distance of 500 feet from the well.
- (k) Recharge Area – The total land area contributing water to a well.
- (l) Well – Any drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface and is constructed for the purpose of obtaining groundwater.
- (m) Well Head – The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.
- (n) Well Head Protection Area – The surface or subsurface area surrounding a water well or well field, supplying a public water system, an area through

which contaminants are reasonably likely to move toward and reach such water well or well field.

- (o) Well Field - A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) WELL HEAD PROTECTION AREA.

- (a) Separation from Contamination Sources. Section NR 811.12(5)(d), Wisconsin Administrative Code, as it may be amended from time to time, is hereby adopted in its entirety as though fully set forth herein.

- (b) Prohibited Uses. The following uses are prohibited uses within the Primary Management Zone(s):

1. Pesticide and/or fertilizer storage and use
2. Septage and/or sludge spreading
3. Animal waste land spreading
4. Animal waste facilities
5. Animal confinement facilities
6. Gas stations
7. Vehicle repair establishments, including auto body repair
8. Printing and duplicating
9. Truck terminals
10. Repair shops
11. Wastewater treatment facilities
12. Spray wastewater facilities
13. Junk yards or auto salvage yards
14. Bulk fertilizer and pesticide facilities
15. Asphalt products manufacturing
16. Dry cleaning facilities

17. Salt storage
18. Electroplating
19. Exterminating shops
20. Paint and coating manufacturing
21. Hazardous and toxic materials storage and use
22. Hazardous and toxic waste facilities
23. Radioactive waste facilities
24. Tire and battery services
25. Garage and vehicular towing
26. Public and municipal maintenance garages

- (4) **EXEMPTIONS.** Individuals and/or Facilities may request the City to issue a permit for a special exception use in the Well Head Protection Area. All requests shall be in writing to the City of Green Bay Water Utility and include an Environmental Assessment Report prepared by a licensed professional engineer. Said report will be forwarded to the Water Utility for recommendation and final decision by the Green Bay Water Utility Commission. The individual/facility shall reimburse the City for all consultant fees associated with this review at the invoiced amount plus administrative costs. Any permitted uses shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and/or bonds and/or sureties satisfactory to the City.
- (5) **NONCONFORMING USES.** The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
- (a) No modifications or additions to nonconforming use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section, the words “modification” and “addition” shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.

- (b) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the land, structure or building shall conform to the appropriate provisions of this ordinance.

(6) REQUIREMENTS FOR EXISTING FACILITIES.

- (a) Facilities shall provide copies of all federal, state and local facility operation approvals or certificate and ongoing environmental monitoring results to the City of Green Bay Water Utility.
- (b) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the City of Green Bay Water Utility, which may include, but are not limited to, storm water runoff management and monitoring.
- (c) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (d) Facilities shall have the responsibility of devising and filing with the City of Green Bay Water Utility a contingency plan satisfactory to the Water Utility for the immediate notification of the Water Utility officials in the event of an emergency.

(7) SPECIAL CHARGE. In the event the individual and/or facility causes the release of any contaminants which endanger the City of Green Bay, the activity causing said release shall immediately cease and a cleanup satisfactory to the City shall occur. The individual/facility participating in such activity shall be responsible for all costs of cleanup, City of Green Bay consultant fees at the invoice amount plus administrative costs for oversight review, and documentation. These costs may include but are not limited to:

- (a) The cost of City of Green Bay employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
- (b) The cost of City equipment employed.
- (c) The cost of mileage reimbursed to City employees attributed to the cleanup.

(8) PENALTIES. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars,

plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

(9) **AUTHORITY TO ISSUE CITATIONS.** The following City employees are authorized to sign and issue citations for violations of this section and may designate other city employees who may sign and issue citations on their behalf:

- (a) The Water Utility General Manager
- (b) An attorney representing the City

(10) **CONFLICT AND SEVERABILITY.**

- (a) **Conflict with other Ordinances.** In case of a conflict between this ordinance, or any part thereof, and the whole or part of any existing or future ordinances, the most restrictive provisions shall apply.
- (b) **Severability.** If any word, clause, phrase, portion, or provision of this ordinance is held invalid or unconstitutional by any duly authorized court in the State of Wisconsin, such a decision shall not affect the remainder or any other provision of this ordinance.

SECTION 2. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____,
2014.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 1-14

AN ORDINANCE
REZONING PROPERTY LOCATED
AT 1026 NINTH STREET
FROM LOW DENSITY RESIDENTIAL (R1) DISTRICT
TO OFFICE RESIDENTIAL (OR) DISTRICT
AND 1028 AND 1036 NINTH STREET
FROM HIGHWAY COMMERCIAL (C2) DISTRICT AND
LOW DENSITY RESIDENTIAL (R1) DISTRICT
TO OFFICE RESIDENTIAL (OR) DISTRICT
(ZP 13-41)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Low Density Residential (R1) District to Office Residential (OR) District:

1026 Ninth Street: WARREN & CADYS SUBD OF LOT 41 OF TANKS
SUBD OF PC 2-9 W 52 FT OF LOT 35 BLK B (Tax Parcel Number 1-105)

SECTION 2. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Highway Commercial (C2) District and Low Density Residential (R1) District to Office Residential (OR) District:

1028 Ninth Street: WARREN & CADYS SUBD OF LOT 41 OF TANKS
SUBD OF PC 2-9 E 75 FT OF LOT 70 BLK B (Tax Parcel Number 1-135)

1036 Ninth Street: WARREN & CADYS SUBD OF LOT 41 OF TANKS
SUBD OF PC 2-9 W 55 FT OF LOT 70 & ALL OF LOT 69 BLK B (Tax
Parcel Number 1-134)

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to advance the ordinance to the third reading. Motion carried.

ORDINANCES - THIRD READING

GENERAL ORDINANCE NO. 24-13

AN ORDINANCE
REPEALING CHAPTER 20,
GREEN BAY MUNICIPAL CODE,
RELATING TO AIR POLLUTION CONTROL,

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 20, Green Bay Municipal Code, is hereby repealed.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 21st day of January, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

CHAPTER 20

AIR POLLUTION CONTROL

- 20.01 Definitions
- 20.02 Ringelmann Chart Adopted
- 20.03 Department of Air Pollution Control
- 20.04 Duties of the Heating and Ventilating Inspector
- 20.05 Establishment of Rules and Regulations
- 20.06 Installation Permits, Operating Permits, and Certificates of Operation
- 20.07 Coordination of Municipal Regulations
- 20.08 Fees
- 20.09 Entrance to Premises
- 20.10 Reporting of Sales and Purchases
- 20.11 Dust Separators and Smoke Indicators
- 20.12 Disposal of Dust
- 20.13 Contaminants
- 20.14 Emission: Limits and Measurements
- 20.15 Sealing of Equipment
- 20.16 Persons Liable
- 20.20 General Penalty

20.01 **DEFINITIONS.** The following definitions shall be applied in the interpretation and enforcement of this chapter.

(1) **AIR CONTAMINANT.** Any waste discharged from fuel burning equipment, internal combustion engines, premises, open fires, stacks, or from any other source which results in air pollution to a degree causing injury, detriment, nuisance, or annoyance to any considerable number of person or to the public or which endangers the comfort, repose, health, or safety of any such persons or the public or which causes or has a tendency to cause injury or damage to business or property. Air contaminants include, without limiting by enumeration, any other specific detriments, dust or dust clouds emanating from parking lots, drivers, and service areas or arising as a result of the operation and parking of vehicles on a surface other than blacktop, concrete or the equivalent. Equivalent means the surfacing with road oil or soil cement in accordance with specifications approved by the Director of Public Works and the Heating and Ventilating Inspector.

(2) **BUILDING FIRES.** "A new fire being built" means a fresh fire being started and does not mean the replenishing of an existing fuel bed with additional fuel.

(3) **CERTIFICATE OF OPERATION.** A certificate issued by the Inspector authorizing the use of any fuel burning equipment for the period indicated, after it has been determined that it can be operated in compliance with this chapter.

(4) **CLEANING FIRES.** "When the firebox is being cleaned out" means the period during which the fuel bed, including ash and clinker, is being completely removed from the grate surface. Such operation may be done by cleaning portions of the grate at different times. This phrase does not mean the act of shaking the grates to remove ash or individual clinkers from the fuel bed.

(5) **DEPARTMENT.** The Department of Air Pollution Control of the City.

(6) **DUST.** Gas-borne or air-borne particles larger than one micron in mean diameter.

(7) **DUST SEPARATING EQUIPMENT.** Any device for separating dust from the gas medium in which it is carried.

(8) **EMISSION.** Emission into the open air.

(9) **FUEL BURNING EQUIPMENT.** Any furnace, incinerator, refuse burning equipment, dust separating equipment, boiler, apparatus, device, mechanism, stack, chimney, or structure used in the process of burning fuel or other combustible material.

(10) **FUMES.** Gases or vapors that are of such character as to create an unclean, destructive, or unhealthful condition.

(11) INSPECTOR. The Heating and Ventilating Inspector (Air Pollution Control Inspector) of the City.

(12) INSTALLATION PERMIT. A permit issued by the Inspector authorizing the construction, installation, alteration, or repair of any fuel burning equipment in accordance with plans and specifications approved by him.

(13) INTERNAL COMBUSTION ENGINE. Any engine in which the combustion of a gaseous, liquid, or pulverized solid fuel takes place within one or more cylinders.

(14) MECHANICAL FIRING. Firing through the use of mechanical equipment such as burners, stoker, or other approved firing devices.

(15) OPEN FIRE. Any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney.

(16) OPERATING PERMIT. A permit issued by the Inspector authorizing the use of any fuel burning equipment for test purposes to determine whether it can be operated in compliance with this chapter. (See Certificate of Operation.)

(17) RAILROAD LOCOMOTIVE. Any railroad locomotive or railroad vehicle using a liquid, solid, or pulverized solid fuel.

(18) RINGELMANN CHART. The standard by which the shade or density of smoke is measured, published by the United States Bureau of Mines.

(19) SMOKE. All gaseous products of combustion, together with carbon, soot, fly ash, and all other particulate solids in combustion gases in sufficient density to be observable.

(20) SEAL OR SEALING EQUIPMENT. A device installed by the Inspector to prevent use of fuel burning equipment operating in violation of this chapter.

(21) SOOT. Agglomerated particles consisting essentially of carbonaceous materials.

(22) STACK OR CHIMNEY. Stack, chimney, flue, conduit, or opening arranged for the emission into the open air of smoke, dust, cinders, soot, fumes, noxious gases, or wastes.

(23) TECHNICAL ENGINEER. A person qualified by law to practice professional engineering or one qualified for full membership in the American Society of Mechanical Engineers.

20.02 **RINGELMANN CHART ADOPTED**. The Ringelmann Chart, published by the United States Bureau of Mines, is adopted by reference and made a part of this

chapter as though set out in full. Such chart shall be the reference by which the shade or density of smoke shall be measured.

20.03 **DEPARTMENT OF AIR POLLUTION CONTROL.**

(1) CREATED. There is created a Department of Air Pollution Control of the City.

(2) HOW CONSTITUTED. The membership of the department of Air Pollution Control shall consist of:

(a) The Heating and Ventilating Inspector, who shall be appointed by the Mayor, subject to confirmation by the Council, for a term of two years commencing on May 1 in the year in which appointed; and

(b) Such inspectors and other employees as may, in the opinion of the Council, be necessary for the proper performance of the work of the Department. Such inspectors and employees shall be appointed by the Inspector and shall be paid such salaries as may be fixed by the Council.

20.04 **DUTIES OF THE HEATING AND VENTILATING INSPECTOR.** The Heating and Ventilating Inspector shall be responsible for the administration of smoke and other air pollution regulations of the City and shall have the following duties:

(1) ISSUANCE OF PERMITS, CERTIFICATES, AND NOTICES.

(a) Installation Permits. The examination of the application and plans for the construction, installation, or alteration of any fuel burning equipment or any equipment pertaining thereto and, if found to meet the requirements of the rules and regulations, the issuance of an installation permit.

(b) Operating Permits and Certificates of Operation. The inspection of the installation of all equipment for which a permit has been issued and, if found that the work is completed in accordance with the rules and regulations, the issuance of an operating permit and thereafter, when operation is demonstrated to comply with the provisions of this chapter, the issuance of a certificate of operation.

(c) Notices. The issuance of any notice required under the provisions of this chapter.

(2) MAINTENANCE RECORDS. The Inspector shall keep in the office of the Department of Air Pollution Control all applications made and a complete record thereof, as well as all permits and certificates issued. The Inspector shall keep a record of all smoke observations on all stacks and generally of the work done by the Department. All such records shall be open for inspection by the public at all reasonable times.

(3) INSPECTIONS. The investigation of complaints and the making of inspections and observation of smoke conditions.

(4) EDUCATION.

(a) Smoke Reduction. The publication and dissemination of information on methods of smoke reduction.

(b) Scientific and Other Societies. The enlistment of the cooperation of civic, technical, scientific, and educational societies.

(5) NEW REGULATIONS. The preparation and presentation to the Council for consideration of such rules and regulations necessary for the effective enforcement of the provisions of this chapter. See §20.05, Green Bay Municipal Code.

20.05 **ESTABLISHMENT OF RULES AND REGULATIONS.** The Inspector may prepare and present to the Council for consideration rules and regulations for the installation and operation of fuel-burning equipment and all other devices susceptible to use in a non-complying manner as to the kind of fuel to be used for various types of equipment and as to necessary auxiliary devices to aid in meeting the requirements of this chapter. When adopted by the Council, such rules and regulations shall have the force and effect of ordinances. The Council, upon recommendation of the Inspector, may from time to time alter, amend, or rescind such rules and regulations and promulgate such additional rules and regulations as are deemed advisable. Such rules and regulations as may be prepared, revised, amended, or rescinded shall be made effective 30 days after their publication in the official newspaper of the City.

20.06 **INSTALLATION PERMITS, OPERATING PERMITS, AND CERTIFICATES OF OPERATION.**

(1) OPERATING PERMITS.

(a) Required. No person shall construct, install, reconstruct, or alter any fuel-burning equipment or any equipment pertaining thereto for use with the City until an application, including suitable plans and specifications of the fuel-burning equipment and structures or buildings used in connection therewith, has been filed by such person or an agent in the office of the Inspector and has been approved by an inspector and an installation permit issued for such construction, installation or alteration.

(b) Information to be Supplied. Such plans and specifications shall show the form and dimensions of the fuel-burning equipment, in particular the proposed boiler, furnace, fuel burner, stack, and ducts, together with the description and dimensions of the building or part thereof in which such fuel-burning equipment is to be located, including the means provided for admitting air for combustion. The character of the fuel to be used, the maximum quantity of such fuel to be burned per hour, the operating requirements, and the use to be made of such fuel-burning equipment shall be stated.

(c) Exceptions.

1. Maintenance or repair which does not change the capacity of such fuel-burning equipment and which does not involve any change in the method of combustion or affect the emission of smoke, dust, or fumes therefrom may be made without an installation permit.

2. Emergency repairs other than repairs specified in par. (c)1, above, may be made prior to the application for an installation permit if serious consequences may result if such repairs are deferred. When such repairs are made, the person responsible shall notify the Inspector on the first business day after the emergency occurred and file an application for an installation permit if directed to do so by the Inspector.

(d) Issuance. An application shall be approved or rejected within 10 days after it is filed in the office of the Inspector. Upon the approval of the application and upon the payment of the prescribed fees, the Inspector shall issue a permit for the construction, installation, or alteration of such fuel-burning equipment.

(e) Deviations from Plans to be Approved. No construction, installation, reconstruction, or alteration shall be made which is not in accordance with the plans, specifications, and other pertinent information upon which the installation permit was issued without the written approval of the Inspector.

(f) Violations.

1. Work to be Stopped. Violation of the provisions of the installation permit shall be sufficient cause for the Inspector to order all work stopped. The Inspector may seal the installation. No further work shall be done until the Inspector is assured that the condition in question will be corrected and that the work will proceed in accordance with the installation permit.

2. Seal. No person shall violate the seal of any fuel-burning equipment that has been sealed at the direction of the Inspector unless authorized by the Inspector in writing to do so.

(g) Lapse. If construction, installation, reconstruction, or alteration is not started within one year of the date of the installation permit, such permit shall lapse and become void and all fees shall be forfeited unless an extension of time is warranted and granted by the Inspector.

(2) OPERATING PERMIT. No person shall operate or cause to be operated any new or altered fuel-burning equipment or any equipment pertaining thereto for which an installation permit was required or was issued until an inspection has been made by the Inspector and an operating permit issued. The Inspector may seal any equipment in operation for which an operating permit was not obtained as required by this chapter.

(3) CERTIFICATE OF OPERATION. After an operating permit has been issued and it is demonstrated to the satisfaction of the Inspector that the fuel-burning equipment can be operated in compliance with this chapter, a certificate of operation shall be issued by the Inspector. Such certificate shall be kept posted on or near the installation for which it was issued. A certificate of operation cannot be issued on equipment until the person required to procure the certificate of operation complies with this chapter.

(4) NON-COMPLIANCE NOT APPROVED BY ISSUANCE. The issuance by the Inspector of any installation permit, operating permit, or certificate of operation shall not exempt the person to whom such permit or certificate was issued or who is in possession of the same from prosecution for the emission of smoke, dust, cinders, soot, fumes, noxious gases, or waste prohibited by this chapter.

(5) APPEAL. Any person who has been refused a permit or certificate under this section shall be entitled to a hearing on such refusal before the Inspector, who shall provide procedures by which such appeal shall be heard.

(6) EXCEPTION. This section shall not apply to locomotives or one-family residences.

20.07 **COORDINATION OF MUNICIPAL REGULATIONS.** No permit for the erection, construction, or alteration of any building, plant, or structure related in any manner to fuel-burning equipment shall be issued by any department of the City until the

Inspector has first issued a permit covering that portion of the work subject to this chapter to be used in the building, plant, or structure or unless the inspector determines the plans submitted will permit the subsequent installation of facilities adequate for compliance with this chapter.

20.08 **FEES**. The Inspector shall not issue any permits or certificates or inspect any furnaces or other fuel-burning equipment or devices until the fees enumerated in the rules and regulations have been paid to the Department of Air Pollution Control. Such department shall daily pay over all fees received by it to the City Treasurer, taking a receipt therefor.

20.09 **ENTRANCE TO PREMISES**. No person shall interfere with the Inspector or other Department Inspectors in the performance of their duty by refusing them entrance to the premises pursuant to §§66.12 and 66.123, Wis. Stats., at reasonable hours upon identification.

20.10 **REPORTING OF SALES AND PURCHASES**.

(1) All persons engaged in the business of selling fuel-burning equipment shall report to the Inspector the sale of such equipment to be installed within the City. Every person purchasing such equipment shall give to the buyer a signed written statement setting forth the street and house number address of the building in which such equipment is to be installed. Such report shall be delivered by the seller to the Inspector within seven days after such sale and shall contain the name and address of the purchaser.

(2) The Inspector may demand at any time and shall be furnished with a true and correct report showing in detail the equipment purchased and the name and address of the person purchasing such equipment, together with the address of the building in which such equipment is to be installed.

(3) The provisions of this section shall not apply to wholesale transactions made for the purpose of resale.

20.11 **DUST SEPARATORS AND SMOKE INDICATORS**.

(1) **DUST SEPARATORS**. Excepting standby equipment used in emergencies for a total of no more than 10 percent in any one year, all installations using pulverized fuel burners, spreader-type stokers, or other similar solid-fuel suspension burning type of equipment shall be provided with approved dust-separating equipment. Dust-separating equipment installed subsequent to April 18, 1950, shall have a dust-separating efficiency of not less than 85 percent; dust separating equipment installed prior to April 18, 1950, shall have a dust separating efficiency of not less than 75 percent. The Inspector shall be notified of any emergency referred to in this subsection within 12 hours after the occurrence thereof.

(2) SMOKE INDICATORS. All newly-constructed or reconstructed solid or liquid fuel-burning plants having more than 300 sq. ft. of boiler heating surface (30 h.p.), or its equivalent, shall be equipped with smoke indicators, mirrors, or similar devices approved by the Inspector to enable the firemen to observe the top of the stack where it is not readily visible from the boiler room without the use of such devices. In plants where a fireman is not in constant attendance in the boiler room, the smoke indicator shall be of a type which will sound an alarm or flash a signal to attract the attention of the fireman. Any existing plant which emits unlawful smoke may be required to install such an indicating device.

(3) EXCEPTIONS. The provisions of this section shall not apply to locomotives or steamships.

20.12 **DISPOSAL OF DUST.**

(1) Dust from dust separating equipment and from other sources in any installation which is not to be reclaimed shall be moistened and hauled in an approved manner to a City dump or other approved point of disposal. If the dust is to be reclaimed, it shall be handled in a manner satisfactory to the Inspector.

(2) This section shall not apply to railroad locomotives or steamships.

20.13 **CONTAMINANTS.** No person shall cause or permit to be emitted into the open air any air contaminant from any device, nor shall any person cause or permit to be blown into the open air any air contaminant from any dust-borne material.

20.14 **EMISSION: LIMITS AND MEASUREMENT.**

(1) GENERAL.

(a) Ordinary Operation. No person shall cause or permit to be emitted into the open air from any stack or chimney, fuel-burning equipment, internal combustion engine, premises, open fire, or any other source smoke the shade or density of which is equal to or greater than No. 2 of the Ringelmann Chart, except smoke the shade or density of which is equal to but does not exceed No. 2 of the Ringelmann Chart may be emitted for a period or periods not to exceed two minutes in any 30-minute period, and except when the firebox is being cleaned out or a new fire is being built therefor or when such a breakdown of equipment occurs that such emission is not reasonably preventable.

(b) Clean-Outs and New Fires. When the firebox is being cleaned out, or flues are being blown, or a new fire is being built therein, smoke the shade or density of which is equal to but does not exceed No. 2 of the Ringelmann Chart may be emitted into the open air for a period or aggregate of periods not exceeding nine minutes in any 60-minute period, or smoke of a density equal to but not exceeding No. 3 on the Ringelmann Chart may be emitted into the open air for a period or aggregate of periods not exceeding five minutes in any 60-minute period. When flues are being blown on boilers exceeding 100,000 lb. of steam per hour, smoke equal to No. 2 on the Ringelmann Chart may be emitted for a period or aggregate of periods not exceeding 16 minutes in any single period of 120 minutes. The emissions of smoke permitted in this paragraph shall be in the alternative and not cumulative. No person shall cause or permit to be emitted into the open air during the cleaning out of a firebox or the building of a new fire therein smoke the shade or density of which exceeds the limits permitted by this paragraph nor for a longer period than herein permitted.

(2) LOCOMOTIVES.

(a) In Service or Ready for Service. Smoke the shade or density of which is unlimited may be emitted into the open air from any railroad locomotive in service or ready for service for a period or aggregate of periods not to exceed 45 second in any three-minute period. During the remainder of such three-minute period, smoke the shade or density of which is equal to but does not exceed No. 2 of the Ringelmann Chart may be emitted. No person shall cause or permit to be emitted into the open air from any railroad locomotive in or ready for service smoke the shade or density of which exceeds the limits permitted by the provisions of this paragraph, except when such a breakdown of equipment occurs that such emission is not reasonably preventable.

(b) Clean-Outs and New Fires. When a firebox is being cleaned out or a new fire is being built in a railroad locomotive, smoke the shade or density of which is equal to but

not greater than No. 2 of the Ringelmann Chart may be emitted into the open air for a period or aggregate of periods not to exceed nine minutes in any 60-minute period, or smoke the shade or density of which is unlimited may be emitted into the open air for a period or aggregate of periods not exceeding five minutes in any 60-minute period. Emission of smoke as permitted by the provisions of this paragraph shall be in the alternative and not cumulative. No person shall cause or permit to be emitted into the open air from any railroad locomotive while the firebox thereof is being cleaned out or a new fire is being built therein smoke the shade or density of which exceeds the limits permitted by this paragraph nor for longer periods than herein permitted.

(3) STEAMSHIPS.

(a) When Navigating or Maneuvering. While navigating or maneuvering in the river inside the City, a steamship may emit into the open air smoke the shade or density of which is unlimited for a period or an aggregate of periods not to exceed three minutes in any 15-minute period. During the remainder of such 15 minutes, smoke the shade or density of which is less than No. 2 of the Ringelmann Chart may be emitted. No steamship shall emit and no person shall cause or permit to be emitted into the open air from any steamship situated as herein set forth smoke the shade or density of which exceeds the limits permitted by this paragraph nor for longer periods than herein permitted. The provisions of this section shall not apply to any ship making its first call at the Port of Green Bay in any calendar year.

(b) Steamships Docked. When any steamship is docked within the City [except as provided in paragraphs (c) and (d)], it may emit smoke the shade or density of which is less than No. 2 of the Ringelmann Chart, except during the last 15 minutes before such steamship leaves such dock, such steamship may emit smoke the shade or density of which does not exceed No. 3 of the Ringelmann Chart for a period or aggregate of periods not to exceed three minutes, provided that such permitted emission shall not be cumulative to the emission permitted by paragraph (d). No steamship shall emit and no person shall cause or permit to be emitted into the open air from any steamship situated as above set forth smoke the shade or density of which exceeds the limits permitted by this paragraph nor for longer periods than herein permitted.

(c) Self-Unloading Steamship. Steamships equipped with self-unloading machinery which is operated by power from the main power plant of such steamship may, while docked in the City and while such self-unloading machinery is actually and necessarily operating in the discharge of cargo, emit smoke the shade or density of which is unlimited for three minutes in any 12-minute period. During the remainder of such 12-minute period, such steamship so equipped and while so operated may emit smoke the shade or density of which is less than No. 2 of the Ringelmann Chart. No steamship so equipped and while so operated shall emit and no person shall cause or permit to be emitted into the open air from such steamship smoke the shade or density of which exceeds the limits permitted by this paragraph.

(d) Clean-Outs and New Fires. When a firebox is being cleaned out or a new fire is being built therein in a steamship or tugboat, or when such steamship or tugboat is undergoing inspection by a Marine Inspector in accordance with regulations of the United States Coast Guard, such steamship or tugboat may emit into the open air smoke the shade or density of which does not exceed No. 2 of the Ringelmann Chart for a period or aggregate of periods not to exceed nine minutes in any 60-minute period or smoke the shade or density of which is unlimited for a period or aggregate of periods not to exceed five minutes in any 60-minute period. The emission of smoke permitted in this paragraph shall be in the alternative and not cumulative. No steamship shall emit and no person shall cause or permit to be emitted into the open air from any steamship while its firebox is being cleaned out or a new fire is being built therein, or a Marine Inspector's inspection is being made, smoke the shade or density of which exceeds the limits permitted by the provisions of this paragraph nor for a longer period of time than is herein permitted.

(4) TUGBOATS.

(a) When Navigating or Maneuvering Under Own Power. While navigating or maneuvering under its own power in the river inside the City and not engaged in towing a steamship, a tugboat may emit into the open air smoke the shade or density of which is unlimited for a period or aggregate of periods not to exceed three minutes in any 15-minute period. During the remainder of such 15-minute period, smoke the shade or density of which is less than No. 2 of the Ringelmann Chart may be emitted. No tugboat shall emit and no person shall cause or permit to be emitted into the open air from any tugboat situated as set forth smoke the shade or density of which exceeds the limits permitted by this paragraph nor for a longer period than herein permitted.

(b) When Towing Steamships. When a tugboat is towing a steamship within the City, it may emit smoke the shade or density of which is unlimited for a period or aggregate periods not to exceed three minutes in any 12-minute period. During the remainder of such 12-minute period, smoke the shade or density of which is less than No. 2 of the Ringelmann Chart may be emitted. No tugboat shall emit and no person shall cause or permit to be emitted into the open air from any tugboat situated as set forth smoke the shade or density of which exceeds the limits permitted in this paragraph nor for a longer period than herein permitted.

(c) Whiled Docked. While docked in the City inside the river, a tugboat may emit into the open air smoke the shade or density of which is unlimited for a period or aggregate of periods not to exceed three minutes in any 15-minute period. During the remainder of such 15-minute period, smoke the shade or density of which is less than No. 2 of the Ringelmann Chart may be emitted. These permitted emissions shall not be cumulative to the emissions permitted by paragraph (d). No tugboat shall emit and no person shall cause or permit to be emitted into the open air from a tugboat situated as set forth smoke the shade or density of which exceeds the limits permitted by this paragraph nor for longer periods than herein permitted.

(5) LIMITATION ON DUST EMISSION.

(a) Except when blowing flues as permitted in §20.14(1)(b), Green Bay Municipal Code, no person shall cause or permit to be emitted into the open air from any fuel-burning equipment, or to pass any convenient measuring point in the stack, dust in the gases to exceed 0.85 lb. per 1,000 lbs. of gases, adjusted to 12 percent CO content for the products of combustion.

(b) No person shall cause or permit to be discharged from any industrial process, manufacturing operation, material handling, or any other source dust in the gases or air to exceed 0.85 lb. per 1,000 lbs. of the gases, except in no case shall more than 15 percent of the total dust measured before entering the dust- separating device be emitted into the atmosphere.

(6) ASCERTAINMENT OF DUST QUANTITY.

(a) The quantity of dust or solids in the gases shall be determined according to the Test Code for Dust-Separating Apparatus Society of Mechanical Engineers, 1941, which is made a part of this chapter by reference.

(b) This subsection shall not apply to railroad locomotives or steamships.

20.15 **SEALING OF EQUIPMENT.**

(1) NOTIFICATION AND HEARING.

(a) Any person who has been notified of three or more violations of this chapter in respect to the emission of smoke, dust, cinders, soot, fumes, noxious gases, or waste within any consecutive 12-month period shall be notified to show cause before the Inspector on a day certain, not less than 10 days from the date of notice, why the equipment causing such violation shall not be sealed. If the person so notified is not the owner of the equipment, such notice shall also be given to such owner or to the agent of such owner. The notice herein provided for may be given by registered mail directed to the last known address of the person to be notified, with return receipt of address required; or if the person's whereabouts is unknown, by posting a notice on or near the premises at which such violations have occurred. The person so notified may appear at such hearing and be heard. If the Inspector finds upon such hearing that adequate corrective means and methods have not been employed to correct such violation, the Inspector shall seal the equipment until such time as an installation permit and operating permit, as provided under this chapter, have been applied for and issued for such equipment.

(2) SEAL. No person shall violate the seal on any fuel-burning equipment that has been sealed at the direction of the Inspector, unless authorized by the Inspector in writing to do so.

20.16 **PERSONS LIABLE.**

(1) All persons owning, operating, or in charge or control of any equipment who shall cause, permit, or participate in any violation of this chapter, either as proprietors, owners, lessees, tenants, managers, superintendents, constructors, installers, mechanics, repairmen, captains, janitors, engineers, firemen, or otherwise, shall be individually and collectively liable for any penalties imposed by this chapter.

(2) The Inspector may institute complaints against all persons violating this chapter.

20.20 **GENERAL PENALTY.** Any person who shall violate any provision of this chapter or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in §40.05, Green Bay Municipal Code. The unlawful emission of smoke, dust, cinders, soot, fumes, noxious gases, or waste from each stack shall constitute a separate offense.

Moved by Ald. Moore, seconded by Ald. Kocha to adopt the ordinance.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

GENERAL ORDINANCE NO. 25-13

AN ORDINANCE AMENDING CHAPTER 9, GREEN BAY MUNICIPAL CODE, RELATING TO SOLID WASTE COLLECTION AND DISPOSAL

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9, Green Bay Municipal Code, is hereby amended. A copy of the changes to Chapter 9 is attached hereto.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 21st day of January, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Moore, seconded by Ald. Wiezbiskie to adopt the ordinance.
Moved by Ald. Kocha, seconded by Ald. Moore to hold until the next Council meeting.
Motion carried

CHAPTER 13-1300. FLOODPLAIN OVERLAY DISTRICT

SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, TITLE AND DEFINITION

13-1301. Statutory authorization. This ordinance is adopted pursuant to the authorization in Wis. Stats. 62.23, and the requirements of 87.30, Stats.

13-1302. Finding of fact. Uncontrolled development and use of the floodplains **and** rivers, ~~or streams~~ of this municipality would impair the public health, safety, convenience, general welfare and tax base.

13-1303. 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
- (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

13-1304. Title. This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Green Bay, Wisconsin.

13-1305. 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.

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.

AH ZONE – See “**AREA OF SHALLOW FLOODING**”.

AO ZONE – See “**AREA OF SHALLOW FLOODING**”.

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.

ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

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.

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.

BASEMENT - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

BUILDING - See STRUCTURE.

BULKHEAD LINE - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

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.

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 or other mobile recreational vehicle~~ **that is fully licensed, if required, and ready for highway use** .

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.

CHANNEL - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

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.

DECK - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

DEPARTMENT - The Wisconsin Department of Natural Resources.

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.

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.

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

~~EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.~~

~~EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.~~

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

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

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:

- (a) The overflow or rise of inland waters,
- (b) The rapid accumulation or runoff of surface waters from any source,

- (c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
- (d) 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.

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.

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.

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.

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.

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.

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

FLOODPLAIN MANAGEMENT - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

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.

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.

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

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

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

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.

HABITABLE STRUCTURE - Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

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.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - Any structure that is either:

- (a) 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,
- (b) 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,
- (c) 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
- (d) 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.

INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood elevation, equal to or greater than ~~0.04~~ **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.

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

LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR – The lowest floor of the lowest enclosed area (~~including basement~~). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

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."

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.

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.

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.

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."

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.

MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

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.

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.

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

NAVD or NORTH AMERICAN VERTICAL DATUM - Elevations referenced to mean sea level datum, 1988 adjustment.

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

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

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.)

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.)

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.

OFFICIAL FLOODPLAIN ZONING MAPS - Those maps, adopted and made part of this ordinance, as described in chapter 13-1307, which have been approved by the Department and FEMA based on the Brown County Flood Insurance Study (FIS), dated August 18, 2009, volume numbers 55009CV001A, 55009CV002A, and 55009CV003A.

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

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.

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

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

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.

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

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.

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.

STRUCTURE - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBDIVISION - Has the meaning given in s. 236.02(12), Wis. Stats.

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.

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

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.

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.

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.

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

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.

WELL - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

SECTION 2. GENERAL PROVISIONS

13-1306. Areas to be regulated. This ordinance regulates all areas that would be covered by the regional flood or base flood **as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.**

~~**Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.~~

~~**13-1307. Official maps & revisions.** The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Planning Department for the City of Green Bay. If more than one map or revision is referenced, the most restrictive information shall apply. **A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 10 Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City of Green Bay Community Services Agency. If more than one map or revision is referenced, the most restrictive information shall apply.**~~

(a) OFFICIAL MAPS : Based on the FIS: *(select one or more of the following map citations that apply to your community; contact your DNR office if you have questions, or go to <http://store.msc.fema.gov> to access the FEMA Map Store)*

1. Flood Insurance Rate Map (FIRM), panel number **550022**, dated **August 18, 2009 and March 17, 2014**; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated **March 17, 2014, Volume Numbers 55009CV001B, 5009CV002B, and 5009CV003B**;

2. Flood Hazard Boundary Map (FHBM), panel number:

Brown County Flood Insurance Rate Map (FIRM), panel numbers (~~55009C0142F~~ **55009C0142G**, ~~55009C0144F~~ **55009C0144G** dated **March 17, 2014**; ~~55009C0161F, 55009C0162F, 55009C0163F, 55009C0164F, 55009C0166F, 55009C0167F, 55009C0168F, 55009C0169F, 55009C0183F, 55009C0184F, 55009C0186F, 55009C0187F, 55009C0188F, 55009C0189F, 55009C0191F, 55009C0192F, 55009C0193F, 55009C0194F, 55009C0215F, 55009C0232F, 55009C0251F, 55009C0252F, 55009C0256F, 55009C0257F, 55009C0276F, 55009C0277F, 55009C0281F, and 55009C0282F~~) dated August 18, 2009; with corresponding profiles that are based on the FIS.

Approved by: The DNR and FEMA

(b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development. *(The following are examples of other types of maps you may need to adopt.)*

1. 100-Year Dam Failure Floodplain Map, dated (fill in map date), prepared by (fill in contractor.) Approved by: The DNR
2. ~~Letter of Map Revision (case number and date).~~

~~OFFICIAL MAPS : Based on the Brown County Flood Insurance Study (FIS), dated August 18, 2009, volume numbers 55009CV001A, 55009CV002A, and 55009CV003A.~~

- (a) ~~Brown County Flood Insurance Rate Map (FIRM), panel numbers (55009C0142F, 55009C0144F, 55009C0161F, 55009C0162F, 55009C0163F, 55009C0164F, 55009C0166F, 55009C0167F, 55009C0168F, 55009C0169F, 55009C0183F, 55009C0184F, 55009C0186F, 55009C0187F, 55009C0188F, 55009C0189F, 55009C0191F, 55009C0192F, 55009C0193F, 55009C0194F, 55009C0215F, 55009C0232F, 55009C0251F, 55009C0252F, 55009C0256F, 55009C0257F, 55009C0276F, 55009C0277F, 55009C0281F, and 55009C0282F) dated August 18, 2009; with corresponding profiles that are based on the FIS.~~

SECTION 3. ESTABLISHMENT OF **FLOODPLAIN ZONING** DISTRICTS

13-1309. Districts defined. The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters **and are contained within AE Zones as shown on the FIRM.**
- (b) The Floodfringe District (FF) is that portion ~~of the floodplain between the regional flood limits and the floodway~~ **between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.**
- (c) The General Floodplain District (GFP) is those areas that ~~have been or may be covered by floodwater during the regional flood~~ **may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH, and AO zones on the FIRM.**

13-1310. Locating floodplain boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to Section 10. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to the standards of chapter 13-1341(c) and the criteria in (a) and (b) below.

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

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

~~Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to chapter 13-1345 (f).~~

13-1311. Removal of lands from floodplain. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Section 10.

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

13-1312. Compliance. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

13-1313. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

13-1314. Abrogation and greater restrictions.

- (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. 61.23, which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

13-1315. 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.

13-1316. Warning and disclaimer of liability. The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a

cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

13-1317. 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.

13-1318. Annexed areas for cities and villages. The Brown 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**, the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Municipal Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

SECTION 4. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

13-1319. General Development Standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed ~~or modified and adequately~~ **and** anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with **flood-resistant** materials ~~resistant to flood damage~~; be constructed by methods and practices that minimize flood damages; and be constructed ~~with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~ **to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.**

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and **all other requirements in s. 13-1339(b). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages .**

13-1320 Hydraulic and hydrologic analyses.

- (a) ~~Except as allowed in par. (c) below,~~ **No floodplain development shall:**
- (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Increase regional flood height due to floodplain storage area lost, ~~which equals or exceeds 0.01 foot.~~
- (b) The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights ~~0.01 foot or more,~~ based on the officially adopted FIRM or other adopted map, unless the provisions of **s. 10 par. (c)** are met.

- ~~(e) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 10.~~

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

13-1321 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. 13-1320 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. 10, Amendments, the community shall apply for a Letter of Map Revisions (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and DNR through the LOMC process.** ~~, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.~~

13-1322. 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. 10, Amendments** ~~floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Section 10.~~

13-1323. 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 Health Services.
- (b) A land use permit for the campground is issued by the Zoning Administrator.
- (c) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (d) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.
- (f) Only camping units **that are fully licensed, if required, and ready for highway use** are allowed.

- (g) The camping units ~~may~~ **shall** not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (h) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Section 5 or Section 6 for the floodplain district in which the structure is located.
- (k) 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.
- (l) All service facilities, including but not limited to refuse collection, electrical service, ~~natural~~ gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

SECTION 5. FLOODWAY DISTRICT (**FW**).

13-1324. Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to chapter 13-1334.

13-1325. 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 chapters 13-1326 and 13-1327; and all permits or certificates have been issued according to chapter 13-1339:

- (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 chapter 13-1326 (d).
- (d) Uses or structures accessory to open space uses, or classified as historic structures that comply with chapters 13-1326 and 13-1327.
- (e) Extraction of sand, gravel or other materials that comply with chapter 13-1326 (d).
- (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (g) Public utilities, streets and bridges that comply with chapter 13-1326 (c).

13-1326. Standards for developments in floodway areas.

- (a) General
 - (1) Any development in floodway areas shall comply with Section 4 and have a low flood damage potential.
 - (2) Applicants shall provide the following data to determine the effects of the proposal according to chapter 13-1320.

- a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
- (3) The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (2) above.
- (b) Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - (1) The structure is not designed for human habitation and does not have a high flood damage potential **and is constructed to minimize flood damage.**
 - (2) **Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.**
 - (3) It must be anchored to resist flotation, collapse, and lateral movement;
 - (4) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (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 chapter 13-1320.
- (d) Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:
 - (1) The requirements of chapter 13-1320 are met;
 - (2) No material is deposited in the navigable ~~channel~~ **waters** unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are 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.

13-1327. Prohibited uses. All uses not listed as permitted uses in chapter 13-1325 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. ~~COMM 83~~ **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;
- (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.

SECTION 6. FLOOD FRINGE DISTRICT (FF).

13-1328. Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to chapter 13-1334.

13-1329. Permitted and conditional uses. Any structure, land use, or development is allowed in the floodfringe district if the standards in chapter 13-1330 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in chapter 13-1339 have been issued.

13-1330 Standards for development in the flood fringe areas. All of the provisions of chapter 13-1320 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. 8, 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. 8 Nonconforming Uses;**
 - (1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation (which is a point 2 feet above the regional flood elevation) on fill, **unless the requirements of 13-1300(a)(2) can be met.** The fill elevation shall be 1 foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. In addition, the side slopes of fill placed for the purpose of elevating structures shall meet the following requirements.
 - a. The side slopes of a fill area shall be tapered back to the grade of the neighboring property at a maximum 3:1 slope.
 - b. A minimum two foot wide stormwater drainage area shall be constructed and maintained as such along the entire length of the side lot lines.
 - c. If adequate space does not exist for 3:1 side slopes and the required stormwater drainage, then a retaining wall with a maximum height of two feet may be incorporated into the side slope. In such cases, the required two foot stormwater drainage area shall be maintained and the slopes of remaining fill areas shall not exceed 3:1.
 - d. Retaining walls shall be constructed of durable, decorative materials and shall be maintained in good repair.
 - (3) ~~(7)~~ The basement floor elevation shall not be more than five (5) feet below the regional flood elevation.
 - (4) **The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. ~~No basement or crawlway floor is allowed below the regional flood elevation;~~**

- (5) **Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).**
- (6) **In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:**
 - 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.**
- (b) Accessory uses. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.**

~~(b) Accessory structures or uses.~~

- ~~(1) Except as provided in par. (2), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation~~
- ~~(2) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of chapter 13-1326 (b) (1),(2),(3) and (4) and chapter 13-1330 (e).~~
- (c) **Commercial uses.** Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of chapter 13-1330 (a). Subject to the requirements of chapter 13-1330 (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (d) **Manufacturing and industrial uses.** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in chapter 13-1343 **shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in chapter 13-1343.** Subject to the requirements of chapter 13-1330 (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) **Storage of materials.** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with chapter 13-1343. 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 of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with chapter 13-1343 to the flood protection elevation or repair of such facilities shall only be permitted if they are designed to comply with chapter 13-1343;**

- (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 on-site sewage disposal systems shall be floodproofed, pursuant to ~~chapter 13-1343~~ **to minimize or eliminate infiltration of flood water into the system, pursuant to chapter 13-1343**, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. ~~COMM-83 SPS 383~~, Wis. Adm. Code.
- (h) Wells. All wells shall be floodproofed, pursuant to ~~chapter 13-1343~~, to the flood protection elevation **designed to minimize or eliminate infiltration of flood waters into the system, pursuant to chapter 13-1343, 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:
- have the lowest floor elevated to the flood protection elevation; and
 - 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 chapter 13-1330 (a).
- (l) Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in chapter 13-1330 (k) (2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

SECTION 7. GENERAL FLOODPLAIN DISTRICT (GFP).

13-1331. Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available **mapped as A, AO, or AH zones.**

13-1332. Permitted uses.

- (a) Pursuant to chapter 13-1334, it shall be determined whether the proposed use is located within **a the** floodway or floodfringe area.
- (b) Those uses permitted in floodway (chapter 13-1325) and floodfringe areas (chapter 13-1329) **districts** are allowed within the general floodplain district, according to the standards of chapter 13-1333, provided that all permits or certificates required under chapter 13-1339 have been issued.

13-1333. Standards for development in the general floodplain district. Section 5 applies to floodway areas, Section 6 applies to floodfringe areas. The rest of this ordinance applies to either district.

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

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

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

13-1334. Determining floodway and flood fringe limits. Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures; **and the flood zone as shown on the FIRM.**
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

(1) A Hydrologic and Hydraulic Study as specified in s. 13.1339(a)(3).

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

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

- ~~(1) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;~~
 - ~~(2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;~~
 - ~~(3) Profile showing the slope of the bottom of the channel or flow line of the stream;~~
 - ~~(4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.~~
- (c) Transmit one copy of the information described in pars. (a) and (b) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of chapter 13-1339 (b)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

SECTION 8. NONCONFORMING USES

13-1335. General.

- (a) Applicability. If these standards conform with s. 62.23(7)(h), Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
- (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. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water

~~supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. 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 chapter 13-1330 (a). **The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.**~~

~~The costs of elevating 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) Except as provided in 13-1335 (b)(6), 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.~~
- ~~(6) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.~~
- ~~(7) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with chapter 13-1326 (a), flood resistant materials are used, and construction practices and floodproofing methods that comply with chapter 13-1343 are used.~~

- (5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this**

ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13-1330(a).

- (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. 13-1330(a).
- (7) Except as provided in subd. (8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

a. Residential Structures

1. 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. 13-1343(b).
2. 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.
3. 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.
4. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
5. In AO Zones with no elevations specified, shall have the lowest floor, ~~including basement~~, meet the standards in s. 13-1333(a).

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

b. Nonresidential Structures

1. Shall meet the requirements of s. 13-1335(b)(8)a,1-2 and 5-7.
 2. 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. 13-1343(a) or (b).
 3. In AO Zones with no elevations specified, shall have the lowest floor, ~~including basement,~~ meet the standards in s. 13-1333(a).
- (c) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 13-1326(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 13-1343 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 13-1335(b)(8)a if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

13-1336. Floodway Areas District.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area ~~area~~ **district**, unless such modification or addition:
- (1) Has been granted a permit or variance which meets all ordinance requirements;
 - (2) Meets the requirements of chapter 13-1335;
 - (3) ~~Will~~ **Shall** not increase the obstruction to flood flows or regional flood height;
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to chapter 13-1343, by means other than the use of fill, to the flood protection elevation;
 - (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 a floodway area ~~area~~ **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. 13-1343(c) and ch. SPS 383** and ~~ch. COMM 83~~, Wis. Adm. Code.

- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in ~~a floodway area~~ **the floodway district**. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances, **s. 13-1343(c)** and chs. NR 811 and NR 812, Wis. Adm. Code.

13-1337. Floodfringe Areas 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 ~~the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in~~ **and meets the requirements of** chapter 13-1330(c), except where chapter 13-1337 (b) is applicable.
- (b) Where compliance with the provisions of chapter 13-1337 (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 Appeals, using the procedures established in chapter 13-1341, may grant a variance from those provisions of chapter 13-1337 (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, will not be installed;
 - (4) Flood depths will not exceed two feet;
 - (5) Flood velocities will not exceed two feet per second; and
 - (6) The structure will not be used for storage of materials as described in chapter 13-1330(e).
- ~~(c) If neither the provisions of paragraphs (a) and (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:~~
 - ~~(1) Meets all other regulations and will be granted by permit or variance;~~
 - ~~(2) Does not exceed 60 square feet in area; and~~
 - ~~(3) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.~~
- (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, **13-1343(c)** and ch. ~~COMM-83~~ **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. 13-1343(c)** and ch. NR 811 and NR 812, Wis. Adm. Code.

SECTION 9. ADMINISTRATION

13-1338. Applicability. Where a Zoning Administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 62.23(7), Stats., these officials shall also administer this ordinance.

13-1339. Zoning Administrator.

- (a) 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 ~~and perform a substantial damage assessment~~ 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 for floodplain development;
 - c. **Floodproofing certificates.**
 - d. Records of 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.**
- (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 any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

Note: Information on conducting substantial damage assessments is available on the DNR website – <http://dnr.wi.gov/org/water/wm/dsfm/flood/index.htm>

- (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 text and map amendments and biennial reports to the FEMA Regional office.
- (b) Land Use Permit. A land use permit shall be obtained before any new development ~~or any structural repair or~~ **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 Section 5 or Section 6 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 chapter 13-1320. This may include any of the information noted in chapter 13-1326 (a).
- ~~(3) Data requirements to analyze development. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:~~
- ~~a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;~~
 - ~~b. A map showing location and details of vehicular access to lands outside the floodplain; and~~
 - ~~c. A surface drainage plan showing how flood damage will be minimized.~~

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

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

a. Zone A floodplains:

1. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

2. Hydraulic modeling

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

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

- ii. channel sections must be surveyed.

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

3. Mapping

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

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

adequate justification based on standard accepted engineering practices is provided.

b. Zone AE Floodplains

1. 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*.

2. Hydraulic model

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

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

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

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective

models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

3. Mapping

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

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.**
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.**
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.**
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.**
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.**
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.**
- vii. Both the current and proposed floodways shall be shown on the map.**
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.**

(4) Expiration. All permits issued under the authority of this ordinance shall expire 4 year after issuance unless extended by the Zoning Administrator no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

- (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 floodproofing measures meet the requirements of chapter 13-1343.
- (d) Other permits. ~~The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.~~ **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.**
- ~~(e) Compliance. Where the information in this section is required to be provided, that information will be gathered by the applicant complying with the building permit requirements of Chapter 15, the site plan requirements of Chapter 13, and the stormwater requirements of Chapter 30 of the Green Bay Municipal Code.~~

13-1340. Zoning Agency.

- (a) The Planning Department shall:
 - (1) oversee the functions of the office of the Zoning Administrator; and
 - (2) review and advise the Governing body on all proposed amendments to this ordinance, maps and text.
- (b) This zoning agency shall not:
 - (1) grant variances to the terms of the ordinance in place of action by the Zoning Board of Appeals; or
 - (2) amend the text or zoning maps in place of official action by the Governing body.

13-1341. Zoning Board of Appeals. The Zoning Board of Appeals, created under s. 62.23(7)(e), Stats., is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Board.

- (a) Powers and duties. The Zoning Board of Appeals shall:
 - (1) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
 - (2) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
 - (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) Application Materials
 - a. When applying for a variance, the applicant shall provide site and building plans in sufficient detail to allow the Board to evaluate whether the criteria for granting a variance can be met.
 - b. When a variance to the minimum floodproofing standards established by chapter 13-1326 or 13-1330 is requested, in addition to the plans and certifications submitted by a registered professional engineer or architect under chapter 13-1343, the following shall also be prepared by a qualified professional (e.g., surveyor, engineer, architect, other construction professional, etc.) and submitted by the applicant.
 - 1. The basic anticipated drainage pattern that would be expected to provide positive drainage throughout the subject area.
 - 2. How surface drainage would reach storm sewers within the road right-of-way or any other available stormwater facilities.
 - 3. Whether back yard drains or sewers would be required.
 - 4. Design details for the side slopes of fill areas that are treated in any way other than by grading to a slope no steeper than 3:1 (e.g., retaining walls, terracing, etc.).
- (3) Notice and hearing for appeals including variances.
 - a. Notice - The board shall:
 - 1. Fix a reasonable time for the hearing;
 - 2. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - 3. 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:
 - 1. Resolve boundary disputes according to chapter 13-1341 (a) (2).
 - 2. Decide variance applications according to chapter 13-1341 (a) (3).
 - 3. Decide appeals of permit denials according to chapter 13-1342.
- (4) 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;
 - 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. If none exist, other evidence may be examined.
 - (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
 - (3) If the boundary is incorrectly mapped, the Board should inform the Planning Department or the person contesting the boundary location to petition the

governing body for a map amendment according to chapters 13-1345 and 13-1346.

(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 provisions 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 chapter 13-1303.
- (2) In addition to the criteria in par. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (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 chapter 13-1345.
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
 - g. Deviate from the fill area side slope requirements found in Chapter 13-1330(a)(1)a-d. These standards provide sufficient flexibility as adopted. If a lot is too small to provide the reasonable side slopes required by this ordinance, then other alternatives should be pursued such as acquiring additional property, modifying the design of the habitable structures, or coordinating construction with neighboring properties to raise the finished grade of several lots.
- (4) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase ~~flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record~~ **risk 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.**

13-1342. To review appeals of permit denials.

- (a) The Planning Department (chapter 13-1340) or Zoning Board of Appeals shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in chapter 13-1339 (b).
 - (2) Floodway/floodfringe determination data in chapter 13-1334.
 - (3) Data listed in chapter 13-1326 (a) (2) where the applicant has not submitted this information to the Zoning Administrator.

- (4) Other data submitted with the application, or submitted to the Zoning Board of Appeals with the appeal.
- (b) For appeals of all denied permits the Zoning Board of Appeals shall:
 - (1) Follow the procedures of chapter 13-1341;
 - (2) Consider recommendations from the City departments of Inspections, Planning, and Engineering; 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 Zoning Board of Appeals agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners **as per the requirements of s. 10 Amendments; and**
 - (2) Grant the appeal where the Zoning Board of Appeals agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 feet provided no other reasons for denial exist.

13-1343. Floodproofing Standards for Nonconforming Structures or Uses.

- ~~(a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation. Such plans and certifications shall be submitted for review at the time of permit or variance application.~~
- ~~(b) Floodproofing measures shall be designed 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; and~~
 - ~~(4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.~~~~
- ~~(c) Floodproofing measures could include:

 - ~~(1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.~~
 - ~~(2) Adding mass or weight to prevent flotation.~~
 - ~~(3) Placing essential utilities above the flood protection elevation.~~
 - ~~(4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.~~
 - ~~(5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.~~
 - ~~(6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.~~~~
- (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 the flood protection elevation and submits a FEMA Floodproofing Certificate. Such plans and certifications shall be submitted for review at the time of permit or variance application.**

(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) meets or exceeds 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; and

(4) Minimize or eliminate infiltration of flood waters.

(5) Minimize or eliminate discharges into flood waters.

13-1344. 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) All real estate transfers should show what floodplain zoning district any real property is in.

SECTION 10. AMENDMENTS

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

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. 13-1345. 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. 13-1345.

13-1345. General. The governing body ~~may~~ **shall** change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided ~~by law in s. 13-1346.~~ 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 change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.~~
- ~~(b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.~~
- ~~(c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.~~
- ~~(d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.~~
- ~~(e) 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.~~
- ~~(f) 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.~~

- (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 1.5 (2)(b);**
- (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.**

Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

13-1346. Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats. Such petitions shall include all necessary data required by chapters 13-1334 and 13-1339 (b). **The Land Use Permit shall not be issued until a Letter of Map Revision is issued y FEMA for the proposed changes.**

- (a) The proposed amendment shall be referred to the Planning Department for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.
- (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.**
- ~~(c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.~~
- ~~(d) For amendments in areas with no water surface profiles, the Planning Department or Zoning Board of Appeals shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information. (See chapter 13-1310.)~~

SECTION 11. ENFORCEMENT AND PENALTIES

13-1347. General. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$ 10.00 and not more than ~~\$500.00~~ **\$50.00**, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to adopt the ordinance.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

ZONING ORDINANCE NO. 17-13

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 16-97 FOR MODIFIED SIGNAGE AT 2926 FINGER ROAD (ZP 13-36)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to Section 13-108, Green Bay Municipal Code, together with the zoning map and statutory authority referred to therein, the Planned Unit Development created by Zoning Ordinance No. 16-97 is hereby amended on the following described property located at 2926 Finger Road:

LOT 3 OF 37 CSM 41 BNG PART OF NW1/4 NE1/4
SEC 10 T23N R21E & E 12 FT OF LOT 2 OF SD CSM EX
2476974 (Tax Parcel No. 21-144-8)

SECTION 2. That pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, Zoning Ordinance No. 16-97 is hereby amended to allow the following changes:

A. Signage

1. A wall sign is permitted to be placed on the south side of the building facing East Mason Street.
2. The sign shall not exceed 30 square feet in overall size, be mounted flush to the wall and may not be illuminated.

B. All other standards of City of Green Bay Municipal Code.

SECTION 3. The provisions of this ordinance, including, without limitation, the granting of a conditional-use permit and all obligations, conditions, restrictions and limitations related thereto, shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 4. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 5. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 6. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of

Green Bay that all provisions of this ordinance are separable.

SECTION 7. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance; and has no financial impact on the City.

Dated at Green Bay, Wisconsin this 21st day of January, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

ZONING ORDINANCE NO. 18-13

AN ORDINANCE
CREATING A PLANNED UNIT DEVELOPMENT (PUD)
FOR THE PRESERVE, LOCATED IN THE
100 - 300 BLOCK OF NORTH HURON ROAD
(ZP 13-38)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by establishing a Planned Unit Development (PUD) District on the following described property:

BAIRD CREEK PRESERVE OUTLOT 1, Tax Parcel No. 21-8169
BAIRD CREEK PRESERVE OUTLOT 3, Tax Parcel No. 21-8171
BAIRD CREEK PRESERVE OUTLOT 2, Tax Parcel No. 21-8170
BAIRD CREEK PRESERVE OUTLOT 4, Tax Parcel No. 21-8172
BAIRD CREEK PRESERVE OUTLOT 10, Tax Parcel No. 21-8178
BAIRD CREEK PRESERVE OUTLOT 11, Tax Parcel No. 21-8179
BAIRD CREEK PRESERVE OUTLOT 12, Tax Parcel No. 21-8180

BAIRD CREEK PRESERVE OUTLOT 13, Tax Parcel No. 21-8181

SECTION 2. Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

Scope and Subject Area

To permit the development of The Preserve, an 86 lot subdivision. The proposed subdivision plat will contain 85 lots with reduced lot frontages for detached single-family dwellings. Lot 1 of the proposed subdivision plat will contain a clubhouse and adjoining swimming pool and parking lot. Existing stormwater management ponds will be included as part of the development with two additional water features being added to create internal open space to enhance the overall development. Exhibit A depicts the proposed Preserve subdivision plat.

Permitted Uses

Principal Uses. The permitted principle uses include the following:

- a. Single-family, detached dwellings.
- b. Club House as depicted in Exhibits F, F1, F2, and F3 located on proposed Lot 1.

A swimming pool in conjunction to the clubhouse compliant with the standards of Chapters 13-530, 13-531, and 13-532, Green Bay Municipal Code. No other accessory uses will be permitted beyond the permitted principal uses.

Prohibited Uses. Any use not identified by this ordinance as a permitted principal use or any use not determined by the Zoning Administrator to be substantially similar to a use that is permitted, shall be prohibited.

Approval of The Preserve subdivision plat compliant with the requirements of Chapter 14, Subdivision & Platting. If the Preserve plat is not recorded within one year of the approval of this ordinance, the PUD shall be considered null and void.

C. Architectural Design

1. The front façade of any dwelling shall have a minimum 25% masonry material. These materials may include brick, stone, cast stone, stucco or other acceptable material as deemed appropriate by the Community Development Review Team (CDRT). The corner side yard of any dwelling shall have a minimum 2 foot knee wall/belt line of the same masonry

material from the front facade extended the entire length of the corner side façade.

2. Any wall facing a public street shall have at a minimum two openings which may include windows and/or door openings.
3. The developer has offered five housing designs, each with a standard and alternate front elevation, as part of the ordinance. Not more than four of the same front elevation may be allowed in a row on one block of the subdivision.
4. All home designs shall be generally compliant with Exhibits B, B1, C, C1, D, D1, E, and E1.

D. Lot Sizes

1. Minimum Lot Frontage: 45 feet
2. Minimum Lot Area: 7000 square feet

E. Dimensional Standards

1. Height. No structure shall exceed 35 feet.
2. Setbacks. The following setbacks shall apply as measured from property lines/right-of-way lines and shall prohibit any buildings and parking:
 - a. Front Yard - 20 feet
 - b. Corner Side Yard - 20 feet
 - c. Interior Side Yard – 7 feet
 - d. Rear Yard – 25 feet
 - e. Decks and patios may not encroach closer than 12 feet to a rear lot line or closer than the building side yard setbacks.
3. No lot shall have more than 75 percent impervious coverage.

F. Site Plan

A complete site plan shall be submitted and approved prior to any construction, change of use, or other activity that requires site plan approval under 13-1802 Green Bay Municipal Code.

G. Parking

1. Shall be consistent with Chapter 13-1700, Green Bay Municipal Code.
2. Driveway widths shall not exceed the width of the proposed garage opening.
3. A parking lot is permitted in conjunction to the clubhouse not to exceed 14 parking spaces.

H. Landscaping

1. A detailed landscape plan shall be submitted prior to the issuance of any building permits.
2. A 20 foot wide landscape buffer shall be required along North Huron Road, the western edge of The Preserve subdivision plat.
3. The landscape buffer shall contain berming and/or fencing with mature trees and shrubs.
4. Homes with a corner side yard fronting a public street shall provide a tree every 35 feet along the entire side yard, compliant with Chapter 13-510.

I. Signs

1. Subdivision gateway markers and signage may be permitted at the following locations:
 - a. North Huron Road and Indigo Bluff Road as depicted on Exhibit G
 - b. Whittier Drive and Bedford Road depicted on Exhibit H.
2. The principal signs shall not exceed 115 square feet, subordinate signs shall not exceed 45 square feet each as depicted on the Exhibits G and H.
3. The overall height of the gateway markers shall not exceed 7 feet.
4. All other applicable standards of Chapter 13-2000, Signs, Green Bay Municipal Code, shall apply.

J. Stormwater Management

A stormwater management plan, meeting the standards established by the City's Department of Public Works, shall be submitted to and approved by the City prior to the issuance of a building permit. See Chapter 30, Green Bay Municipal Code.

K. Home Owners Association

The developer has expressed a desire to create a Home Owner Association (HOA) as part of this development. The HOA would be intended to coordinate maintenance of amenities and place certain restrictions related to the construction and maintenance of each property with the proposed development. Any documentation related to the HOA shall be recorded with the Brown County Register of Deeds. A copy of the recorded HOA shall be supplied to the Planning Department immediately after recording. The requirements established as part of the HOA shall be enforced by the developer and/or association.

L. Additional Applicable Regulations

Unless stated above, the development must comply with all other regulations of the Green Bay Municipal Code.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-1900 of the Green Bay Municipal Code and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this 21st day of January, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

Moved by Ald. Nicholson, seconded by Ald. Thomas DeWane to adjourn at 8:30 P.M.
Motion carried.

Kris A. Teske
Green Bay City Clerk