



# **AGENDA OF THE COMMON COUNCIL**

**TUESDAY, JUNE 21, 2016, 7:00 P.M.**

**COUNCIL CHAMBERS  
ROOM 203, CITY HALL**

- Roll call.
- Pledge of Allegiance.
- Invocation.
- Approval of minutes of the May 17, 2016, meeting.
- Approval of the Agenda.
- Report by the Mayor.
- Announcements.

## **PUBLIC HEARINGS**

Public hearing regarding vacation of an unimproved roadway, Camel Court. (Item #25)

Public hearing regarding vacation of a portion of Fred Street. (Item #26)

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Miscellaneous Ordinance No. 1-16

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property generally located along Lombardi Avenue to Thorndale Street, between South Ridge Road and Frank Street. (Item #35)

## **PRESENTATIONS**

Cineviz Award Recognition Presentation.

Presentation by Leonard & Finco on the Fox River Cleanup.

## **REFERRAL OF PETITIONS & COMMUNICATIONS**

1. Referral of communications and petitions received by the City Clerk.

Late communications.

## **REPORTS FOR COUNCIL ACTION**

2. Report of the Park Committee.
3. Report of the Plan Commission.
4. Report of the Redevelopment Authority.

With regard to Item #5, the Council may convene in closed session pursuant to Sec. 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

5. Report of the Traffic Commission.
6. Report of the Finance Committee.

With regard to Item #16, the Council may convene in closed session pursuant to Sec. 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

7. Report of the Improvement & Service Committee.

8. Report of the Personnel Committee.

With regard to Item #2, the Council may convene in closed session pursuant to Sec. 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating public employee contracts for competitive or bargaining reasons. The Council may thereafter reconvene in open session pursuant to § 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

9. Report of the Protection & Welfare Committee.

10. Report of the Special Meeting of the Protection & Welfare Committee held June 16, 2016.

11. Report of the Protection & Welfare Committee granting Operator Licenses.

**RECEIVE & PLACE ON FILE**

Building Permit Report for May, 2016.

Municipal Court Report for April, 2016.

**RESOLUTIONS**

12. Resolution authorizing and providing for the sale and issuance of \$14,945,000 General Obligation Corporate Purpose Bonds, Series 2016A, and all related details.

13. Resolution authorizing and providing for the sale and issuance of \$5,315,000 Taxable General Obligation Refunding Bonds, Series 2016B, and all related details.

14. Resolution authorizing and providing for the sale and issuance of \$1,000,000 General Obligation Promissory Notes, Series 2016C, and all related details.

15. Resolution authorizing increase in 2016 Budget.

16. Resolution drawing final orders.

17. Resolution approving a sidewalk easement along Morrow Street between Baird Creek and Danz Avenue.

18. Resolution approving Hold Harmless Agreement to allow bike racks in the City's right-of-way at 142 N. Broadway.

19. Resolution approving the Wisconsin Department of Natural Resources NRF 208-Compliance Maintenance Annual Report.

20. Resolution supporting and recommending the authorization of a representative for the Safe Drinking Water Loan Program.
21. Resolution approving the Citizen Participation Plan for the Stadium Entertainment District Master Plan.
22. Resolution authorizing conditional-use approval at 1370 Regal Avenue.
23. Resolution authorizing conditional-use approval at 3290 Sitka Street.
24. Resolution authorizing conditional-use approval at the northeast corner of Kellogg Street and North Chestnut Avenue.
25. Resolution vacating an unimproved roadway-Camel Court.
26. Resolution vacating a portion of Fred Street.
27. Final Resolution authorizing water main and water service improvements and levying special assessments against property.

#### **ORDINANCES - FIRST READING**

28. General Ordinance No. 11-16  
An ordinance amending Section 2.06(14) of the Code relating to calling a Committee of the Whole.
29. General Ordinance No. 12-16  
An ordinance amending Chapter 30 of the Code relating to storm water management.
30. General Ordinance No. 13-16  
An ordinance amending Chapter 34 of the Code relating to construction site erosion control.
31. Zoning Ordinance No. 11-16  
An ordinance amending Zoning Ordinance No. 2-01 to permit a modified setback along the Military Avenue Access Road as part of the Planned Unit Development Overlay District for 1400 Lombardi Avenue.
32. Zoning Ordinance No. 12-16  
An ordinance rezoning property located at 1930 Bart Starr Drive from General Industrial (GI) District to General Commercial (C1) District.



**APPENDIX OF SUPPLEMENTAL INFORMATION**

**FOR COUNCIL MEETING**

**OF TUESDAY, JUNE 21, 2016**

**7:00 P.M.**

## PETITIONS & COMMUNICATIONS

### FINANCE COMMITTEE

Request by the Executive Director of the Automobile Gallery to present a proposal requesting funds from the excess stadium tax.

### IMPROVEMENT & SERVICE COMMITTEE

Application for a Concrete Sidewalk Builder's License by Precision Flatwork.

### PROTECTION & WELFARE COMMITTEE

Request by the owners of the Loading Dock, 1405 N. Webster, to hold an outdoor event on July 16, 2016.

Renewal application for a "Class B" Combination License by Kathleen Broder at 1332 S. Broadway.

Application for an available "Class B" Combination License by Board and Brush Creative Studio-Green Bay, LLC at 235 N. Broadway.

Application for a "Class A" Liquor and a Class "A" Beverage License by Krist Oil Co. at 1180 E. Mason Street. (Currently Astor Park Mini Mart)

Appeal by Leslie Newton to the denial of her Operator License application.

## REPORT OF THE PARK COMMITTEE

June 21, 2016

The Park Committee, having met on Wednesday, June 8, 2016, considered all matters on its agenda and wishes to report and recommend the following:

1. To accept a donation of \$5,000 from the Arby's Foundation to the City of Green Bay Parks, Recreation, & Forestry Department's Playground Program and to partner with Arby's Foundation to facilitate six events at Fort Howard Park's Playground Program contingent upon the following:
  - All proper permits and insurances being obtained;
  - All costs for the food at the six events are the responsibility of the Arby's Foundation.
2. To approve the request by Steve Vincent to hold a children's fishing tournament and fundraiser at Metro Boat Launch on August 6, 2016, contingent upon the following:
  - All costs of the event are the responsibility of Steve Vincent;
  - All proper permits and insurances being obtained;
  - Must adhere to all noise ordinances;
  - No alcohol will be permitted;
  - Final approval by the Special Event Committee.
3. To approve the request by Elevation Church to host a free two-day event in Joannes Park on July 30 and 31, 2016 contingent upon the following:
  - All costs of the event are the responsibility of Elevation Church;
  - All proper permits and insurances being obtained;
  - Must adhere to all noise ordinances and regulations;
  - No alcohol will be permitted in the park;
  - Final approval of the City Special Event Committee.
4. To approve the City of Green Bay Parks Behavior Policy and to change the title of the policy to be City of Green Bay Parks Ban & Appeal Policy.
5. To accept a \$75,000 grant award from the Fund for Lake Michigan to be applied towards beach engineering services at Bay Beach Amusement Park.
6. To accept a \$50,000 grant award from the Wisconsin Coastal Management program to be applied towards beach engineering services at Bay Beach Amusement Park.

**REPORT OF THE GREEN BAY PLAN COMMISSION**  
**June 21, 2016**

The Green Bay Plan Commission, having met on Monday, June 13, 2016, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve a Conditional Use Permit (CUP) for a detached accessory building with a metal exterior greater than 120 sq. ft. in a Low-Density Residential (R1) District located at 3290 Sitka Street, subject to the following conditions:
  - A. Brick and horizontal siding to match main dwelling
  - B. Metal to match color of main dwelling
  - C. Garage door window to match existing garage door windows
  - D. Mature landscaping along Huron Road
  
2. To approve a Conditional Use Permit (CUP) to authorize a surface parking lot along the northeast corner of Kellogg Street and N. Chestnut Avenue, subject to the following conditions:
  - A. A fence that is compliant with the Green Bay Municipal Code and landscaping matching what is proposed along the west property line shall be installed along the north property line.
  - B. The historical monument located within the Chestnut Avenue right of way shall not be moved, modified or altered without approval from the City of Green Bay.
  - C. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit (CUP), including standard site plan review and approval.
  
3. To amend the Planned Unit Development (PUD) for a modified setback along the South Military Avenue access road, located at 1400 Lombardi Avenue, subject to the draft amendment.
  
4. To hold the request for a Conditional Use Permit (CUP) for a Transient Residential use located at 1059 Shadow Lane.
  
5. To authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1370 Regal Avenue, subject to:
  - A. Compliance with the Development standards found in 13-1602(j), Green Bay Zoning.
  - B. The Conditional Use Permit shall expire if the applicant no longer resides at 1749 South Locust Street.
  - C. Compliance with the submitted operating plan and the amendment regarding the age requirement.
  - D. The applicant submitting letters of support from the surrounding property owners.
  - E. Receipt of the letters of support prior to Friday, June 17, 2016.

6. To rezone 1930 Bart Starr Drive from General Industrial (GI) to General Commercial (C1).
7. To approve the Citizen Participation Plan for the Stadium Entertainment District Master Plan.

**REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY**  
**June 21, 2016**

The Green Bay Redevelopment Authority, having met on Tuesday, June 14, 2016, considered all matters on its agenda and wishes to report and recommend the following:

1. To refer to staff the communication from May 17, 2016, of the Common Council by Ald. Nicholson to review all properties on Imperial Lane to utilize Neighborhood Enhancement Funds for the purpose of purchasing.
2. To draft a Development Agreement with Tundra Lodge regarding construction of an olympic-size pool and present to the RDA per the communication by Ald. Moore at the May 17, 2016, Common Council meeting.
3. INFORMATIONAL ONLY – To acquire 21 parcels from Brown County for \$90,316 using Neighborhood Enhancement Funds (list attached).
4. INFORMATIONAL ONLY – To approve the sale of 2903 West Point Road to the Green Bay Area Public School District for \$65,000 with the condition that the district works with staff on an improvement plan for the district-owned building adjacent to the property.
5. INFORMATIONAL ONLY – To direct staff to proceed with discussions and report back in July regarding the Larsen Green property (Tax Parcels 5-1756 and 5-1757).

ADDRESS	Brown County Asking Price	GB Offer	Planned Use
1132 Harvey St.	\$4,973.48	\$4,973.48	Buildable lot
1142 Harvey St.	\$3,499.07	\$500.00	Dispose to neighboring properties
1724 Eastman Ave.	\$3,106.34	\$500.00	
909 Smith St.	\$2,030.39	\$500.00	
1361-1363 Smith St.	\$11,695.77	\$11,695.77	Buildable lots
1070 Roscoe St	\$3,097.70	\$3,097.70	
1130 Stuart St	\$11,283.45	\$11,283.45	Rehab current house
821 Shea Av.	\$1,997.62	\$1,997.62	Buildable lot
Gallagher Av	\$511.84	\$511.84	Community gardens
Gallagher Av	\$511.84	\$511.84	
Gallagher Av	\$511.84	\$511.84	
Gallagher Av	\$511.84	\$511.84	
435 Newhall St	\$7,305.18	\$7,305.18	Rehab current houses
235 Newhall St	\$12,141.61	\$12,141.61	
1151 Reber St	\$1,897.31	\$500.00	Dispose to neighboring properties
1019 Berner St	\$20,634.81	\$500.00	
1064 Shawano Av	\$6,007.83	\$6,007.83	Buildable lots
223 S Buchanan St	\$9,888.73	\$9,888.73	
1004 Dousman St	\$9,740.40	\$9,740.40	Rehab current houses
901 Irvington St	\$7,136.88	\$7,136.88	
313 St George St	\$2,640.09	\$500.00	Dispose to neighboring properties
TOTALS	\$121,124.02	\$90,316.01	

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**REPORT OF THE  
TRAFFIC COMMISSION  
June 21, 2016**

The Traffic Commission having met Monday, May 16, 2016 considered all matters on its agenda and wishes to report and recommends the following:

1. To approve the report by the Police Department of the 2016 1<sup>st</sup> quarter serious injury and fatality crashes.
2. To receive and place on file the request to study the need for an adult crossing guard at the intersection of Western Avenue and Oneida Street.
3. To receive and place on file the request to install markings/signage for pedestrian crossings of South Point Road at the intersections of Hazelwood Lane, He-Nis-Ra Lane, Whippoorwill Drive and Oakwood Drive.
4. To stripe South Point Road with 1-10 foot travel lane, 1-5 foot bike, and 1-7 foot parking lane in each direction, from Hazelwood Lane to West Point Road, with the goal of permanently reducing motorist speeds and attaining voluntary motorist speed compliance through the use of narrower lane width with no impact to on-street parking while adding bike lanes.
5. To stripe West Point Road with 1-10 foot travel lane, 1-5 foot bike, and 1-7 foot parking lane in each direction, from a point 600 feet east of Hillcrest Drive to South Point Road, with the goal of permanently reducing motorist speeds and attaining voluntary motorist speed compliance through the use of narrower lane width with no impact to on-street parking while adding bike lanes.
6. To adopt by ordinance the removal of the NO PARKING zone on both sides of Baird Street from a point 120 feet north of Day Street to a point 105 feet south of Day Street.
7. To adopt by ordinance the removal of the NO PARKING zone on the west side of Baird Street from a point 145 feet north of University Avenue to a point 102 feet south of Stuart Street.
8. To adopt by ordinance to establish a NO PARKING zone on the west side of Baird Street from a point 102 feet south of Stuart Street to a point 120 feet north of Day Street.
9. To adopt by ordinance to establish a NO PARKING zone on the east side of Baird Street from a point 105 feet south of Day Street to a point 120 feet north of Day Street.
10. To adopt by ordinance to establish a NO PARKING LOADING ONLY zone on the south side of Elm Street from a point 220 feet west of Madison Street to a point 175 feet west of Madison Street.

**REPORT OF THE FINANCE COMMITTEE**  
**JUNE 21, 2016**

The Finance Committee having met on Tuesday, June 14, 2016, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request made by Ald. Moore to increase the number of poll workers by 37 and to increase pay for Chief inspectors from \$135 per day to \$175 per day and the election inspectors pay from \$110 per day to \$140 in order to attract and maintain poll workers for the upcoming elections. Approximate additional cost of \$33,620 would come from unanticipated cell tower lease extension payment.
2. To approve the request by the Water Utility General Manager authorizing her to be a representative on behalf of the City for a DNR grant related to lead water pipes.
3. To approve the request by Mr. Tom Hoy to make a presentation to the Common Council for the City to purchase and provide water filter systems for those families that have lead service lines. Vote was 2-1, Ald. Moore voted no. Mr Hoy has since requested that this item be held until the August Council meeting due to scheduling conflicts with Mr. Schreck's schedule.
4. To receive and place on file the request by Ald. Galvin to compile a list of criteria for reviewing proposals to determine best use of the excess stadium tax.
5.
  - a. To direct staff to review the proposal made by the Wild Life Sanctuary and determine the remaining funding gap for the engineering study for the Bay Beach Restoration proposal and bring their findings back to the next finance committee.
  - b. To hold until the next finance committee meeting proposals presented by the Green Bay Botanical Garden's and the Children's Museum to give committee members time to review the information presented.
  - c. To request each committee member propose their individual allocation of the excess sales tax and send it to the Finance Director by July 7, 2016 so it can be included in the packet and discussed at the Finance Committee meeting of July 12.
6. To approve the request of the Purchasing Manager to award a three year contract for Animal Impound Services to Bay Area Humane Society for \$165,000 (\$55,000 per year), plus two 1-year renewal options by mutual agreement.
7. To approve the request of the Purchasing Manager to purchase a VMWare-Host (Server) with HP Hardware from Camera Corner/Connecting Point for \$21,219.
8. To approve the request of the Purchasing Manager to purchase a Radio Auto Tuner/Analyzer from TESSCO Inc. \$30,963.

9. To approve the request of the Purchasing Manager to purchase a 2016 Chevrolet Silverado 2500 for the Battalion Chief from Ewald Chevrolet Buick for \$35,709.
10. To hold until the next finance meeting the request of the Purchasing Manager to purchase two Motorola APX 7500 Consolettes and Digital Desk Sets from Motorola Solutions for \$20,495.
11. To hold until the next finance meeting the request of the Purchasing Manager to purchase two Motorola APX 7500 Mobile Radios from Motorola Solutions for \$10,415.
12. To approve the request of the Purchasing Manager to award a contract for a kitchen remodel at Fire Station #7 to Showcase Kitchens, Inc. for \$11,780.
13. To approve the request of the Purchasing Manager to award a contract for furnishing and installation of two emergency warning sirens (Model # 508-128) at Red Smith Park and Bay Beach with the additional \$6,000 dollars for the second siren come from Fire equipment replacement fund.
14. To approve the request of the Purchasing Manager to approve a 20 year lease extension for the cell tower located at Fritsch Park (through 2052).
15. To hold the request made by Ald. VanderLeest for \$2M excess sales tax money be returned directly to Green Bay City taxpayers in 2017 as a property tax credit on their property tax bill.
16. To approve the recommendation by the City Attorney's Office the report of the Claims Committee.
17. To approve the request by the Finance Director the grant policy as amended to include language in the final paragraph "with the exception that there is no match required of the City".
18. To receive and place on file the report by the Finance Director year to date operations through April 2016.

2016 Contingency Fund  
\$110,000

*CA*



CITY OF GREEN BAY  
GRANT ADMINISTRATION POLICY

## CITY OF GREEN BAY GRANT ADMINISTRATION POLICY

<b>Title:</b> Grant Administration Policy	<b>Policy Reference:</b> Chapter 15
<b>Policy Source:</b> Finance Department	<b>Legal Review Date:</b>
<b>Finance Committee Approval:</b>	<b>City Council Approval:</b>

### I. PURPOSE

To establish a common procedure for all City of Green Bay Departments when both applying and accounting for any type of grant funding. Focus criteria includes: 1) solicitation of funds for programs that are consistent with the goals of the City, 2) administration of grant funds awarded in the most efficient manner (including annual audit, single audit, and grant specific compliance requirements); and 3) regular evaluation of the performance of the program(s) receiving funding.

This policy is necessary for the City of Green Bay to comply with the new guidelines set out by the US Office Management and Budget "Super-circular" which became effective fiscal years beginning after December 26, 2014.

### II. DEFINITIONS

**Grant** is external funding from a State or Federal agency usually awarded through a competitive application process for a specific purpose under a specific period of time. Grants include a written agreement which is enforceable by law, and the funds are revocable if certain conditions are not met. The funds are usually disclosed in the City of Green Bay's annual audit.

**Local match** refers to a specific amount of funding or goods/services equivalent to that amount of funding ("in kind") required from a grantee in order to be awarded a grant. Generally a match is equal to or less than the awarded amount and is meant to show commitment from the grantee.

**Subrecipients** per 2 CFR §200.330 A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

1. Determines who is eligible to receive what Federal assistance;
2. Has its performance measured in relation to whether objectives of a Federal program were met;
3. Has responsibility for programmatic decision making;
4. Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and

5. In accordance with its agreement, used the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

### III. POLICY

This policy establishes procedures addressing both the content, accounting and compliance responsibilities associated with each respective grant, in addition to procedures for acceptance and ongoing administration of awarded funds until grant close out. The policy pertains to all agencies, departments or offices of the City, and those committees, boards or commissions that manage or operate other City properties, installations or activities, unless otherwise provided by statute.

### IV. GRANT APPLICATION PROCEDURES

#### A. Grant Administration/Notification

Notification of grant applications must be sent to the Finance Department via electronic submission of *PART #1 Grant Tracking Form* (attached). This form addresses the following review criteria:

- 1.) Consistency with City/Department needs;
- 2.) Local match requirements and/or other budget impacts;
- 3.) Personnel requirements to implement objectives of the grant;
- 4.) Identification of responsible staff for program compliance and fiscal monitoring;
- 5.) Applicant Department Head; and
- 6.) Finance Department notification.

#### B. Personnel Committee Notification/Approval and Common Council Approval

Personnel Committee and Common Council notification prior to grant application will be required only if personnel will need to be added to the table of organization.

#### C. Criteria for Applications Involving Outside Subrecipient Agencies

For grants where the City is a pass-through agency of funding being distributed to subrecipients, it is pertinent that the capability of the potential subrecipient agencies be examined. Thus, if an agency that has not previously received grant funds from the City of Green Bay expresses interest in participating in one of our grant funding sources, that agency will be subject to a screening conducted by a Finance Department representative and staff directly involved in implementation and spend down of associated grant funds. The screening will involve:

1. Examination of Agency Documents. The agency seeking to become a subrecipient will be asked to submit the following items to the City for review and verification:
  - a. ~~Federal Tax Identification Number~~
  - b. Articles of Incorporation/Bylaws and Mission Statement
  - c. Administrative Structure Chart
  - d. Board of Directors/Officers Roster
  - e. Agency Budget/Financial Statements (from previous fiscal year).

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2. Interview of Potential Subrecipient. A panel consisting of a Finance Department representative and others directly associated with administration of the grant may conduct an interview with agency representative(s) to address both general agency capacity and appropriateness of activities planned to be accomplished with grant funds if they are awarded.

Upon completion of this screening, the interview panel will make a recommendation related to the capacity and appropriateness of the agency to carry out activities funded under the grant sought. This recommendation along with the *PART #1: Grant Tracking Form* will be submitted to the appropriate committee as an action item by the applying department.

## V. GRANT ACCEPTANCE PROCEDURES

### A. Grant Administration/Finance Department Notification

Upon notification that the applicant department was successful in obtaining grant funding, they shall electronically submit the following to the Finance Department:

- *Part #2: Grant Tracking Form* (attached)
- Award Notification Letter from the Grantor/Funder including grant agreement to determine if single audit regulations will apply
- Budget Amendment Form OR Budget Page Reference for the Grant (to show that a budget amendment is not needed).

### B. Committee Notification/Approval and Common Council Approval

All new grants awarded to the City of Green Bay must be presented to the Department's appropriate committee along with its budget for approval before a grant agreement is executed. In doing so, the aforementioned Grant Tracking Form shall be included as an attachment to the action item on that committee agenda. Applicable budget adjustments will be placed on the Finance Committee Agenda at the same time. Recurring annual grants do not need to be approved after initial approval unless increased workload responsibility resulting in addition of staff or funding is more than \$100,000.

## VI. GRANT TERM RESPONSIBILITIES

### A. Grantee Department Financial and Reporting Responsibilities

The grantee department maintains full responsibility for fully reading and understanding the requirements of the grant contract, meeting deadlines and complying with grant program requirements. In doing so, the grantee department will be responsible for maintaining the following documents in a single grant file:

1. Original Grant Application
2. Copy of Executed Grant Contract/Agreement with Original filed in Clerk's Office
3. Payment Requests/Activity Reports Provided to the Grantor/Funder
4. Documentation of Grant Amendments
5. And any other pertinent documentation relevant to the administration of the grant, including period extensions, amount changes, or any other amended terms or other performance standards required to meet the grants objective.

The grantee department must be prepared to share this file with the Finance Department at the same time requested for internal monitoring and specifically during the external financial and single audit as well as any regulatory inquiries or investigations.

For reimbursement grants, the grantee department will be expected to submit payment requests to the granting agency with a copy provided to the Finance Department. Departments will be responsible for maintaining documentation supporting all reimbursement requests. The Finance Department can assist with reimbursement requests if needed. Reimbursement should be requested in a timely manner but no later than forty-five (45) days from the date expense incurred. Notify the Finance Department when a grant payment is to be received.

**B. Financial and Program Reporting Reviews**

1. Financial Review:

- a. On an on-going basis, the grantee department will monitor the accuracy of expenditures, and grant expenditure/financial reporting requirements.
- b. The Finance Department may perform random audits throughout the grant term to ensure City compliance with grant and/or single audit requirements.

2. Program Review:

- a. On an on-going basis, the grantee department and a Finance Department designee will monitor activity related to meeting objectives/requirements of the grant.

Any financial, program, and/or performance issues identified will be brought to the attention of the grantee department head for discussion and deficiencies will be reported to the Mayor and Finance Director.

**C. Procurement**

Any procurement activities that will take place as part of a grant award shall follow all City purchasing policies and procedures. If the procurement requirements of a grant are stricter than those of the City of Green Bay, then those requirements must be followed. Grantee departments are encouraged to consult with the Purchasing Manager in Administrative Services. If the grant funds the purchase of IS-related equipment or software the IT Administrator must be contacted immediately to ensure the items are compatible with the City's IT infrastructure.

**D. Grant-Funded Staff**

If grant funds will be used for the hiring of personnel, the grantee department must contact the Human Resources Department to determine employee status and to start the selection process. Any person hired to fill a grant-funded position is subject to all applicable City policies.

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**VII. SPECIAL SITUATIONS/CIRCUMSTANCES**

**A. Unsolicited Grant Funds**

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For unsolicited grant funds, or those offered to a City department without an application process, in excess of \$10,000, the recipient must follow the instructions in Section V, Grant Acceptance Procedures and follow all City purchasing policies and procedures.

**B. Items Received in Lieu of Grant Funds (Donations)**

For donated items or in-kind services (i.e., materials/equipment) with a market value in excess of \$10,000, the recipient department shall informationally notify their appropriate committee of the said donation(s), in addition to providing written documentation of the monetary value of the donation(s) and a related budget adjustment to the Finance Department within thirty (30) days of receipt in order to assess whether there are any compliance items to monitor or single audit implications.

**C. Critical Timing Issue**

If a situation arises where the Grant Administration Policy will not accommodate the timeframe in which to apply or accept a grant, the Finance Director, Mayor and Department Director responsible for the grant can expedite the process and/or acquire the appropriate authorization in order to apply for or accept a grant with the exception that there is no match required of the City. Critical Timing Issue utilization will be monitored, however, so that it is not used as a method to avoid compliance with the intent of the Grants Administration Policy. Any decisions made will be reported out to the Finance Committee at the next available meeting.



# GRANT TRACKING FORM

## **PART #1: Notification of Grant Funds**

(emailto:PamelaMa@greenbaywi.gov)

**APPLICANT DEPARTMENT:** \_\_\_\_\_ **DATE:** \_\_/\_\_/\_\_

**APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE:** \_\_\_\_\_/\_\_\_\_\_

**APPROPRIATE COMMITTEE:** \_\_\_\_\_

**NAME OF GRANT/FUNDING SOURCE:** \_\_\_\_\_/\_\_\_\_\_

**AMOUNT OF GRANT REQUEST:** \$ \_\_\_\_\_ **LOCAL MATCH REQUIREMENT:** \$ \_\_\_\_\_

**SOURCE OF MATCH:**  General Fund  Non-General Fund  Not Applicable

**TIMEFRAME OF GRANT:** \_\_/\_\_/\_\_ through \_\_/\_\_/\_\_

**TYPE OF GRANT REQUEST:**  Monetary  Other (explain under 'purpose of grant')

**PURPOSE OF GRANT (summary):** \_\_\_\_\_

**How does the grant meet City/Department needs?** \_\_\_\_\_

**What are the personnel requirements (include both existing and new staff) of the grant?** \_\_\_\_\_

**DEPARTMENT HEAD SIGNATURE:** \_\_\_\_\_

## **PART #2: Request to Accept Grant Funds**

(complete after notification of grant award; emailto:PamelaMa@greenbaywi.gov)

**AMOUNT OF GRANT AWARD:** \$ \_\_\_\_\_ **CFDA/STATE ID #:** \_\_\_\_\_

**LOCAL MATCH REQUIREMENT:** \$ \_\_\_\_\_

**Please describe the source of match, if applicable:** \_\_\_\_\_

**Please describe any major changes in proposed grant-funded activities:** \_\_\_\_\_

**Please describe what the grant money will be spent on:** \_\_\_\_\_

<i>PART</i>	<i>TO:</i>	<i>DATE:</i>	<i>TO:</i>	<i>DATE:</i>
#1: Request to Apply	Finance Dept		FC - Info/Action	
#2: Request to Accept	Finance Dept		FC - Action	

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FC = Finance Committee

**REPORT OF THE  
IMPROVEMENT AND SERVICE COMMITTEE  
June 21, 2016**

The Improvement and Service Committee, having met on June 8, 2016 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Bob Vanden Avond for an exemption to §16.11(b)2, Green Bay Municipal Code requiring the mandatory connection of sump pump discharge to City's storm sewer system at 3214 and 3218 Humboldt Road.
2. To approve the request by Mary Rubens to dedicate parcel 6H-1957, southwest corner of Forestville Drive and DeGrand Street, to the City of Green Bay for right-of-way purposes.
3. To place on hold until the next Improvement & Service meeting the request by Ald. Zima, on behalf of all people who cross the Walnut Street Bridge, that the Department of Public Works provide emergency repairs to the railroad crossing at about 100 West Walnut Street.
4. To receive and place on file the request by Ald. Vander Leest for the lines to be painted at the crosswalks at the intersection of Wood Lane and Hazelwood Lane and that City staff review any other safety requirements at this intersection.
5. To approve the request by Department of Public Works to purchase a 4 x 2 Pickup to replace an Engineering Division vehicle due to transmission failure.
6. To approve the request by Department of Public Works to award an architectural/engineering services contract to Berners Schober for design of the replacement lighting systems on the three downtown bridges in the amount of \$40,000.
7. To approve the request by the Department of Public Works to approve the annual Compliance Maintenance Annual Report (CMAR) and authorize the Mayor and City Clerk to prepare a resolution for the next regularly scheduled meeting of the Common Council, and allow the Director of Public Works to forward the documents to the WDNR.
8. To approve the 2016 Mini-Storm Sewer Program.
9. To approve the report of the Purchasing Manager:
  - A. To purchase a Pavement Router from Sherwin Industries, Inc. for \$15,450.
  - B. To purchase a tracked Skid Steer from Bobcat Plus in the amount of \$62,399.
  - C. To purchase a Parking and Revenue Control System from Automated Parking Technologies LLC in the amount of \$629,295.



**REPORT OF THE PERSONNEL COMMITTEE**  
**June 21, 2016**

The Personnel Committee, having met on Tuesday, June 14, 2016 considered all matters on its agenda and reports and recommends the following:

1. To approve the request to fill the Maintenance Specialist II/Mechanic Welder Technician position in Parks, Recreation and Forestry and all subsequent vacancies resulting from internal transfers.
2. To approve the collective bargaining agreement between the City of Green Bay and Green Bay Professional Police Association for a 4-year term, January 1, 2016 through December 31, 2019, increases effective with the start of the pay period in which the date occurs: revised salary schedule per attached summary effective July 1, 2016; and general wage increases of 2% July 1, 2017, 2.25% January 1, 2018, and 2.25% January 1, 2019.
3. To receive and place on file the report of Routine Personnel Actions for regular employees.

**TENTATIVE AGREEMENT**

**June 14, 2016**

Between

City of Green Bay, Wisconsin (City)

And

Green Bay Professional Police Association (GBPPA)

2016-2019

The City and GBPPA have reached a tentative agreement on a 4-year collective bargaining agreement. It is recommended the Personnel Committee recommend approval of the contract contingent upon ratification by the GBPPA. The term of the 4-year contract is January 1, 2016 through December 31, 2019. Following is a summary of the terms of the contract.

ISSUE	COSTS
<p><b>WAGES:</b></p> <ul style="list-style-type: none"> <li>Restructure hourly wage schedule effective with start of pay period in which July 1, 2016 occurs, including increasing steps 1 and 2 to market competitive rates, 5% increase to steps 3-6, 4% increase to steps 7-8 and rolled longevity into wage schedule.  Step 1 = \$26.00                      Step 5 = \$32.67 (After 6 yrs)  Step 2 = \$26.75                      Step 6 = \$32.73 (After 7 yrs)  Step 3 = \$29.11                      Step 7 = \$34.26 (After 10 yrs)  Step 4 = \$31.98                      Step 8 = \$36.67 (After 15 yrs)</li> <li>2% general increase effective with the start of the pay period in which July 1, 2017 occurs.</li> <li>2.25% general increase effective with the start of the pay period in which January 1, 2018 occurs.</li> <li>2.25% general increase effective with the start of the pay period in which January 1, 2019 occurs.</li> </ul>	<p>2016 - \$271,433</p> <p>2017 - \$380,837</p> <p>2018 - \$378,540</p> <p>2019 - \$238,269</p>
<p><b>PHYSICAL FITNESS INCENTIVE:</b></p> <ul style="list-style-type: none"> <li>Effective in 2018 each officer, on an annual basis, who successfully completes a physical fitness course designed comparable to the entry level officer fitness test will be eligible for \$500.</li> </ul>	<p>Included in wage costs</p>
<p><b>LANGUAGE MODIFICATIONS:</b></p> <ul style="list-style-type: none"> <li>Selection process for specialty teams and other assignments to be based on qualifications – replaces seniority as determining factor.</li> <li>Special Projects assignments based on qualifications – replaces seniority as determining factor.</li> <li>Clarified special event overtime posting and cancelling process.</li> <li>Incorporated traffic officer MOU into the contract.</li> </ul>	
<ul style="list-style-type: none"> <li>Clarified patrol, detective and traffic officer vacation selection.</li> <li>Modified residency provision to be in compliance with state statute.</li> <li>Clarified language allowing City to hire an officer above Step 1.</li> <li>Misc. housekeeping items.</li> </ul>	

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**PROTECTION & WELFARE COMMITTEE REPORT**  
**June 21, 2016**

The Protection & Welfare Committee, having met on Monday, June 6, 2016, considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the request by the owners of Karen's Pub, 324 N. Roosevelt Street, to hold an outdoor event on July 16.
2. To approve the Change of Agent for LVP SHS Green Bay Holding Corp. at 1011 Tony Canadeo Run.
3. To approve the request for Change of Agent and Renewal Application for a "Class B" Combination License by Green Bay Lodging II, LLC, at 840 Kepler Drive with the approval of the proper authorities.
4. To approve the Change of Agent and Renewal Application for a "Class B" Combination License by Baker MacArthur, Inc. at 1405 N. Webster Avenue with the approval of the proper authorities.
5. To approve the Change of Agent and Renewal Application for a "Class B" Combination License by Confetti's Inc. at 217 E. Walnut Street with the approval of the proper authorities.
6. To approve the Renewal Application for a "Class B" Combination License by Nic's II, LLC, at 1657 Main Street with the approval of the proper authorities.
7. To hold until Special Meeting on 6/16/2016 at 4:30 p.m. to further discuss the Application for a "Class A" Liquor and Class "A" Beverage License by CCB Beverages, LLC, at 1215 E. Mason Street. (Currently Kwik Trip Tobacco Outlet).
8. To approve the Original and Renewal Application by BP Oklahoma, LLC, for a Class "A" Beverage License at 1020 N. Irwin Avenue with the approval of the proper authorities.
9. To approve the Application for a Class "B" Beverage License by Om Jak Main Wings, Inc. at 1980 Main Street with the approval of the proper authorities.
10. To approve a "Class B" Combination License by El Jaripeo Green Bay, LLC, at 850 Kepler Drive with the approval of the proper authorities.
11. To approve an Application for an available "Class B" Combination License by Wirz Industries, LLC, at 131 S. Washington Street with the approval of the proper authorities.

4

12. To approve an Application for a Class "A" Beverage License by Singhs C Store 1, Inc. at 601 E. Walnut Street with the approval of the proper authorities.
13. To approve an Application for a Class "A" Beverage License by Singhs C Store 2, Inc. at 952 W. Mason Street with the approval of the proper authorities.
14. To deny the appeal by Caleb Wiegert of his Operator License Application.
15. To receive and place on file the proposal by Tom Hoy for a short-term solution for those families that have lead service lines.
16. To hold for six months with direction to staff to follow-up on the request by Ald. Zima that the City consider prohibiting the sale of single cans or bottles of beer and single small bottles of alcohol from convenience stores and liquor stores.
17. To hold a decision on the draft ordinance prohibiting pedal pubs in Green Bay with a referral to staff for further information until the next meeting.
18. To receive and place on file the request by Ald. Nicholson to review the reason why there is a Police presence at City Council meetings.
19. To refer to staff the request by Ald. Scannell for Legal to create an ordinance forming a Public Arts Commission.
20. To approve the renewal applications for various liquor/beer licenses for the 2016-2017 license year with the approval of the proper authorities.

CLASS "B" BEVERAGE

Juan Curiel  
Taco Burrito  
108 N. Oakland

CLASS "A" BEVERAGE

Shopko Stores Operating Co., LLC  
Shopko #004  
2430 E. Mason St.

"CLASS A" LIQUOR & CLASS "A" BEVERAGE

The Traveling Chef, LLC  
The Traveling Chef  
335 ½ N. Broadway

"CLASS B" COMBINATION

The Automobile Gallery, Inc.  
The Automobile Gallery  
400 S. Adams St.

Bluebird Entertainment, Inc.  
Ten O One Club  
1001 Main St.

Lee & Kingsada Corp.  
Little Tokyo Restaurant  
121 N. Broadway

The Roundabout, LLC  
The Roundabout  
1264 Main St.

Kavarna, LLC  
Kavarna  
143 N. Broadway

Knutson Ventures, LLC  
KK Billiards  
1583 Main St.

Live Entertainment, LLC  
Phat Headz  
420 N. Clay St.

Eat Invest GP, LLC  
Julie's Café  
1685 Main St.

Strats, Inc.  
Mangiamo  
2850 Humboldt Rd.

DNS Entertainment, LLC  
Hot Box Bar  
2056 Main St.

Renard and Tisler Enterprises, Inc  
Stop 4-1  
616 Lime Kiln Rd.

TREL, LLC  
East Town Pub  
2264 Main St.

KNK Plaza Hotel of Green Bay, LLC  
Hilton Garden Inn Green Bay  
1015 Lombardi Ave.

Lori Coopman  
The Slammer  
316 Ninth St.

Big N Rich, LLC  
Big N Rich  
1542 University Ave.

Dora Sandoval  
Las Brisas  
1906 University Ave.

9 C.

**PROTECTION & WELFARE COMMITTEE REPORT**  
**SPECIAL MEETING**  
**June 21, 2016**

The Protection & Welfare Committee, having met on Thursday, June 16, 2016, considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the application for a "Class A" Liquor and Class "A" Beverage License by CCB Beverages, LLC, at 1215 E. Mason Street with the approval of the proper authorities. (Currently Kwik Trip Tobacco Outlet).

**RESOLUTION AUTHORIZING  
INCREASE IN 2016 BUDGET**

**June 21, 2016**

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

Pursuant to the recommendation of the Finance Committee at its meeting of June 14, 2016, the following accounts are increased for the 2016 budget:

<u>ACCOUNT</u>	<u>AMOUNT</u>
101103-48990 Purchasing – Misc. Revenue	\$33,620
101104-50003 Seasonal Election Salaries	\$33,620

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

bc

**FINAL PAYMENTS RESOLUTION**

**June 21, 2016**

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. TRAFFIC SIGNAL REPAIR - 2015**

**Bodart Electric Service, Inc.**

TOTAL AMOUNT EARNED: \$ 152,317.27

LESS AMOUNT RETAINED: \$ 0.00

\$ 152,317.27

LESS AMOUNT PREVIOUSLY PAID: \$ 141,453.25

**AMOUNT DUE THIS ESTIMATE: \$ 10,864.02**

**ACCOUNT NUMBERS**

**401500E-55141-64025: \$10,864.02**

**PO #1500220**

**2. CD 16-01 RAZING OF BUILDINGS ON ST. GEORGE STREET &**

**MAIN STREET**

**Badgerland Demolition & Earthwork, Inc.**

TOTAL AMOUNT EARNED: \$ 135,819.00

LESS AMOUNT RETAINED: \$ 0.00

\$ 135,819.00

LESS AMOUNT PREVIOUSLY PAID: \$ 112,500.00

**AMOUNT DUE THIS ESTIMATE: \$ 23,319.00**

**ACCOUNT NUMBERS**

**CD16-01: \$12,500.00**

**Parks: \$10,819.00**

**PO #1600073**

Adopted \_\_\_\_\_, 2016

Approved \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

slf

**RESOLUTION APPROVING  
A SIDEWALK EASEMENT ALONG MORROW STREET  
BETWEEN BAIRD CREEK AND DANZ AVENUE  
June 21, 2016**

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

To approve and authorize payment of the following easements:

Easement for Sidewalks along Morrow Street between Baird Creek and Danz Avenue

Green Bay Senior Apartments- Morrow, LLC Parcel Number 21-1218-4	\$10.00
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Parkway Highlands Townhomes, LLC Parcel Number 21-297-2	\$10.00
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Adopted \_\_\_\_\_, 2016

Approved \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

jld

**RESOLUTION APPROVING  
HOLD HARMLESS AGREEMENT  
142 N BROADWAY  
TO PLACE BIKE RACKS IN THE CITY'S RIGHT-OF-WAY  
June 21, 2016**

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

To approve the request by Kurt Schwiesow on behalf of Pete's Garage to place Bike Racks in the City's right-of-way in front of 142 N Broadway contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

Adopted \_\_\_\_\_, 2016

Approved \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

jld

**RESOLUTION APPROVING THE  
WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
NR 208 – COMPLIANCE MAINTENANCE ANNUAL REPORT  
June 21, 2016**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades (of "C" or less) and/or an overall grade point average (<3.00); and

WHEREAS the City of Green Bay (City) scored an "A" in Financial Management; and

WHEREAS the City scored an "A" in Collection System Management; and

WHEREAS the City scored an "A" as an overall grade.

NOW, THEREFORE, BE IT RESOLVED that the following voluntary actions will be taken by the City in 2016:

1. Continue to review and update policies and procedures pertaining to the financial management of the City's Sanitary Sewer District;
2. Continue to review and update written policies and procedures as it relates to the management, operation and maintenance of the City's sanitary sewer collection system;
3. Continue the development of a Capacity, Management, Operation and Maintenance (CMOM) program;
4. Continue the implementation of the CMOM program for improved management and maintenance of the City's sanitary sewer collection system.

Adopted \_\_\_\_\_, 2016

Approved \_\_\_\_\_, 2016

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James J Schmitt, Mayor

ATTEST:

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Kris A Teske, City Clerk

**RESOLUTION SUPPORTING AND RECOMMENDING  
THE AUTHORIZATION OF A REPRESENTATIVE FOR  
THE SAFE DRINKING WATER LOAN PROGRAM**

June 21, 2016

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, it is the desire of the Common Council for the City of Green Bay, a Wisconsin municipal corporation, to file several applications for state financial assistance for its Water Utility facilities under the Safe Drinking Water Loan Program (ss. 281.59 and 281.61, Wis. Stats); and

WHEREAS, the Common Council believes that it is necessary to designate a representative for filing said applications; and

WHEREAS, the Common Council recommends that the City appoint the General Manager of the Green Bay Water Utility as the authorized representative for the purpose of filing these applications, and that the representative shall be further authorized and empowered to do all things necessary in connection with said applications.

NOW, THEREFORE, BE IT RESOLVED, that the General Manager of the Green Bay Water Utility is hereby appointed as the authorized representative for the City of Green Bay for the purpose of filing Safe Drinking Water Loan applications, and that the representative is further authorized and empowered to do all things necessary in connection with said applications.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

JF:bc

**RESOLUTION APPROVING THE  
CITIZEN PARTICIPATION PLAN FOR THE  
STADIUM ENTERTAINMENT DISTRICT MASTER PLAN  
(PP 15-09)**

**June 21, 2016**

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

That, pursuant to Planning Project 15-09 and the recommendation of the Plan Commission on June 13, 2016, the City of Green Bay does approve the Citizen Participation Plan for the Stadium Entertainment District Master Plan, a copy of which is attached hereto.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

bc

Attachments -- Plan and Map

**Citizen Participation Plan**  
**Stadium Entertainment District Master Plan**  
**City of Green Bay, Wisconsin**

**PURPOSE**

For the Stadium Entertainment District Master Plan to operate effectively and to address the needs of the citizens, businesses, landowners, and visitors of the City of Green Bay, the entire population must be kept informed. The decision-making process must be open and consistent. To accomplish this task, the following public participation plan will be followed:

**PROGRAM OVERSIGHT**

1. A steering committee composed of a number of varied and diverse stakeholders and representatives of the City of Green Bay will be appointed by the City to guide the creation of the Master Plan
2. A planning process progress report will be provided to the City Plan Commission and RDA, by City Staff at two regularly scheduled meetings during the planning process.

**CITIZEN PARTICIPATION**

1. A steering committee composed of a number of varied and diverse stakeholders and representatives of the City of Green Bay will be appointed by the City of Green Bay to guide the creation of the Comprehensive Plan. The City will post the meeting notices in the standard manner of posting public meetings.
2. An online and paper survey will be distributed on the City's website, through social media, and made available at City Hall and at locations and events around the City to provide the public the opportunity to make written statements concerning the comprehensive plan.
3. Three (3) public meetings will be held to allow residents and other land owners of the City the opportunity to provide input concerning the Master Plan and process. In later meetings, citizens will have the opportunity to review plan drafts and strategies.
4. A variety of stakeholders, as identified by City staff, will be interviewed concerning specific comprehensive plan elements as part of the planning process. Planning Department staff and the consultant will present the results to the steering committee at their committee meetings.
5. Material about the planning process will be available for review at community events.
6. A public hearing will be held at a joint meeting of the City Plan Commission and RDA to review the Master Plan. After the public hearing has been held, the Plan Commission may recommend the Comprehensive Plan to the City Council for adoption.

**NOTICE OF HEARINGS**

1. Since the Master Plan will be an appendix to the City's Comprehensive Plan, this engagement strategy will require a public hearing by the City Plan Commission and should be preceded by a class 1 notice under Wisc. S.S. ch. 985 that is published at least 30 days before the public hearing. The political subdivision or regional planning

commission may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

- The date, time and place of the hearing.
  - A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.
  - The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.
  - Information relating to where and when the proposed comprehensive plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.
2. At least 30 days before the public hearing, the City will provide written notice to all of the following:
- An operator who has obtained, or made application for, a permit that is described under s. 295.12 (3) (d).
  - A person who has registered a marketable nonmetallic mineral deposit under s. 295.20.
  - Any other property owner or leaseholder who has an interest in property pursuant to which the person may extract nonmetallic mineral resources if the property owner or leaseholder requests in writing that the local governmental unit provides the property owner or leaseholder notice of the hearing.

#### **REQUIRED PUBLIC HEARINGS**

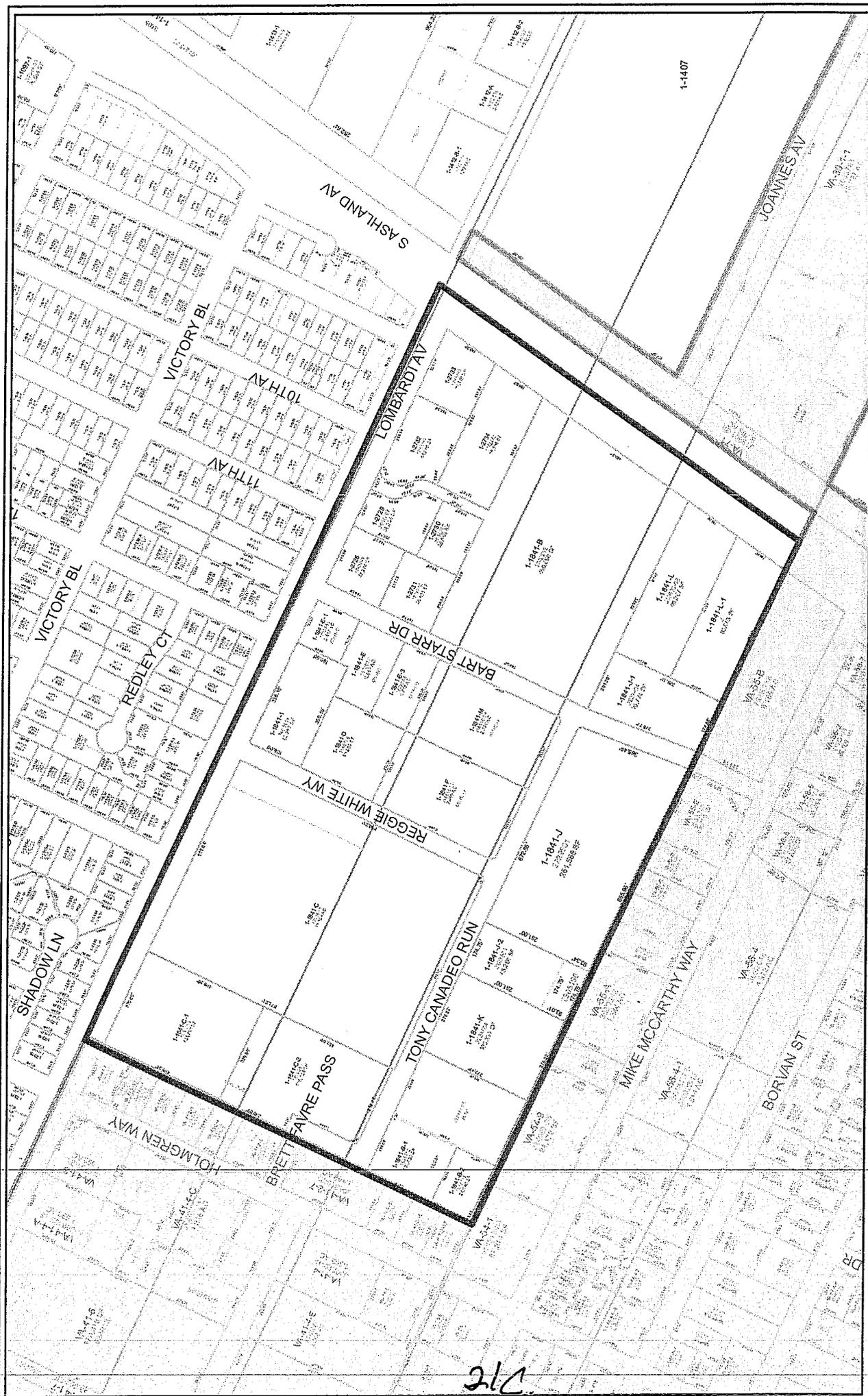
1. In addition to three public input meetings, a required public hearing shall be held at a meeting of the City Plan Commission before the Plan Commission may make any recommendation to the City Council concerning the adoption of the Master Plan.

#### **PROGRAM INFORMATION, FILES, and ASSISTANCE**

1. The City will maintain, at City Hall, a record of all citizen participation efforts including minutes of meetings, and copies of notices and brochures.

#### **NON-ENGLISH SPEAKING PERSONS**

1. The City will make all special efforts to assure them equal opportunity in the citizen participation process.



**Planning Project 15-09  
Stadium Entertainment District Master Plan  
(District 9 - Ald. Zima)**

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.  
Map prepared by City of Green Bay Planning Department.  
SJH, March 2016



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**RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 1370 REGAL AVENUE  
(ZP 16-28)**

**June 21, 2016**

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

That, pursuant to Zoning Petition 16-28 and the recommendation of the Plan Commission on June 13, 2016, the City of Green Bay does authorize a conditional-use permit for a transient residential use located on the following described property at 1370 Regal Avenue:

BRIQUELET SUBD NO 3 LOT 3 BLK 9 (Tax Parcel Number 6-2911)

Said conditional-use permit shall be granted subject to the following conditions:

- a. Compliance with the development standards found in §13-1602(j), Green Bay Municipal Code.
- b. The conditional-use permit shall expire if the applicant no longer resides at 1749 South Locust Street.
- c. Compliance with the submitted operating plan and the amendment regarding the age requirement.
- d. The applicant submitting letters of support from the surrounding property owners prior to Friday, June 17, 2016.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

bc

Attachment – Map



**RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 3290 SITKA STREET  
(ZP 16-19)**

**June 21, 2016**

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

That, pursuant to Zoning Petition 16-19 and the recommendation of the Plan Commission on June 13, 2016, the City of Green Bay does authorize a conditional-use permit for a detached accessory building with a metal exterior greater than 120 sq. ft. in a Low Density Residential (R1) District located on the following described property at 3290 Sitka Street:

FIELD OF DREAMS LOT 12 (Tax Parcel Number 21-7108)

Said conditional-use permit shall be granted subject to the following conditions:

- a. Brick and horizontal siding to match main dwelling.
- b. Metal to match color of main dwelling.
- c. Garage door window to match existing garage door windows.
- d. Mature landscaping along Huron Road.

Adopted \_\_\_\_\_

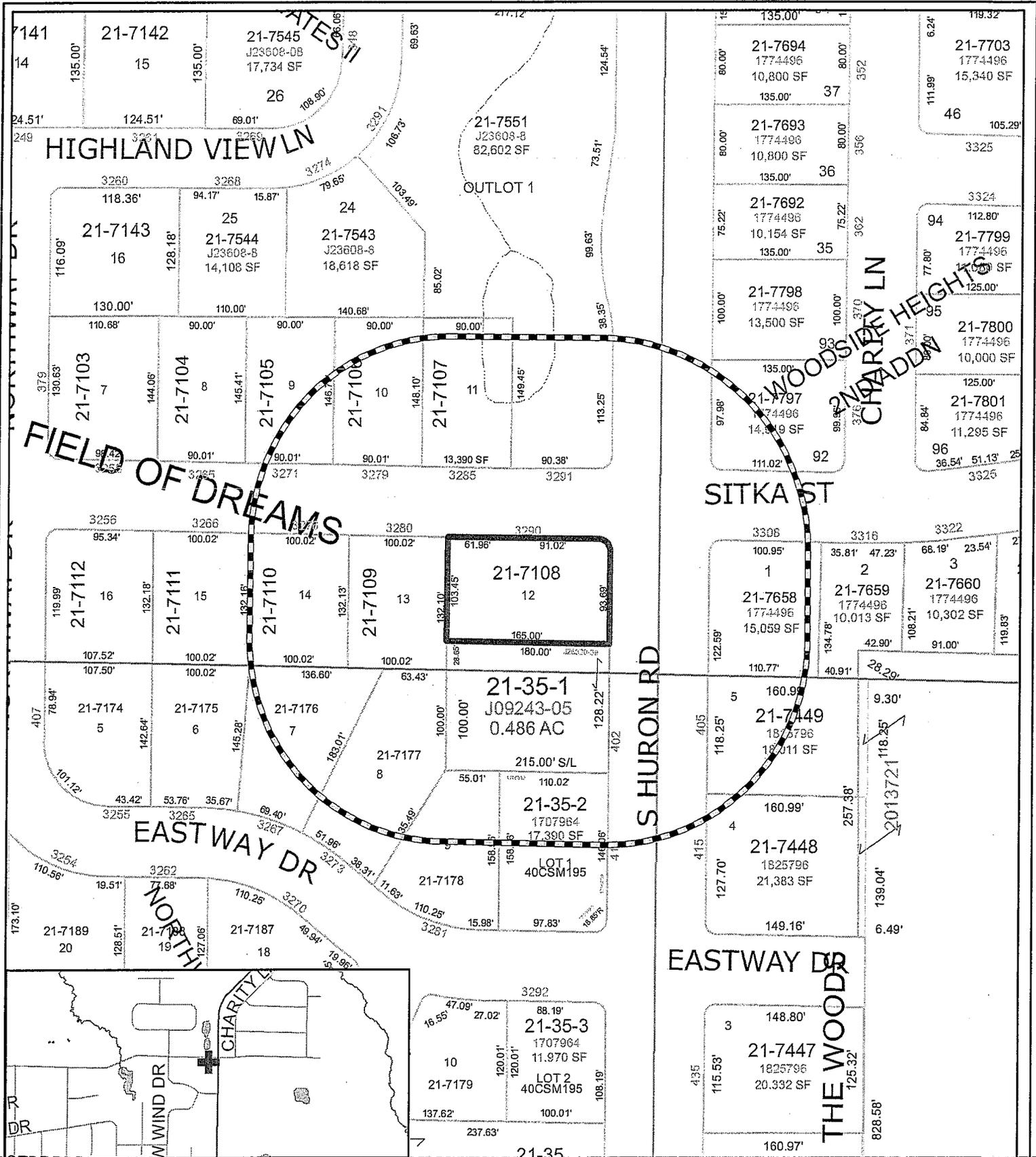
Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

bc

Attachment – Map



**(ZP 16-19) Discussion and action on the request for a Conditional Use Permit (CUP) for a detached accessory building with a metal exterior greater than 120 sq. ft. in a Low-Density Residential (R1) District located at 3290 Skita Street. (Ald. T. De Wane, District 2)**

*This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Planning Department. M.L. April 2016. \Planning\City\ZPM\2016\ZP16-19*



0 100 200 Feet



Subject Area



200' Notice Area



231.

**RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT THE NORTHEAST CORNER OF  
KELLOGG STREET AND NORTH CHESTNUT AVENUE  
(ZP 16-24)**

**June 21, 2016**

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

That, pursuant to Zoning Petition 16-24 and the recommendation of the Plan Commission on June 13, 2016, the City of Green Bay does authorize a conditional-use permit for a surface parking lot located on the following described property at the northeast corner of Kellogg Street and North Chestnut Avenue:

LOT 1 VOL 6 CSM PAGE 519 (Tax Parcel Number 5-930)

Said conditional-use permit shall be granted subject to the following conditions:

a. A fence that is compliant with the Green Bay Municipal Code and landscaping matching what is proposed along the west property line shall be installed along the north property line.

b. The historical monument located within the Chestnut Avenue right-of-way shall not be moved, modified or altered without approval from the City of Green Bay.

c. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional-Use Permit, including standard site plan review and approval.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

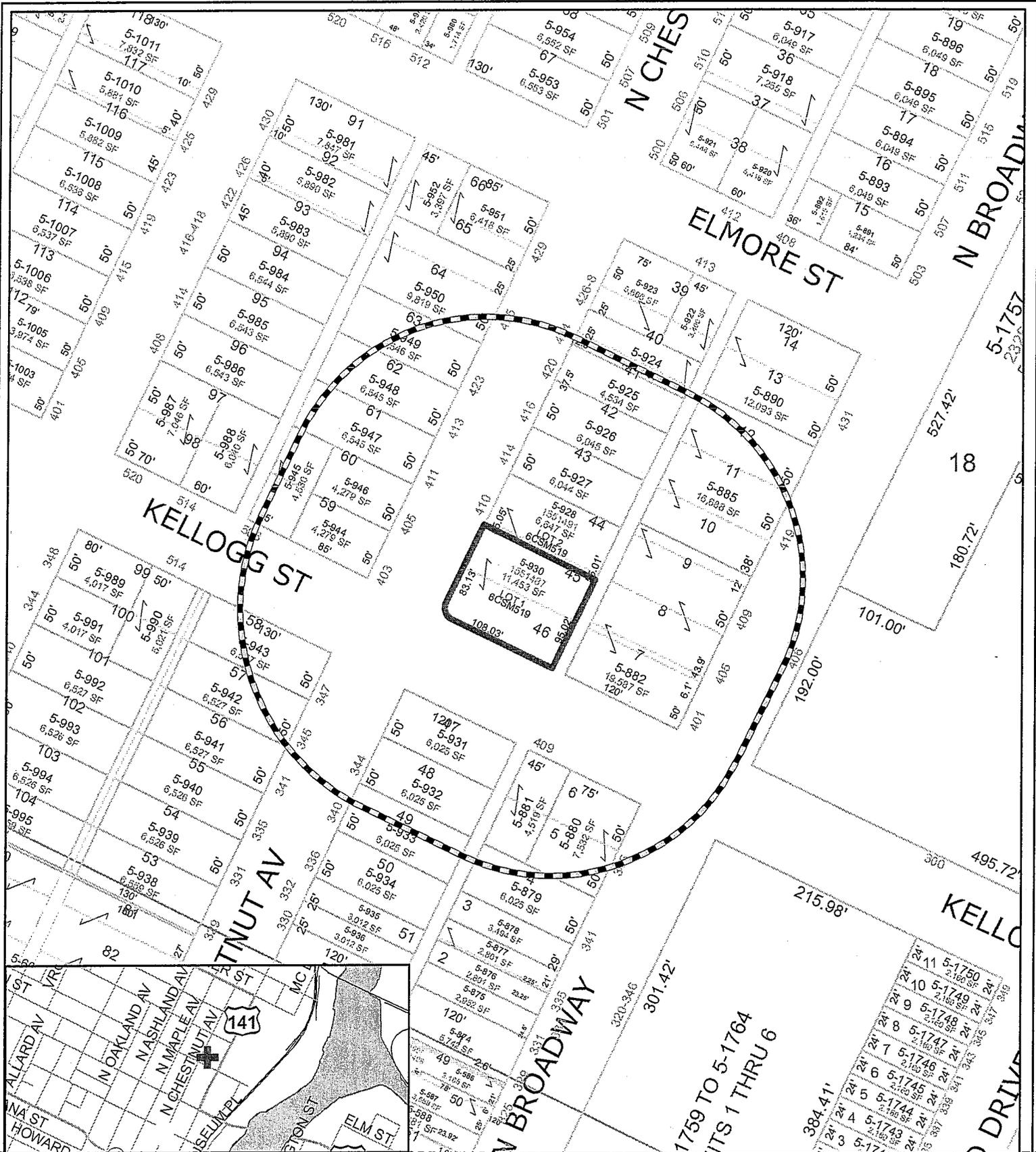
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

bc

Attachment – Map

24



**(ZP 16-24) Discussion and action on the request for a Conditional Use Permit (CUP) to authorize a surface parking lot along the northeast corner of Kellogg Street and N Chestnut Street, submitted by Jeff Knutson, Historic Restorations. (Ald. Scannell, District 7)**

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Planning Department. M.L. June 2016. \Planning\CityZPMaps\2016\ZP16-24



0 100 200 Feet



Subject Area



200' Notice Area



244

**RESOLUTION VACATING AN UNIMPROVED  
ROADWAY – CAMEL COURT  
(SV 16-01)**

**June 21, 2016**

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

That, based on the request for vacation filed heretofore, the report of the Plan Commission, and the public hearing held on the matter, it appears to be in the public interest that the unimproved roadway – Camel Court, in the City of Green Bay, described on the attachment hereto, be, and the same is hereby, vacated, abandoned, and discontinued, subject to the vacated Camel Court being rededicated to the City of Green Bay for right-of-way through the platting process under application CP 16-03.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution to be filed with the Register of Deeds for Brown County, Wisconsin.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

bc

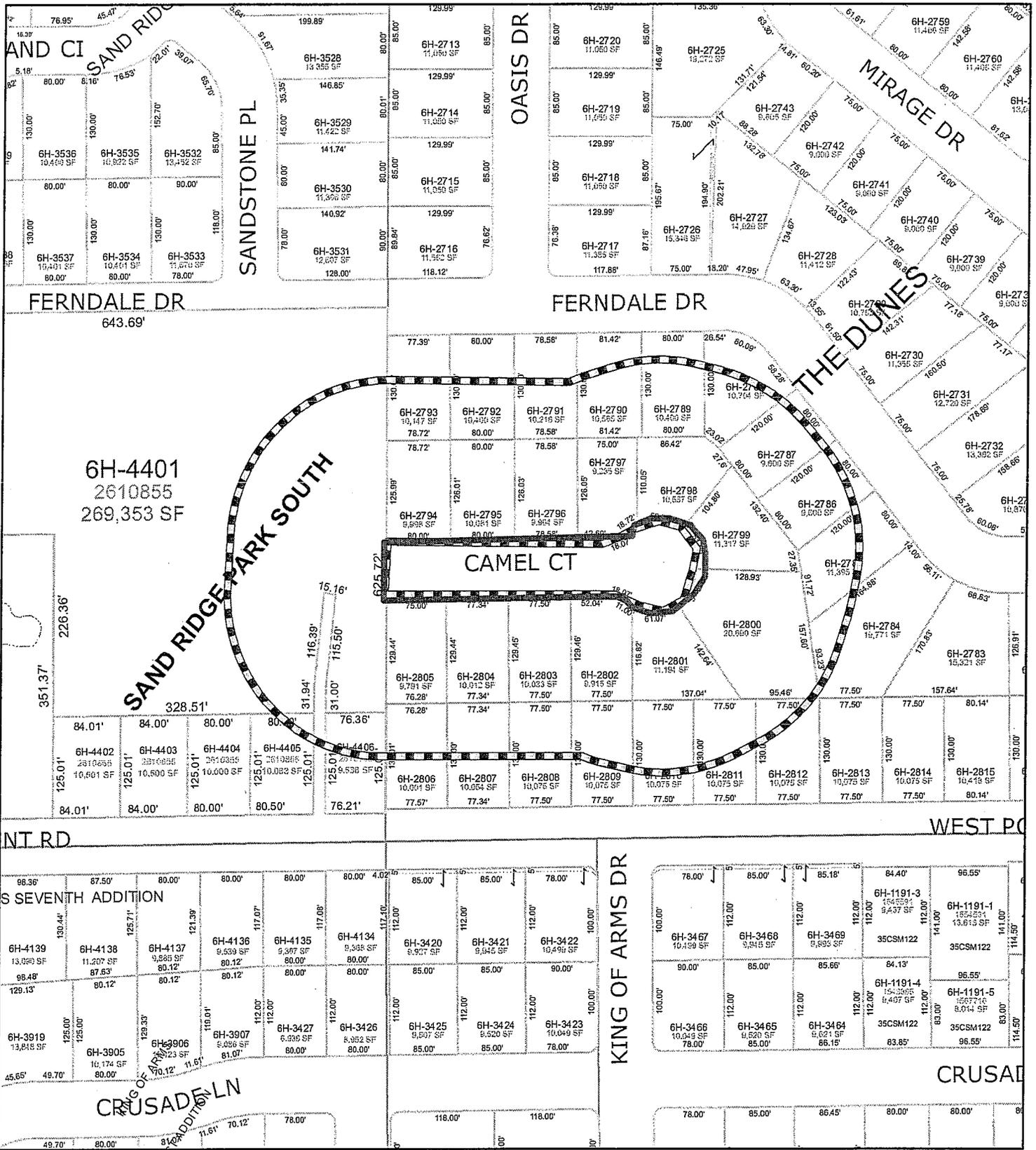
Attachments (legal description and map)

DESCRIPTION OF STREET VACATION AT CAMEL COURT  
(SV 16-01)

All of Camel Court, being located in part of Lot 17 in the Southwest 1/4 of Section 30, T24N-R20E, City of Green Bay, Brown County, Wisconsin, as plotted on the plat of "The Dunes" Volume 17, Plats, Page 43, Document No. 894485, Brown County Records.

Subject to the following condition:

1. Vacated Camel Court shall be re-dedicated to the City of Green Bay for right-of-way through the platting process under application CP 16-03.

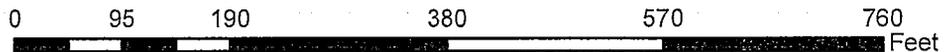


Proposed Vacation

### Street Vacation Request (SV 16-01)

**Request to vacate an unimproved right-of-way, Camel Court**

*This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Planning Department. SJH March 2016*



25 b.

**RESOLUTION VACATING A  
PORTION OF FRED STREET  
(SV 16-01)**

**June 21, 2016**

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

That, based on the request for vacation filed heretofore, the report of the Plan Commission, and the public hearing held on the matter, it appears to be in the public interest that a portion of Fred Street, in the City of Green Bay, described on the attachment hereto, be, and the same is hereby, vacated, abandoned, and discontinued, subject to:

- a. A 25 ft. wide sanitary sewer easement shall be retained, centered on the existing sanitary sewer line.
- b. The property currently addressed as 607 Fred Street shall be added into Lot 1 of CSM 15-05 to ensure access to the lot.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution to be filed with the Register of Deeds for Brown County, Wisconsin.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

bc

Attachments (legal description and map)

**LEGAL DESCRIPTION  
VACATION OF A PORTION OF FRED STREET**

The vacation of a portion of Fred Street as dedicated on the Geimer Addition Subdivision Plat, recorded in Volume 9 of Plats, on Page 9, as Document Number 510131, in the Brown County Register of Deeds Office, being part of the Southwest 1/4 of the Northwest 1/4, Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

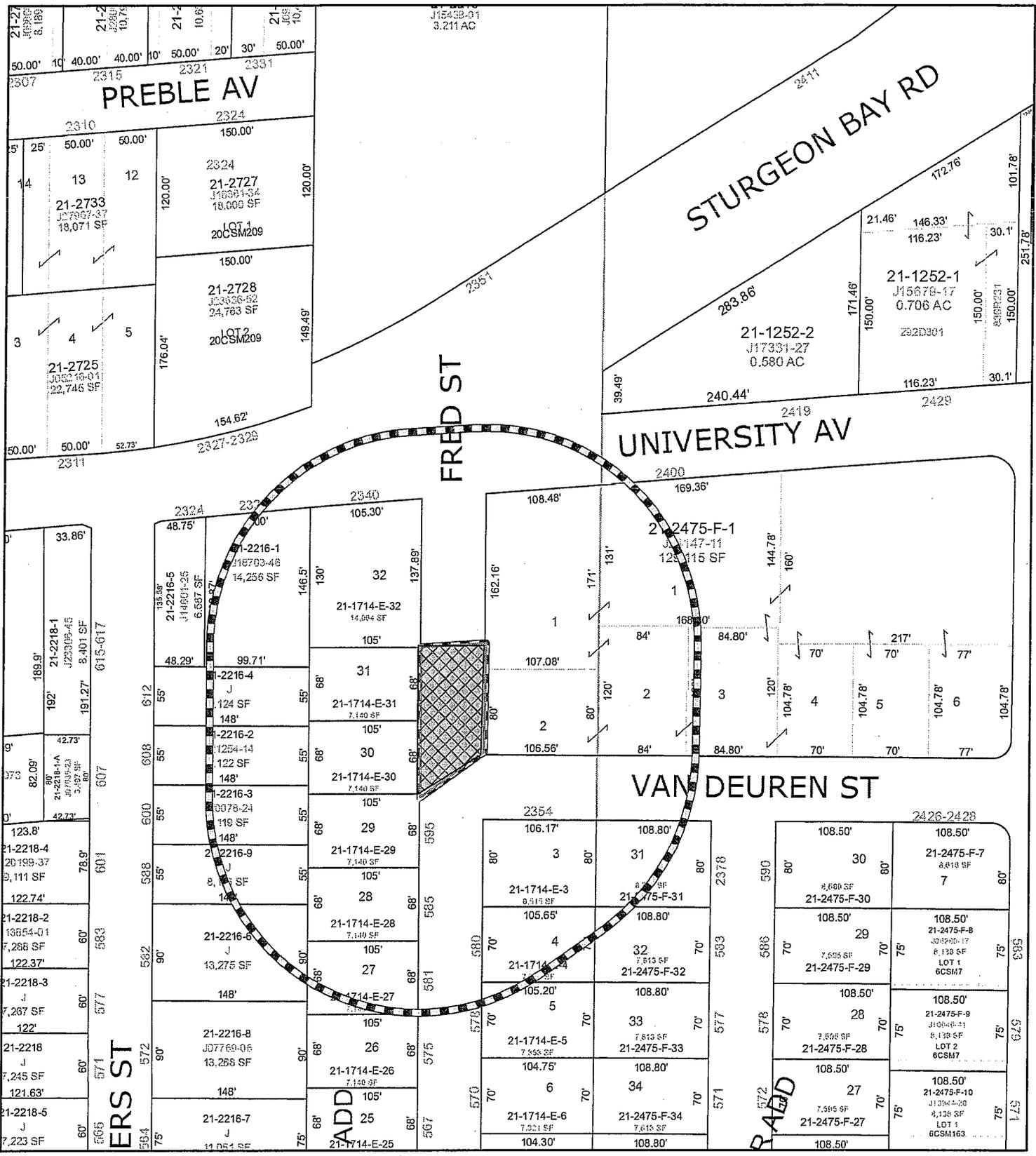
Commencing at the West 1/4 corner of said Section 33; thence North 00°21'44" East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of the South right-of-way line of University Avenue; thence North 85°58'13" East, coincident with said Westerly extension of the South right-of-way line of University Avenue and the South right-of-way line of said University Avenue, 1130.33 feet to the intersection of the West right-of-way line of vacated Fred Street and said South right-of-way line of University Avenue, also being the Northeast corner of Lot 32 of said Geimer Addition; thence South 00°17'00" West, coincident with said West right-of-way line of vacated Fred Street, 137.48 feet to the Southeast corner of said Lot 32 and the point of beginning; thence South 89°43'00" East, coincident with the said South line said vacated Fred Street, 60.00 feet to the East right-of-way line of Fred Street; thence South 00°17'00" West, coincident with said East right-of-way line of Fred Street, 99.87 feet to the intersection of said East right-of-way line of Fred Street and the North right-of-way line of Van Deuren Street, being the Southwest corner of Lot 2 of said Geimer Addition, and the beginning of a non-tangential curve concave to the Southeast; thence 63.19 feet coincident with the arc of said curve, said curve having a radius length of 86.19 feet, a central angle of 42°00'27", and a chord that bears South 54°01'25" West for 61.78 feet to the Easterly extension of the South line of Lot 30 of said Geimer addition; thence North 89°43'54" West, coincident with said Easterly extension of the South line of Lot 30, 10.18 feet to said West right-of-way line of Fred Street and the Southeast corner of said Lot 30; thence North 00°17'00" East, coincident with said West right-of-way line of Fred Street, 136.41 feet to said Southeast corner of said Lot 32 and the point of beginning.

Said street vacation contains 7,036 square feet or 0.161 acres more or less.

Said street vacation is subject to easements, restrictions and right-of-ways of record.

This street vacation is subject to the following conditions:

- a. A 25 ft. wide sanitary sewer easement shall be retained, centered on the existing sanitary sewer line.
- b. The property currently addressed as 607 Fred Street shall be added into Lot 1 of CSM 15-05 to ensure access to the lot.



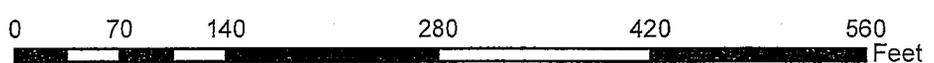
This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Planning Department. SJH April 2016

**Street Vacation Request (SV 16-02)**

**Request to close a portion of Fred Street**



Proposed Street Vacation



26b.

**FINAL RESOLUTION AUTHORIZING  
WATER MAIN AND WATER SERVICE IMPROVEMENTS  
AND LEVYING SPECIAL ASSESSMENTS  
AGAINST PROPERTY  
JUNE 21, 2016**

WHEREAS, the Improvement & Service Committee of the City of Green Bay, Wisconsin, held a public hearing at the City Hall at 6:30 pm on the 8th day of June, 2016 for the purpose of hearing all interested persons concerning the preliminary resolution and Report of the General Manager of the Water Utility on the proposed improvement and has heard all persons desiring audience at such hearings on the following streets or portions of streets:

**ERIE ROAD – 695' North of Golf Drive to 1975' North of Golf Drive**

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

1. That the Report of the General Manager of the Water Utility pertaining to the construction of the above described improvement, including plans and specifications therefore as modified, having been reviewed and discussed by members of the Improvement & Service Committee, is hereby adopted and approved.
2. That the Improvement & Service Committee is directed to advertise for bids and to carry out the work of such improvement in accordance with the Report of the General Manager of the Water Utility as approved and authorized by the appropriate Committee.
3. That the payment for improvements be made by assessing the cost to the property as indicated in said Report of the General Manager of the Water Utility.
4. That the assessments shown on and confirmed by the Report of the General Manager of the Water Utility as modified are true and correct, and found to be in the public interest are hereby confirmed.
5. That those special assessments not paid in cash shall be payable to the City of Green Bay in five (5) annual installments with interest thereon at the rate of four percent (4.00%) per annum.
6. That the City Clerk shall be directed to publish this resolution in the official newspaper of the City of Green Bay.

GENERAL ORDINANCE NO. 11-16

AN ORDINANCE  
AMENDING SECTION 2.06(14),  
GREEN BAY MUNICIPAL CODE,  
RELATING TO CALLING A  
COMMITTEE OF THE WHOLE

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

**SECTION 1.** Section 2.06(14) Green Bay Municipal Code, is hereby amended to read:

(14) COMMITTEE OF THE WHOLE. The Mayor or the President of the Council may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, ~~and shall ex officio be chairman of the same,~~ provided there is no objection by any ~~of the aldermen present at the meeting.~~ made by the majority of the aldermen present at the meeting. The Mayor shall ex officio be chairman of such meeting; or, if the Mayor is not present, the Council President shall act as chairman in his absence.

**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 \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

NJV:bc

06/12/16

i:\legislative\council 2016\06212016\law\go 11-16 calling the committee of the whole meeting.docx

**GENERAL ORDINANCE NO. 12-16**

**AN ORDINANCE  
AMENDING CHAPTER 30,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO STORM WATER MANAGEMENT**

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

**SECTION 1.** Chapter 30, Green Bay Municipal Code, is hereby amended. A copy of the changes to Chapter 30 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

bc

Attachment – Ch. 30, GBMC, as amended

06/21/16

**CHAPTER 30**

**STORM WATER MANAGEMENT**

(Rep. & Rec. GO 32-08)

- 30.01 Authority
- 30.02 Findings of Fact
- 30.03 Purpose and Intent
- 30.04 Definitions
- 30.05 Applicability and Jurisdiction
- 30.06 Storm water Management Standards
- 30.07 Permitting Requirements and Procedures and Fees
- 30.08 Storm water Management Plans
- 30.09 Maintenance Agreement
- 30.10 Enforcement and Penalties
- 30.11 Appeals
- 30.12 Severability
- 30.20 Storm water Utility (Cr. GO 6-04)

30.01 **AUTHORITY**

- (1) This ordinance is adopted by the City of Green Bay pursuant to its police powers and under the authority granted by ~~§62.234~~ ~~§281.33~~, Wis. Stats. This ordinance supersedes all conflicting and contradictory storm water management regulations previously enacted under §62.23, Wis. Stats. Except as specifically provided for in ~~§62.234~~ ~~§281.33~~, Wis. Stats., §62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The City of Green Bay hereby designates the Director of Public Works to have the administering authority to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
  - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under ss. 281.16 and 283.33, Wis. Stats.
  - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

30.02 **FINDINGS OF FACT.** The City of Green Bay finds that uncontrolled storm water runoff from land development activity has a significant impact upon water resources and the health, safety, and general welfare of the community. ~~WDNR Language: The City of Green Bay acknowledges that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community~~ **and diminishes the public enjoyment and use of natural resources.** Specifically, uncontrolled **post-construction land development activity** runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant **loadings**.
- (5) ~~Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways and other minor drainage facilities.~~
- (6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes.

- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- (8) ~~Diminish the public enjoyment of natural resources.~~

30.03 **PURPOSE AND INTENT.**

- (1) PURPOSE. The ~~general~~ purpose of this ordinance is to ~~set forth~~ **establish** long-term, ~~post-construction runoff~~ storm water management requirements and criteria that will prevent and control water pollution and diminish the threats to public health, safety, welfare, and aquatic **environment** life due to runoff of storm water from development or redevelopment. Specific purposes are to:
  - (a) Further the maintenance of safe and healthful conditions.
  - (b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
  - (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; **and** control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
- (2) INTENT. It is the general intent of the City of Green Bay that this ordinance achieves its purpose through:
  - (a) Regulating long-term, post-construction **land development activity** storm water discharges **to waters of the State and U.S.** ~~from land development activities;~~
  - (b) Controlling the quantity, peak flow rates, and quality of storm water discharges from land development activities; and
  - (c) It is more fully the intent of the City of Green Bay to provide services to maintain and enhance the quality of life within the community. To this end, the City of Green Bay will manage storm water to protect, maintain, and enhance the natural environment, diversity of fish and wildlife, human life, property, and recreational use of waterways within the City of Green Bay area.
  - (d) This ordinance may be applied on a site-by-site basis.
  - (e) The City of Green Bay recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the City

Council, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

~~(2) INTENT. It is the intent of the City of Green Bay that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site by site basis. The City of Green Bay recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems level storm water management plans that cover hydrologic nits, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the City of Green Bay, it is the intent of this ordinance that the approved storm water management plan be used to identify post-construction management measures acceptable for the community.~~

#### 30.04 DEFINITIONS.

- (1) ADMINISTERING AUTHORITY means the governmental employee designated by the City of Green Bay to administer this ordinance. The Director of Public Works has been designated to have the authority to administer this ordinance, §30.01(3).
- (2) AGRICULTURAL ACTIVITY AREA means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.
- (3) AGRICUTURUAL PRODUCTION AREA means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.
- (4) AGRICUTURUAL FACILITIES AND PRACTICES has the meanings given in s. 281.16(1), Wis. Stats.
- (5) APPLICANT means any landowner, land user(s), their agent, assignee, or contractor responsible for submitting and carrying out the requirements of this ordinance. Applicant shall also mean any subsequent landowner to whom this ordinance applies.
- (6) AVERAGE ANNUAL RAINFALL means a ealendar year of precipitation, excluding snow, which is considered typical. typical year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a Department publication for the location closest to the municipality. For purposes of this ordinance, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.

- (7) BEST MANAGEMENT PRACTICE or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
- (8) BUSINESS DAY means a day that offices of the City of Green Bay are routinely and customarily open for business.
- (9) CEASE AND DESIST ORDER means a court issued order to halt land developing or disturbing ~~construction~~ activity that is being conducted without the required permit or in violation of a permit issued by the City of Green Bay.
- (10) COMBINED SEWER SYSTEM means a system for conveying both sanitary sewage and storm water runoff.
- (11) COMMON PLAN OF DEVELOPMENT OR SALE means all lands included within the boundary of a certified survey or subdivision plat created for the purpose of development or sale of property where multiple separate and distinct land developing activity may take place at different times and on different schedules.
- (12) CONNECTED IMPERVIOUSNESS means an impervious surface ~~that is directly connected to a separate storm sewer or water of the state via an impervious flow path.~~ connected to the waters of the State or U.S. via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.
- (13) CONSTRUCTION SITE means an area upon which one or more land disturbing ~~construction~~ activities occur, including areas that are part of a larger common plan of development or sale.
- (14) DEVELOPMENT DISTRICT(S) means one of three districts that make up the City of Green Bay to promote development in a prioritized fashion according to projected population and land use needs as established by General Ordinance 17-90, and found in §14-212.
- (15) DESIGN RAINFALL EVENT means a discrete rainstorm characterized by a specific duration, rainfall intensity, and return frequency.
- (16) DESIGN STORM means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The TR-55, Type II, 24-hour design storms for the City of Green Bay are: 1-year, 2.2-inches; 2-year, 2.5-inches; 5-year, 3.3-inches; 10-year, 3.8-inches; 25-year, 4.4-inches; and 100-year, 5.3-inches.
- (17) DIRECT CONDUT TO GROUNDWATER means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharge to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
- (18) DISCHARGE VOLUME means the quantity of runoff discharged from the land surface as the result of a rainfall event.

- (19) DIVISION OF LAND means the creation from one parcel of two or more parcels or building sites of 20 or fewer acres each in areas where such creation occurs at one time or through the successive partition within a 5-year period.
- (20) EFFECTIVE INFILTRATION AREA means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (21) EROSION means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (22) EXISTING LAND-USE CONDITION means the condition of the proposed development site and the adjacent properties that are present at the time of the storm water permit application. This term applies only for the purpose of properly sizing storm water detention facilities ponds per §30.06(3)(a) and properly sizing storm water conveyance systems in accordance to the requirements of this ordinance, §30.06(3)(b).
- (23) EXCEPTIONAL RESOURCE WATERS **means waters listed in s. NR 102.11, Wis. Amd.Code.**
- (24) FEE IN LIEU means a payment of money to the City of Green Bay in place of meeting all or part of the storm water performance standards required by this ordinance.
- (25) FINAL STABILIZATION means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (26) FINANCIAL GUARANTEE **means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Green Bay by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.**
- (27) FUTURE PROPOSED LAND USE OR POST-DEVELOPMENT CONDITIONS means any proposed land alterations or disturbances, including, but not limited to, removal of vegetative cover, excavating, filling/grading, construction of buildings, roads, parking lots, paved storage areas, and similar facilities.
- (28) GOVERNING BODY **means the City Council.**
- (29) GROSS AGGREGATE AREA means the total area, in acres, of all land located within the property boundary containing the land development activity.
- (30) GROUNDWATER ENFORCEMENT STANDARD means a numerical value expressing the concentration of a substance in groundwater, which is adopted under §160.07, Wis. Stats., and NR 140.10, Wis. Admin. Code, or §160.09, Wis. Stats., and NR 140.12, Wis. Admin. Code.

- (31) GROUNDWATER PREVENTIVE ACTION LIMIT means a numerical value expressing the concentration of a substance in groundwater that is adopted under §160.15, Wis. Stats., and NR 140.12 or 140.20, Wis. Admin. Code.
- (32) IMPERVIOUS SURFACE means a surface that does not allow infiltration during precipitation events. ~~Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surface.~~ **an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, swimming pools, ponds, decks, sidewalks, driveways, gravel and paved parking lots and streets are examples of areas that typically are impervious.**
- (33) IN-FILL AREA means a new development area less than 5 acres in size that is located within existing urban sewer service areas, surrounded by already existing development or existing development and natural or man-made features where development cannot occur. **an undeveloped area of land located within an existing urban sewer service area surrounded by development or development and natural or man-made features where development cannot occur.**
- (34) INFILTRATION means the process by which rain, **precipitation** or surface runoff **enters or penetrates into or through** the underlying soil. ~~means the entry of precipitation or runoff into or through the soil.~~
- (35) INFILTRATION SYSTEM means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (36) KARST FEATURE means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (37) LAND DISTURBING CONSTRUCTION ACTIVITY (or “disturbance”) means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.
- (38) LAND DEVELOPMENT ACTIVITY means any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This term does not include agricultural cropping activities.
- (39) MAINTENANCE AGREEMENT means a legal document that is filed with the County Register of Deeds as a property deed restriction and which provides for long-term maintenance of storm water management practices.
- (40) MAXIMUM EXTENT PRACTICABLE or “MEP” means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance a level

~~of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions. means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with S. 30.06(7)(#) of this ordinance.~~

- (41) NATURAL WETLANDS means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include existing, mitigation and restored wetlands
- (42) NEW DEVELOPMENT means that portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is greater than the pre-development condition is classified as new development. For purposes of this ordinance, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate. ~~means development resulting from the conversion of previously undeveloped land or agricultural land uses.~~
- (43) NON-STORM WATER DISCHARGE means a discharge to the storm sewer system created by some process other than the runoff from precipitation.
- (44) NON-STRUCTURAL MEASURE means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in storm water that does not require the design or installation of fixed storm water management facilities.
- (45) OFF-SITE means lands located outside the property boundary described in the permit application for land development activity.
- (46) ON-SITE means lands located within the property boundary described in the permit application for land development activity.
- (47) ORDINARY HIGH-WATER MARK ~~has the meaning given in s. NR 115.03(6), Wis. Adm. Code.~~
- (48) OTHER THAN RESIDENTIAL DEVELOPMENT means development of the following land uses: commercial, industrial, government and institutional, recreation, transportation, communication, and utilities.
- (49) OUTSTANDING RESOUCE WATERS ~~means waters listed in s. NR 102.10, Wis. Adm. Code.~~
- 
- (50) PEAK FLOW DISCHARGE RATE means the maximum rate at which a unit volume of storm water is discharged.
- (51) PERFORMANCE SECURITY means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Green Bay by the

permit holder to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

- (52) **PERFORMANCE STANDARD** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (53) **PERMIT** means a written authorization made by the City of Green Bay to the applicant to conduct land ~~development activities~~ **disturbing construction activity or to discharge post-construction runoff to waters of the state.**
- (54) **PERMIT ADMINISTRATION FEE** means a sum of money paid to the City of Green Bay by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (55) **PERVIOUS SURFACE** means ~~a surface that allows infiltration of precipitation or surface flow. Lawns, fields and woodlands are examples of pervious surfaces.~~ **an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.**
- (56) **POLLUTANT** has the meaning given in s. 283.01~~(13)~~, Wis. Stats.
- (57) **POLLUTION** has the meaning given in s. 281.01~~(10)~~, Wis. Stats.
- (58) **POST-CONSTRUCTION SITE** means a construction site following the completion of **land disturbing construction activity and final site stabilization.**
- (59) **POST-CONSTRUCTION STORM WATER DISCHARGE** means any storm water discharged from a site following the completion of land disturbing construction activity and final site stabilization.
- (60) **POST-DEVELOPMENT LAND USE CONDITION** means the extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence precipitation runoff and infiltration (see also future proposed land use condition).
- (61) **PRE-DEVELOPMENT LAND USE CONDITION** means land which has runoff characteristics equivalent to runoff Curve Numbers (CNs) of: 30, 58, 71, and 78 for Hydrologic Soil Groups A, B, C, and D, respectively, or Runoff Coefficients 0.10, 0.13, 0.17, 0.21 for Hydrologic Soil Groups A, B, C, and D, respectively, if the Rational Method is being used. This term is used for the purpose of matching of pre- and post-development storm water peak flows and volumes as required by this ordinance, §30.06(2) (see also existing land-use condition). ~~means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.~~
- 
- (62) **PRE-TREATMENT** means the treatment of storm water prior to its discharge to wetlands, infiltration practices or the primary storm water treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.

- (63) PREVENTATIVE ACTION LIMIT has the meaning given in s. NR 140.05(17), Wis. Adm. Code.
- (64) PROTECTIVE AREA means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.
- (65) PUBLIC DRAINAGE SYSTEM means all facilities owned and operated by the City of Green Bay, Brown County or the Wisconsin Department of Transportation for the purpose of collecting, conveying, storing, treating and properly disposing of storm water runoff.
- (66) REDEVELOPMENT means areas where development is replacing older development.
- (67) RESIDENTIAL LAND DEVELOPMENT means that which is created to house people, including the residential dwellings as well as all affected portions of the development, including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single family, multi-family, apartments, and trailer parks.
- (68) RESPONSIBLE PARTY means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.
- (69) ROUTINE MAINTENANCE means that portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower ½ of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower ½ of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For purposes of this ordinance, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.
- (70) RUNOFF means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (71) SEPARATE STORM SEWER means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff.
  - (b) Is not part of a combined sewer system.
  - (c) Is not draining to a storm water treatment device or system.
  - (d) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

- (e) Discharges directly or indirectly to waters of the State or U.S.
- (72) SITE means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (73) SITE RESTRICTION means any physical characteristic that limits the use of a storm water best management practice.
- (74) STOP WORK ORDER means an order issued by the City of Green Bay that requires that all construction activity on the site be stopped.
- (75) STORM WATER CONVEYANCE SYSTEM means any method employed to carry storm water runoff from a development to waters of the state. Examples of methods include swales, channels, and storm sewers.
- (76) STORM WATER MANAGEMENT PLAN means a document **comprehensive plan** that identifies **and designs** what actions will be taken to reduce storm water quantity and pollutant loadings from the post-development land use condition to levels meeting the requirements of this ordinance. ~~means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has undergone final stabilization, following completion of the construction activity.~~
- (77) STORM WATER MANAGEMENT SYSTEM PLAN is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (78) STORM WATER RUNOFF means that portion of precipitation that does not soak into the soil and flows off the surface of the land and into the natural or artificial conveyance network.
- (79) STORM WATER MANAGEMENT MEASURE means structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
- (80) TECHNICAL STANDARD means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (81) TOP OF THE CHANNEL means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- (82) TR-55 means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
- (83) TRANSPORTATION FACILITY means a ~~public street, a public road, a public highway, a public mass transit facility, a public use airport, a public trail, or any other public work for~~

~~transportation purposes such as harbor improvements under s. 85.095(1)(b), Stats.~~ **highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095(1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33 Wis. Stats.**

- (84) **TYPE II DISTRIBUTION** means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973". The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- (85) **URBAN EXPANSION DISTRICT** means those areas of the City which are located on the fringe of the Urban Service District and are already partially served and/or fully served with minimal additional facilities expansion and is delineated on the City Development District map approved by ordinance dated December, 1990.
- (86) **URBAN RESERVE DISTRICT** means those areas of the City in which land divisions are not allowed due to their distance from the urbanized and serviced areas of the City and is delineated on the City Development District map approved by ordinance dated December, 1990.
- (87) **URBAN SERVICE DISTRICT** means those areas of the City in which infilling is encouraged because they are already fully serviced by urban facilities, are within one mile of an existing neighborhood park, and are within the City's developable areas as designated in the Comprehensive Plan, and is delineated on the City Development District map approved by ordinance dated December, 1990.
- (88) **WATERS OF THE STATE** ~~means any channel, ditch, stream, lake, or other body of water determined to be under State of Wisconsin authority under Ch. 142, Wis. Stat.~~ **has the meaning given in s. 281.01(18), Wis. Stats.**
- (89) **WPDES** means Wisconsin Pollutant Discharge Elimination System.
- (90) **WPDES STORM WATER PERMIT** means a permit issued by the Wisconsin Department of Natural Resources under §147.021, Wis. Stats., that authorizes the point source discharge of storm water to waters of the state and is regulated by Ch. NR 216 (Storm Water Discharge Permit), Wis. Admin. Code.

### 30.05 **APPLICABILITY AND JURISDICTION.**

- (1) **APPLICABILITY.** This ordinance applies to land development, **land disturbance or land disturbing construction** activities that meet the applicability criteria specified in this section. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development or sale that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules.
- (a) Residential land development with a gross aggregate area of 1 acre or more;

- (b) Residential land development with a gross aggregate area less than 1 acre, if there are at least 0.25 acres of impervious surfaces;
  - (c) Land development, other than a residential land development, with a gross aggregate area of 0.5 acres or more; or
  - (d) In the opinion of the City of Green Bay is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (2) JURISDICTION. This ordinance applies to land development, **land disturbance or land disturbing construction** activities within the boundaries of the City of Green Bay.
- (3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., ~~but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.~~
- (4) WAIVERS. Requests to waive the storm water management plan requirements shall be submitted to the Director of Public Works for approval. Waivers may be granted if it can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.

30.06 **STORM WATER MANAGEMENT PERFORMANCE STANDARDS.**

- (1) **RESPONSIBLE PARTY. The landowner or the post-construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain post-construction storm water BMPs is the responsible party and shall comply with this ordinance.**
- (2) **STORM WATER MANAGEMENT PLAN RESPONSIBLE PARTY.** The responsible party shall develop and implement a written post-construction storm water management plan that incorporates the requirements of this section.
- (3) DEVELOPMENT DISTRICTS. All land development activities shall conform to storm water management standards established for the Development District within which the development occurs.
- (4) **MAINTENANCE OF EFFORT. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of ss. NR 151.122 to 151.125, or the City of Green Bay storm water standards, whichever is more stringent.**
- (5) STORM WATER DISCHARGE QUANTITY. Unless otherwise provided for in this ordinance, all land development activities subject to this ordinance shall establish on-site management practices to control the peak flow rates of storm water discharged from the site as described in

this ordinance. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or land disturbance. Infiltration of storm water runoff shall be in accordance with NR 151 and WDNR Technical Standards.

(a) On-site management practices shall be used to meet the minimum performance standards for each Development District as described in §§30.06(5)(a)1, 30.06(5)(a)2, or 30.06(5)(a)3, whichever one applies.

1. All developments less than 5 acres in size in the Urban Service District shall not increase peak flow rates of storm water runoff from that which would have resulted from the same storm occurring over the site with the land in its existing land use conditions for design rainfall events with recurrence intervals of 2, 10, and 100 years. The Director of Public Works may require more stringent or less stringent criteria if it has been determined that the downstream storm sewers can or cannot handle the runoff from the site.
2. All developments 5 acres or more in the Urban Service District shall be subject to the criteria described in §30.06(5)(a)3. The Director of Public Works may require more stringent or less stringent criteria if it has been determined that the downstream storm sewers can or cannot handle the runoff from the site.
3. All proposed land developments in the Urban Reserve and Urban Expansion Districts shall not increase peak flow rates of storm water runoff from that which would have resulted from the same storm occurring over the site with the land in its pre-development land use conditions for design rainfall events with recurrence intervals of 2, 10, and 100 years. The Director of Public Works may require more stringent or less stringent criteria if it has been determined that the downstream storm sewers can or cannot handle the runoff from the site.

(b) All storm water conveyance systems within the proposed development of all Development Districts and receiving surface runoff from the proposed development shall be designed to completely contain peak storm flows as described in §§30.06(2)(b)1 and 2. Calculations for determining peak flows for conveyance system sizing shall be based on the existing or future proposed land use conditions for off-site areas (whichever results in the highest peak flows), and the future proposed land use conditions for the on-site areas.

1. For publicly-owned or maintained open channel conveyance systems, the peak flow from the 25-year storm shall be completely contained within the channel bottom and banks.
2. For publicly-owned or maintained storm sewer pipes, the peak flow from the 10-year storm shall be completely contained within the pipes with no surcharging or pressurized flow.
3. Private storm sewer pipes shall be constructed to contain the peak flow from the 5-year storm with no surcharging or pressurized flow.

(c) Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of §§30.06(5)(a) and (b) shall be computed by procedures based on the principals and procedures approved by the Director of Public Works and that are described in the City's Storm water Management Users Guide.

- (d) The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
  - (e) An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.
  - ~~(f) More stringent discharge limits may be required at the discretion of the Director of Public Works for reasons such as, but not limited to, insufficient downstream system capacity, potential erosion of stream channels, or impacts on flood stages.~~
  - (f) All discharges will be restricted to public drainage systems (including storm sewers and ditches) or to waters of the State or U.S. It shall be the responsibility of the applicant to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water from the proposed development onto private lands.
  - (g) Increases or decreases in the hydrology of natural wetlands shall be minimized to the extent practical. Where such changes are proposed, the impact of the proposal on wetland shall be assessed and meet the requirements of NR 103, Wis. Admin. Code.
  - (h) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (6) STORM WATER DISCHARGE QUALITY. Unless otherwise provided for in this ordinance, all land development activities subject to this ordinance shall establish on-site management practices to control the quality of storm water discharged from the site. The amount of total suspended solids control previously required for the site shall not be reduced as a result of the proposed development or land disturbance. On-site management practices shall be used to meet the following minimum standard established for each Development District:
- (a) Storm water management measures in the Urban Expansion and Urban Reserve Districts shall be designed to remove on an average annual basis a minimum of 80% of the total suspended solids load from the proposed on-site development when compared to the proposed on-site development without storm water management measures. The effectiveness of the storm water management measures shall be evaluated using criteria provided by the Director of Public Works ~~in the City's Storm water Management Users Guide.~~
  - (b) Storm water management measures in the Urban Service Districts less than 5 acres shall be designed to remove on an average annual basis a minimum total suspended solids load of 40% for redevelopment sites and a minimum of 80% for new development from the proposed on-site development when compared to the proposed on-site development without storm water management measures. ~~The effectiveness of the storm water management measures shall be evaluated using criteria provided by the Director of Public Works in the City's Storm water Management Users Guide.~~
  - (c) The Director of Public Works may require storm water management measures in the Urban Service Districts for developments 5 acres or greater to be designed to remove on an average

annual basis a minimum of 80% of the total suspended solids load from the proposed on-site development when compared to the proposed on-site development without storm water management measures. The effectiveness of the storm water management measures shall be evaluated using criteria provided by the Director of Public Works ~~in the City's Storm water Management Users Guide.~~

- (d) Discharge of urban storm water pollutants to natural wetlands shall have pre-treatment and vegetative buffers ~~as specified in the City's Storm water Management Users Guide (ALL REFERENCE TO THE USERS GUIDE SHALL BE ELIMINATED)~~, unless otherwise exempted by the Director of Public Works.
- (e) Infiltration of storm water runoff shall be in accordance with NR 151 and WDNR Technical Standards. When infiltration basins, bio-filtration or bio-infiltration basins or other such practices are proposed as a BMP for the site, a soils investigation following WDNR Technical Standard 1002 shall be prepared.
- (f) Storm water discharges shall have pre-treatment prior to infiltration to prolong maintenance of the infiltration practice and to prevent discharge of storm water pollutants at concentrations that will result in exceedance of groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in NR 140, Wis. Admin. Code. Storm water infiltration is prohibited under the following circumstances:
  - 1. Storm water generated from highly contaminated source areas at manufacturing industrial sites;
  - 2. Storm water carried in a conveyance system that also carries contaminated, non-storm water discharges; or
  - 3. Storm water generated from active construction sites.
- (g) Petroleum products in runoff from gas pump areas and vehicle maintenance areas shall be controlled with a properly designed and maintained oil and grease separator, or other equivalent practice. The structure or practice shall remove all visible sheen from the runoff prior to discharge to waters of the State, U.S., or the City's storm sewer system. A combination of the following BMPs or others may be used, maintained with appropriate documentation: canopies, oil and grease separator, petroleum spill clean-up materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.
- (h) Storm water ponds and infiltration devices shall not be located closer to water supply wells than indicated below without first notifying the Director of Public Works.
  - 1. 100 feet from a private or a transient non-public water supply well;
  - 2. 1,200 feet from a municipal water supply well; or
  - 3. The boundary of a recharge area to a well identified in a wellhead area protection plan.
- (i) The amount of total suspended solids control previously required for the site shall not be reduced as a result of the proposed development or disturbance.

- (j) Pollutant loading models such as SLAMM, P8 or equivalent methodology shall be used to evaluate the efficiency of the design in reducing total suspended solids.
  - (k) If the design cannot achieve the applicable total suspended solids reduction specified, the storm water management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.
  - (l) More or less stringent treatment limits may be required at the discretion of the Director of Public Works
  - (m) **Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City of Green Bay's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making this assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.**
- (7) TECHNICAL STANDARDS. The following methods shall be used in designing and maintaining the water quality, peak discharges **and** infiltration, protective area, and fueling / vehicle maintenance components of storm water practices needed to meet the water quality standards of this ordinance:
- (a) **Consistent with the** technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code, and as modified herein.
    - 1. Interior pond slopes shall be 4:1,
    - 2. Top of berm 10 foot wide unless analysis is shown that a lesser width is acceptable to withstand saturated soil pressure,
  - (b) ~~Technical standards and guidance identified within the City of Green Bay's Storm Water Reference Guide.~~
  - (b) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the City of Green Bay.
- (8) ~~PROTECTIVE AREAS. Storm water runoff through and around Protective Area shall be in conformance with NR 151.~~
- (a) ~~"Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland~~

boundary to the closest impervious surface. However, in **In** this **section** paragraph, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so such that runoff cannot enter the enclosure at this location.

1. For outstanding resource waters and exceptional resource waters, ~~and for wetlands in areas of special natural resource interest as specified in s. NR 103.04,~~ 75 feet.
2. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
3. For lakes, 50 feet.
4. For highly susceptible wetlands, ~~75~~ 50 feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins.
5. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, **cultivated hydric soils; and any gravel pits, or dredged materials or fill material disposal sites that take on the attributes of a wetland.**
6. **For wetlands not subject to par. 4 or 5, 50 feet**
7. In subd. (a)1., **4 and 5** and ~~6~~., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in NR 103.03.
8. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

**(b) Wetland boundary delineation shall be made in accordance with current Wisconsin Department of Natural Resources procedures. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable State and Federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable State and Federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.**

~~(b) Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with NR 103.08(1m). This paragraph (6) does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.~~

- (c) **Section** This paragraph (6) applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. (f) below.
- (d) The following requirements shall be met:
1. Impervious surfaces shall be kept out of the protective area **entirely or** to the maximum extent practicable. ~~The storm water management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.~~ **If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.**
  2. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70% or greater shall be established and maintained **where no impervious surface is present.** The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
  3. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area.
- (e). A protective area established or created after the adoption date [July 19, 2016] of this ordinance shall not be eliminated or reduced, except as allowed in subd. (f) 3, 4, or 5 below.
- (f). Exemptions. The following areas are not required to meet the protective area requirements of Section (6):
1. Redevelopment and routine maintenance areas provided the minimum requirements within in subd. (e) above are satisfied.
  2. **In-fill development areas less than 5 acres.**
  3. Structures that cross or access surface waters such as boat landings, bridges and culverts.
  4. Structures constructed in accordance with s. 59.692(1v), Wis. Stats.
  5. **Areas of** post-construction sites from which runoff does not enter the surface water, **including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction.** except to the extent that vegetative ground cover is necessary to maintain bank stability.

**(9) GENERAL CONSIDERATIONS FOR STORM WATER MANAGEMENT MEASURES.**  
**The following considerations shall be observed in on-site and off-site runoff management:**

(a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

(b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

**(10) BMP LOCATION.**

(a) To comply with the performance standards required under §30.06 S. 07 of this ordinance, BMPs may be located on-site or off-site as part of a regional storm water device, practice or system, but shall be installed in accordance with s. NR 151.003, Wis. Adm. Code.

*Note to Users: This section does not supersede any other applicable federal, state or local regulation such as ch. NR 103, Wis. Adm. Code and ch. 30, Wis. Stats.*

(b) The administering authority may approve off-site management measures provided that all of the following conditions are met:

1. The administering authority determines that the post-construction runoff is covered by a storm water management system plan that is approved by the City of Green Bay and that contains management requirements consistent with the purpose and intent of this ordinance.

2. The off-site facility meets all of the following conditions:

a. The facility is in place.

b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

~~(e) Where a regional treatment option exists such that the administering authority exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the administering authority]. In determining the fee for post-construction runoff, the administering authority shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.~~

(11) EXCEPTIONS. The Director of Public Works may waive the minimum requirements for on-site storm water management practices established in §30.06(5) and (6) upon written request of the applicant in which a site-specific explanation as to why that level of reduction is not attained and the total solids load shall be reduced to the maximum extent practicable, and provided that at least one of the following conditions applies:

- (a) Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the Director of Public Works and that is required to be implemented by local ordinance.
  - (b) Provisions are made to manage storm water by an off-site facility. This requires that the off-site facility is in place, is designed and adequately sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site practices meeting the requirements of this ordinance, and has a legally obligated entity responsible for long-term operation and maintenance of the storm water practice.
  - (c) The Director of Public Works finds that meeting the minimum on-site management requirements is not technically feasible due to site restrictions.
  - (d) This ordinance does not apply to redevelopment projects that result in no net increase in impervious area and does not have exposed parking lots or roads.
- (12) **ADDITIONAL REQUIREMENTS. The administering authority may establish storm water management requirements more stringent than those set forth in this ordinance if the administering authority determines that the requirements are needed to control storm water quantity or control flooding, due to but not limited to, insufficient downstream system capacity, potential erosion of stream channels, or impacts on flood stages, and to comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.**
- (13) FEE IN LIEU OF ON-SITE STORM WATER MANAGEMENT PRACTICES. Where the Director of Public Works waives all or part of the minimum on-site storm water management requirements under §30.06(11)(c), or where the waiver is based on the provision of adequate storm water facilities provided by the City of Green Bay downstream of the proposed development, as provided for under §30.06(11)(b), the applicant shall be required to pay a fee in an amount determined in negotiation with the City of Green Bay. In setting the fee for land development projects, the City of Green Bay shall consider an equitable distribution of the cost of land, engineering design, and construction.

30.07 **PERMITTING REQUIREMENT AND PROCEDURES AND FEES.**

- (1) PERMIT REQUIRED. No landowner, land operator or responsible party may undertake a land disturbing or land development activity subject to this ordinance without receiving a permit from the Director of Public Works prior to commencing the proposed activity.
- (2) PERMIT APPLICATION AND FEE. Unless specifically excluded by this ordinance, any landowner operator or **responsible party** desiring a permit shall submit to the Director of Public Works a permit application made on a form provided by the City of Green Bay for that purpose.
  - (a) Unless otherwise exempted **or excluded** by this ordinance, a permit application must be accompanied by the following in order for the permit application to be considered by the Director of Public Works:
    - 1. a storm water management plan;

2. a maintenance plan and a maintenance agreement;
  3. any easements which may be required;
  4. a copy of plans and specifications for all storm water facilities;
  5. certification by a professional engineer;
  6. any payment of a "fee-in-lieu", as provided for under §30.06(13);
  7. a non-refundable permit administration fee; and
  8. performance securities, if applicable by §30.07(4).
- (b) The storm water management plan shall be prepared to meet the requirements of §30.08 of this Chapter and the maintenance agreement shall be prepared to meet the requirements of §30.09 of this Chapter.
- (c) Fees shall be those established by the Director of Public Works and billed to the applicant for actual expenses charged by the City or its consultant to review the storm water management plan. Fees may, from time to time, be reviewed and modified by resolution.
- (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Director of Public Works shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
- (a) Within 30 business days of the receipt of a complete permit application, including all documents as required by §30.07(2)(a), the Director of Public Works shall inform the applicant whether the application, **storm water management** plan, maintenance agreement and easements are approved or disapproved **based on the requirements of this ordinance**. The Director of Public Works shall base the decision on requirements set forth in §§30.06, 30.08, and 30.09 of this Chapter.
  - (b) If the storm water permit application, storm water management plan, maintenance agreements and easements are approved, **or if an agreed upon payment of fees in lieu of storm water management practices is made**, the Director of Public Works shall issue the permit.
  - (c) If the storm water permit application, storm water management plan, maintenance agreements or easements are disapproved, **the City of Green Bay shall detail in writing the reasons for disapproval**. The applicant may revise the storm water management plan or agreement, or may appeal the decision to the Improvement and Service Committee as provided for in §30.11 of this Chapter.
  - (d) If additional information is submitted, the Director of Public Works shall have 30-business days from the date the additional information is received to inform the applicant that the application, plan, maintenance agreement and easements are either approved or disapproved.

- (e) Failure by the Director of Public Works to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed disapproval of the submittal.
- (4) PRACTICE INSTALLATION AND MAINTENANCE PERFORMANCE SECURITY. The Director of Public Works may, at his/her discretion, require the submittal of a performance security prior to issuance of the permit in order to ensure that the storm water practices are installed and maintained by the permit holder as required by the storm water management plan. The Director of Public Works shall determine the amount of the performance security.

The performance security shall not exceed the total estimated construction cost of the storm water management practices approved under the permit, plus 15%.

The amount of the maintenance performance security shall be determined by the Director of Public Works not to exceed the maintenance costs estimated in the storm water plan for the period during which the permit holder has maintenance responsibility.

The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water management plan. Conditions for the release of performance security are as follows:

- (a) The installation performance security shall be released in full only upon submission of "as-built plans" and written certification by a registered professional engineer in the State of Wisconsin that the storm water practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The Director of Public Works may make provisions for a partial pro-rata release of the performance security based on the completion of various development stages.
- (b) The maintenance performance security, minus any costs incurred by the City of Green Bay to conduct required maintenance, shall be released at such time that the responsibility for practice maintenance is passed on to another private entity via an approved maintenance agreement or to the City of Green Bay.
- (5) PERMIT CONDITIONS REQUIREMENTS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Director of Public Works may suspend or revoke a permit for violation of a permit condition upon written notification to the permittee, **land owner or responsible party**. An action by the Director of Public Works to suspend or revoke this permit may be appealed in accordance with §30.11 of this Chapter.
- (a) Compliance with this permit does not relieve a permittee of the responsibility to comply with other applicable federal, state, and local laws and regulations.
- (b) A permittee, **land owner or responsible party** shall design, install, **inspect** and maintain all structural and non-structural storm water management measures in accordance with the approved storm water management plan, maintenance agreement, and this permit.
- (c) A permit holder **permittee, land owner or responsible party** shall notify the Director of Public Works at least 2 business days before commencing any work in conjunction with the storm water management plan and within 5 business days upon completion of the storm water

- management practices. If required as a special condition, the ~~permit holder~~ **permittee, land owner or responsible party** shall make additional notification according to a schedule set forth by the Director of Public Works so that practice installations can be inspected during construction.
- (d) Practice installations required as part of this ordinance shall be certified "as built" by a Wisconsin licensed professional engineer.
- (e) Completed storm water management practices must pass a final inspection to determine if they are in accordance with the approved storm water management plan and ordinance. The Director of Public Works must make the inspection, or other competent professionals identified by the Director of Public Works. The Director of Public Works shall notify a **permittee, land owner or responsible party** in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. A **permittee, land owner or responsible party** is further required to submit a certificate of completion, stating the completion of the permitted work in accordance with the plans, City of Green Bay, state and federal requirements. The certificate must be signed by the permittee, the contractor and the design engineer.
- (f) A **permittee, land owner or responsible party** shall submit any proposed modifications to an approved storm water management plan in writing to the Director of Public Works at least 30 days prior to execution. The Director of Public Works may require that a proposed modification be submitted as an original permit application for approval prior to incorporation into the storm water management plan and execution.
- (g) A **permittee, land owner or responsible party** shall maintain all storm water management practices specified in the approved storm water management plan until the practices either become the responsibility of the City of Green Bay or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- ~~(h) The Director of Public Works shall perform any work or operations necessary to bring storm water management measures into conformance with an approved storm water management plan, and all associated costs shall be placed upon the tax roll as a special lien against the property or to charging such costs against the performance bond posted for the project. (See *WDNR language below*)~~
- (h) The responsible party authorizes the Director of Public Works to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under §30.07(4).**
- (i) If so directed by the Director of Public Works, a **permittee, land owner or responsible party** shall repair, at the permittee's own expense, all damage to adjoining municipal facilities and drainage ways caused by storm water runoff where such damage is caused by activities that are not in compliance with the approved storm water management plan.

- (j) A **permittee, land owner or responsible party** shall permit property access to the Director of Public Works for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
  - (k) Where a storm water management plan involves **change in** direction of some or all runoff off of a site, **increases in peak rate and/or total volume of runoff from the site**, it shall be the responsibility of the permittee to obtain from adjacent property owners any easements or other necessary property interests concerning the **prevention of endangerment to property or public safety and** flowage of water per §30.06(5)(g)(f). Issuance of this permit does not create or affect any such rights.
  - (l) A permittee holder is subject to the enforceable actions detailed in §30.10 of this ordinance if the permittee fails to comply with the terms of a permit.
  - (m) Additional requirements established
  - (n) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Director of Public Works notifies the permittee that all storm water management practices have passed the final inspection or the permit is suspended or revoked pursuant to §30.10(6) of this Chapter.

30.08 **STORM WATER MANAGEMENT PLANS.**

- (1) PLAN REQUIREMENTS. The storm water management plan required under §30.07 of this ordinance shall contain any such information the Director of Public Works may need to evaluate the environmental characteristics of the area affected by land development activity, the potential impacts of the proposed development upon the quality and quantity of storm water discharges, the potential impacts upon the area's water resources, and drainage utilities, and the effectiveness and acceptability of proposed storm water management measures in meeting the performance standards set forth in this ordinance. Unless specified otherwise by this ordinance, storm water management plans shall contain, at a minimum, the information described below:
- (a) Name, address, e-mail address and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
  - (b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
  - (c) A narrative describing the existing site conditions (soils, topography, land use, protective areas, and environmentally sensitive areas).

- (d) A narrative describing the proposed development, including what is going to be developed and the phasing (construction schedule) of the development from initial ground breaking to final stabilization.
- (e) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands**
- (f) Results of investigations of soils and groundwater required for the placement and design of storm water management measures.**
- (g) A discussion as to the analysis performed to achieve water quantity and quality standards, including a summary of results, the method of conveyance, assumptions made
- (h) A discussion as to what short term and long term best management practices will be utilized during the course of construction and post-construction **including a complete construction/installation schedule.**
- (i) A statement that the selected BMP's are designed in accordance with WDNR Technical Standards. If they are not, a discussion as to how the design differs from the Technical Standard and the reason for the variance.
- (j) Are there special construction, installation and short-term / long-term maintenance items that need to be considered **for the life of each storm water management practice proposed,** if so, what are they **and at what frequency are these items to be addressed.**
- (k) Calculations and data to support the final results. **Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).**
- (l) Pre-development site map with property lines, disturbed limits, and drainage patterns, summary of impervious areas (parking lots, roof, sidewalk, etc) and pervious areas (lawns, ponds, swales, landscaping, etc).
- (m) One or more site maps at a scale of not less than 1 inch equals 40 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed two (2) feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams,**

wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.

- (n) Post-development site map with property lines, disturbed limits, and drainage patterns.
1. Total area of disturbed impervious surfaces within the site.
  2. Total area of new impervious surfaces within the site.
  3. Performance standards applicable to site.
  4. Proposed best management practices.
  5. Groundwater, bedrock, and soil limitations.
  6. One or more site maps at a scale of not less than 1 inch equals 40 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed two (2) feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
- (o) Separation distances. Storm water management practices shall be adequately separated from wells to prevent contamination of drinking water. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
- (p) Plans, specifications, details, and cross-sections of the selected BMP's: detailed drawings including, but not limited to, cross-sections and profiles of all permanent storm water conveyance and treatment practices.
- (q) Cost estimates for the construction, operation, and maintenance of each storm water management practice.

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- (2) ALTERNATE REQUIREMENTS. The administering authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under §30.06(10) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.
- (3) All site investigations, plans, designs, computations, and drawings shall be certified by a **State of Wisconsin** registered professional engineer ~~in the State of Wisconsin~~ to be prepared in accordance with accepted engineering practice and in accordance with criteria set forth by the Director of Public Works.
- (4) EXCEPTIONS. The Director of Public Works may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under §30.06(3) of this Chapter.

30.09 **MAINTENANCE AGREEMENT.**

- (1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required for storm water management practices under §30.07(2) of this Chapter shall be an agreement between the City of Green Bay and the **permittee, land owner or responsible party**. The **maintenance agreement** shall be recorded as a property deed restriction ~~by the permit applicant~~ **with the County Register of Deeds** so that it is binding upon all subsequent owners of land served by the storm water management practices.
- (2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan **required by §30.07(2)(a)**:
  - (a) Identification of the landowner, responsible party(s), or organization responsible for long term maintenance of the storm water management plan.
  - (b) **Identification of the storm water facilities and designation of the drainage area served by the facilities.**
  - (c) ~~Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under S. 08 (2).~~
  - (c) **Identification of the** The landowner, responsible party(s) or organization **responsible for long term maintenance of the** shall maintain storm water management practices in accordance with the storm water practice maintenance provisions contained in the approved storm water management plan submitted under §30.07(2) of this Chapter.
  - (d) ~~Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the schedule included in par. (b).~~

- (d) A schedule of regular maintenance of each facility or aspect of the storm water management system consistent with the storm water management plan.
- ~~(b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under S. 08 (2).~~
- (e) The Director of Public Works is authorized to access the property to conduct inspections of storm water practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved storm water management plan **and maintenance agreement.**
- ~~(e) Authorization for the [administering authority] to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.~~
- (f) The Director of Public Works shall maintain public records of the results of the site inspections, shall inform the landowner responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the storm water management practice into proper working condition and a reasonable time frame during which the corrective action must be taken.
- ~~(f) A requirement on the [administering authority] to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.~~
- ~~(g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the [administering authority] of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the [administering authority].~~
- (g) The Director of Public Works is authorized to perform the corrected actions identified in the inspection report if the landowner does not make the required corrections in the specified time period. The City of Green Bay shall assess the landowner for the cost of such work and shall place a lien on the property, which may be collected as ordinary taxes by the City of Green Bay.
- ~~(h) Authorization of the [administering authority] to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The [administering authority] shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.~~
- (3) **TERMINATION OF AGREEMENT.** The maintenance agreement shall be terminated at such time that responsibility for maintenance of the storm water management practice is legally transferred to the City of Green Bay or agency acceptable to the City of Green Bay, through a written, binding agreement. The termination date of the maintenance agreement required under

§30.09(1) shall be the date upon which the legal transfer of maintenance responsibility to the City of Green Bay or agency is made effective.

30.10 **ENFORCEMENT AND PENALTIES.**

- (1) Any land development activity initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with said provisions.
- (2) The Director of Public Works may issue a citation or a Notice of Violation **of any non-complying land disturbing construction activity or post-construction runoff** in order to correct any violation of this ordinance. A Notice or Violation shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.
- (2) ~~The [administering authority] shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.~~
- (3) Upon receipt of written notification from the Director of Public Works, a **permittee, land owner or responsible party** shall correct work that does not comply with the storm water management plan or other provisions of the permit within 30 days ~~or a~~ **permittee, land owner or responsible party** shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works in the notice.
- (4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the City of Green Bay may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City of Green Bay plus interest and legal costs shall be billed to the responsible party.
- (5) The Director of Public Works may issue ~~post a~~ stop work order on any land development **or land disturbing** activity in violation of this ordinance, **or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.**
- (6) The Director of Public Works may suspend or revoke a permit issued under this ordinance for noncompliance with these ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works or by a court of competent jurisdiction.
- (8) **The Director of Public Works is authorized to refer any violation of this ordinance, or a stop work order or cease and desist order issued pursuant to this ordinance, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.**
- (9) Any person, firm, association, or corporation who does not comply with any provision of this ordinance or order issued hereunder shall be subject to a forfeiture of not less than \$50 nor more than \$500 per offense, together with the costs of prosecution. Each day that a violation exists shall constitute a separate offense.

- (10) When the Director of Public Works determines that a permittee has failed to follow practices set forth in the storm water management plan submitted and approved pursuant to §30.07 of this ordinance, or has failed to comply with schedules set forth in said storm water management plan, the Director of Public Works or a party designated by the Director of Public Works may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Public Works shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any performance or maintenance bond posted pursuant to Sec. §30.07(4) of this ordinance. Where such a bond has not been established, or where such a bond is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.
- ~~(11) When the [administering authority] determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the [administering authority] or a party designated by the [administering authority] may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved storm water management plan. The [administering authority] shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to S. 11 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.~~
- (11) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction pursuant to s. 62.23(8) Wis. Stats. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (12) Nothing in this ordinance shall limit or exclude the City from taking any other action under any City municipal code, state statute, or other remedy allowed by law.

### 30.11 APPEALS.

- (1) **IMPROVEMENT AND SERVICE COMMITTEE.** The Improvement and Service Committee shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works in administering this ordinance. **The Improvement and Service Committee shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board Improvement and Service Committee may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.**
- (2) **WHO MAY APPEAL.** Any officer, department, board or bureau of the City of Green Bay, or any aggrieved person affected by any decision of the Director of Public Works may appeal to the Improvement and Service Committee.

- (3) **TIME FOR APPEAL.** An appeal to the Improvement and Service Committee pursuant to §30.11(1) must be commenced by filing a written Notice of Appeal within 30 days of the order, decision or determination made by the Director of Public Works and to be reviewed.

30.12 **SEVERABILITY.** If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

30.20 **STORM WATER UTILITY.** (Cr. GO 6-04)

(1) **FINDINGS.**

- (a) The City of Green Bay finds that the management of storm water and other surface water discharges within and beyond its borders is a matter that affects the public health, safety and welfare of the City, its citizens and businesses and others in the surrounding area. The development of land increases impervious surfaces and results in increased storm water runoff. Failure to effectively manage this increased storm water runoff affects the sanitary sewer utility operations of the Green Bay Sanitary District by, among other things, increasing the likelihood of infiltration and inflow in the sanitary sewer. In addition, surface water runoff may create erosion of lands, threaten businesses and residences with water damage and create sedimentation and other environmental damage in the City.
- (b) The cost of operating and maintaining the City storm water system, ensuring regulatory compliance and financing necessary plans, studies, repairs, replacements, improvements and extension thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

(2) **ESTABLISHMENT OF STORM WATER UTILITY.**

- (a) In order to protect the health, safety and welfare of the public, the Common Council is exercising its authority to establish the City of Green Bay Storm water Utility and set the rates for storm water services.
- (b) The operation of the Storm water Utility shall be under the supervision of the City of Green Bay Improvement and Services Committee, with final authority by the Green Bay Common Council. The Administrator will be in charge of the Storm water Utility.
- (c) The City is acting under the authority of Chapters 62 and 66 of the Wisconsin Statutes, and particularly, without limitation, the following sections: §§ 62.04, 62.11, 62.16(2), 62.18, 66.0621, 66.0627, 66.0701, 66.0703, 66.0809, 66.0811, 66.0813 and 66.0821, Wisconsin Statutes.

(3) **POWERS AND DUTIES OF UTILITY.**

- (a) ~~Facilities.~~ The City, acting through the Storm water Utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without

limitation by enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls and ponds and such other facilities as will support a storm water system.

(b) Rates and Charges. The City, acting through the Storm water Utility, may establish such rates and charges as are necessary to finance planning, design construction, maintenance and operation of the facilities in accordance with the procedures set forth in this ordinance.

(c) Budgeting Process. The City, through the Storm water Utility, shall prepare an annual budget, which is to include all operation and maintenance costs, debt service and other costs related to the operation of the Storm water Utility. The costs shall be spread over the rate classifications as determined by the Board.

(d) Excess Revenues. The City will retain any excess of revenues over expenditures in a year in a segregated Storm water Enterprise Fund, which shall be used exclusively for purposes consistent with this ordinance.

(4) DEFINITIONS.

(a) Administrator. The Director of Public Works or his designee.

(b) Board. The City of Green Bay Improvement and Services Committee.

(c) Equivalent Runoff Unit or ERU. The unit by which a storm sewer charge is calculated in this ordinance and is based on an average horizontal impervious area of a fully developed single family parcel within the City. An ERU is established as 3,000 square feet.

(d) Impervious Area or Impervious Surface. A horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, semi-impervious surfaces such as compacted clay and/or gravel, as well as streets, roofs, sidewalks, parking lots, driveways and other similar surfaces.

(e) Duplex Unit. A residential space containing two dwelling units.

(f) Dwelling Unit. A structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

(g) GBMC. Green Bay Municipal Code.

(h) Lot. A parcel of land having a width and depth sufficient for one principal building and its accessory building together with open spaces required by the City of Green Bay zoning ordinance and abutting a public street or access easement.

(i) Multifamily Unit. A residential space consisting of three or more dwelling units.

(j) Non-residential Property. Any developed lot or parcel other than residential property as defined herein, including, but not limited to, transient rentals (such as hotels and motels), mobile home parks, commercial, industrial, institutional, governmental property and parking lots.

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- (k) Residential Property. Any lot or parcel developed exclusively for residential purposes, including single family homes, duplex units and multifamily units, but not including transient rentals (such as hotels and motels) and mobile home parks.
- (l) Single Family Home. Any residential property consisting of a single dwelling unit.
- (m) Storm water System. Any natural or manmade storm water conveyance facility operated or maintained by the City, including, but not limited to, retention/detention ponds, ditches, storm sewer, roads and navigable and non-navigable waterways.
- (n) Undeveloped Property. Property that has not been altered by the addition of any improvements, such as a building, structure, change of grade or substantial landscaping. Undeveloped property includes agricultural property. A property shall be considered developed pursuant to this ordinance, upon issuance of a certificate of occupancy or upon substantial completion of construction or final inspection if no such certificate is issued or where construction is at least 50% complete and construction is halted for a period of three months.
- (o) Utility. The Storm water Utility of the City of Green Bay.

(5) RATES AND CHARGES.

- (a) By this ordinance, the Board is establishing the basis for the rates that will be used to calculate and impose a charge upon each developed lot and parcel within the City for services and facilities provided by the Storm water Utility consistent with this ordinance.
- (b) The amount of the charge to be imposed for each customer classification shall be made by resolution. All rates established pursuant to this chapter will be fair and reasonable. The current rates will be on file with the City Clerk.
- (c) An ERU charge shall be imposed to recover all or a portion of the costs of the Storm water Utility.

(6) CREDITS. (Amd. GO 57-04)

- (a) The Utility may provide credits against the ERU determination for non-residential property in the following cases:
  - 1. Discharging storm water runoff directly to the waters of Green Bay, Fox River or East River, the ERU credit shall be two-thirds of all ERUs located on the portion of property discharging directly to the above-named waters.
  - 2. A 10% credit in the number of ERUs will be provided to those properties within the non-residential customer classification that provide privately constructed and maintained detention or retention facilities that restrict surface water discharge to the rate and volume as established in the City storm drainage standards for public and private development. This credit does not apply to those ERUs receiving credit in subsection 1. above.

- (b) A 10% credit in the number of ERUs will be provided to those properties within the residential – multifamily, including condominiums, customer classification that provide privately constructed and maintained detention or retention facilities that restrict surface water discharge to the rate and volume as established in the City storm drainage standards for public and private development.
- (c) To be entitled to consideration for an ERU credit, the property owner shall file an application together with a review fee with the Administrator that is supported by documentation from a professional engineer and demonstrates the conditions of this section have been met. The application is subject to review and approval of the Administrator. If the Administrator needs additional engineering expertise to complete his review, the Administrator can deny the application unless the property owner agrees to pay for the necessary engineering services.
- (d) The Administrator may revoke the credit if the basis for the credit has materially changed. The Administrator shall provide a 30 days advance written notice of any proposed revocation.
- (e) A denial or revocation of any credit may be appealed under GBMC § 30.20(9).

(7) CUSTOMER CLASSIFICATIONS. (Amd. GO 57-04)

- (a) For purposes of imposing the ERU charge, all lots and parcels within the City shall be classified into the following five customer classes:
  - 1. Residential – Single Family;
  - 2. Residential – Duplex;
  - 3. Residential – Multifamily, including Condominiums;
  - 4. Non-residential; and
  - 5. Undeveloped.
- (b) The Administrator shall prepare a list of lots within the City and assign a customer classification to each lot or parcel.
- (c) ERUs shall be calculated per classification as follows:
  - 1. Residential – Single Family: The impervious area for each single family parcel unit shall be determined by the Administrator based on the best available information, including, but not limited to, data supplied by the City Assessor divided by 0.75, aerial photograph, the property owner, tenant or developer or actual on-site measurement. The ERU for each single-family parcel shall be equal to the calculated impervious area divided by 3,000 square feet (rounded to the next higher 0.01). The ERU determination shall be updated by the Administrator based on any additions to the impervious area as approved through the building permit process.
  - 2. Residential – Duplex: The impervious area for each duplex parcel unit shall be determined by the Administrator based on the best available information, including, but

not limited to, data supplied by the City Assessor divided by 0.75, aerial photograph, the property owner, tenant or developer or actual on-site measurement. The ERU for each duplex unit shall be equal to one-half of the calculated impervious area divided by 3,000 square feet (rounded to the next higher 0.01). The ERU determination shall be updated by the Administrator based on any additions to the impervious area as approved through the building permit process.

3. Residential – Multifamily: The ERU for each multifamily unit shall be determined by the Administrator based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photograph, the property owner, tenant or developer or actual on-site measurement. The Administrator may require additional information as necessary to make the determination. The ERU value for residential multifamily property shall consist of its determined impervious area divided by 3,000 square feet and the number of units on the property (rounded to the next higher 0.01 ERU) to determine the per unit ERU value. The ERU determination shall be updated by the Administrator based on any additions to the impervious area as approved through the building permit process.
4. For non-residential properties, the Administrator shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photograph, the property owner, tenant or developer or actual on-site measurement. The Administrator may require additional information as necessary to make the determination. The ERU value for a non-residential property shall consist of its determined impervious area divided by the residential ERU value of 3,000 square feet (rounded to the next higher 0.01 ERU). The billing amount shall be updated by the Administrator based on any additions to the impervious area as approved through the building permit process.
5. Undeveloped Properties: No ERU.

- (d) The City may make such other classifications in accordance with §30.20(7) as will be likely to provide reasonable and fair distribution of the costs of the Storm water Utility.

(8) BILLING AND PENALTIES.

- (a) Storm water Utility charges will be billed periodically with said charges to appear on the bill issued for municipal water and sanitary sewer service.
- (b) The bills for Storm water Utility charges shall be mailed to the designated utility bill recipient, but this mailing shall not relieve the owner of the property from liability for rental property in the event payment is not made as required in this ordinance. The owner of any property served which is occupied by tenants shall have the right to examine collection records of the City for the purpose of determining whether such charges have been paid for such tenants, provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business.
- (c) If Storm water Utility charges remain unpaid after a period of 30 days from the date the utility bill was mailed, such bill shall be determined delinquent. The City may collect delinquent charges under Wis. Stats. §§ 66.0821(4) and 66.0809(3).

- (d) All delinquent charges shall be subject to a 1% penalty per month in addition to all other charges, including prior penalties or interest that exist when the delinquent charge is extended upon the tax roll.

(9) METHOD OF APPEAL.

- (a) (Amd. GO 57-04) The Storm water Utility charge, a determination of ERUs or ERU credits may be appealed by filing a written appeal with the City Clerk prior to the utility charge due date if not paid or within 30 days of payment. The appeal shall specify all bases for the challenge and the amount of the storm water charge the customer asserts is appropriate. Failure to file a timely challenge and specify all bases for the challenge waives all right to later challenge that charge. An appeal of the determination of an ERU shall be supported by documentation from a professional engineer/registered land surveyor.
- (b) The Administrator will determine whether the storm water charge is fair and reasonable or whether a refund is due the customer. The Administrator may act with or without a hearing and will inform the customer in writing of his or her decision.
- (c) The customer has 30 days from the decision of the Administrator to file a written appeal to the City of Green Bay Improvement and Services Committee. In considering an appeal, the City of Green Bay Improvement and Services Committee shall determine whether the storm water utility charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The committee shall conduct a formal or informal hearing and obtain sufficient facts upon which to make a determination. The committee's decision shall be based upon the evidence presented to it. After making such determination, the Improvement and Services Committee shall forward its recommendation to the Common Council for final approval.
- (d) If it is determined that a refund is due the customer, the refund will be applied as a credit on the customer's next storm water billing if the refund will not exceed the customer's next storm water billing or will be refunded at the discretion of the Administrator.

(10) SPECIAL ASSESSMENT AND CHARGES.

- (a) In addition to any other method for collection of the charges established pursuant to this ordinance for Storm water Utility costs, the City finds that these charges may be levied on property as a special charge pursuant to Wis. Stats. § 66.0627. The charges established hereunder reasonably reflect the benefits conferred on property and may be assessed as special charges. The mailing of the bill for such charges to the owner will serve as notice to the owner that failure to pay the charges when due may result in them being charged pursuant to the authority of Wis. Stats. § 66.0627(4) and placed upon the tax roll.
- (b) In addition to any other method of charging for Storm water Utility costs, the City may, by resolution, collect special assessments on property in a limited and determinable area for special benefits conferred upon property pursuant to Wis. Stats. § 66.0703. The failure to pay such special assessments may result in a lien on the property enforced pursuant to Wis. Stats. § 66.0703(13).

(11) SEVERABILITY. If any provision of this ordinance is found to be illegal, the remaining provisions shall remain in effect.

**GENERAL ORDINANCE NO. 13-16**

**AN ORDINANCE  
AMENDING CHAPTER 34,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO CONSTRUCTION SITE  
EROSION CONTROL**

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

**SECTION 1.** Chapter 34, Green Bay Municipal Code, is hereby amended. A copy of the changes to Chapter 34 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

bc

Attachment – Ch. 34, GBMC, as amended

06/21/16

CHAPTER 34

CONSTRUCTION SITE EROSION CONTROL

34.01	Authority
34.02	Findings of Fact
34.03	Purpose
34.04	Applicability and Jurisdiction
34.05	Definitions
34.06	<u>Applicability of Maximum Extent Practicable</u>
34.07	Technical Standards
34.08	<u>Performance Standards for Construction Sites Not Required to be Permitted</u>
34.09	<u>Performance Standards for Construction Sites Required to be Permitted</u>
34.10	Permitting Requirements, Procedures and Fees
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**34.01 AUTHORITY.**

- (1) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats., ~~for cities.~~ This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 62.234 Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The City Council hereby designates the ~~Planning Director to administer and enforce the provisions of this ordinance within Private Property and the~~ Director of Public Works to administer and enforce the provisions of this ordinance ~~within the Public Right-of-Way~~ hereby known as the Administering Authority.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
  - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
  - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

**34.02 FINDINGS OF FACT.** The City Council finds that runoff from land disturbing construction activities and land development activities carries significant amount of sediment and other pollutants to the waters of the state in the City of Green Bay.

**34.03 PURPOSE.** It is the purpose of this ordinance to protect and promote the health, safety and welfare of the people; **maintain safe and healthful conditions**; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; preserve the natural resources, control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, to the maximum extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing or construction activity to **waters of the state**, lakes, streams and wetlands in the City of Green Bay.

**34.04 APPLICABILITY AND JURISDICTION.**

- (1) APPLICABILITY.
  - (a) ~~This ordinance applies to the~~ **The** following types of land development or land disturbing construction activities **are required to be permitted** except as provided under sub. (b):
    1. ~~Those involving grading, removal of protective ground cover or vegetation, excavation, land filling, or other land-disturbing construction activity affecting a surface area of 4,000 sq. ft. or more.~~

2. Those requiring a subdivision plat **or certified survey** approval or the construction of **1- and 2-family residential dwellings** houses or commercial, industrial, or institutional buildings on lots of approved subdivision plats.
3. Those requiring a certified survey approval or the construction of houses or commercial, industrial, or institutional buildings on lots of approved certified surveys.
4. Those involving street, highway, road, or bridge construction, enlargement, relocation, or reconstruction.
5. A construction site, which has 100 linear feet or greater of land disturbance to a highway, street, driveway, swale, ditch, waters of the state, wetland, protective area, or other non-agricultural drainage facility which conveys concentrated flow. Wetlands shall be delineated in accordance with s. NR 103.08(1m).
6. Those involving the laying, repairing, replacing, or enlarging of an underground pipe, wire, cable, or facility for a distance of 300' or more.
7. A construction site which has 100 cubic yards or greater of excavation volume, filling volume, or some combination of excavation and filling volume.

**(b)** This ordinance does not apply to the following:

- ~~1. Land disturbing construction activity that includes the construction of 1- and 2-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than 1 acre of disturbance. These construction sites are regulated by the Wisconsin Department of Commerce under s. COMM 21.125 Wis. Adm. Code.~~
1. **Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.**
2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
3. Nonpoint discharges from agricultural activity areas **facilities and practices.**
4. Nonpoint discharges from silviculture activities.
5. Mill and crush operations.
6. **Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic, capacity or original purpose of the facility.**

**(c) Land development or land disturbance activities that do not meet the criteria in (a) or (b) above are non-permitted sites and shall meet the requirements within s.34.08.**

(ed) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, ~~in the opinion of~~ **as determined by** the Administering Authority, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

- (2) JURISDICTION. This ordinance applies to land disturbing construction activity on construction sites and land-developing activities located ~~lands~~ within the boundaries and jurisdiction of the City of Green Bay.
- (3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

### 34.05 DEFINITIONS.

- (1) "Administering Authority" means a governmental employee, or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the City Council to administer this ordinance.
- (2) "Agricultural activity area" means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.
- (3) "Agricultural production area" means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.
- (4) **"Agricultural facilities and practices" has the meaning in s. 281.16(1), Wis. Stats.**
- (5) "Average annual rainfall" means a calendar year of precipitation, excluding snow, which is considered typical. For purposes of this ordinance, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.
- (6) "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (7) "Business day" means a day **that** the office of the ~~Planning Director or~~ Director of Public Works is routinely and customarily open for business.
- (8) ~~"Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit~~ **or in violation of a permit issued by the Administering Authority.**
- (9) "Common plan of development or sale" means a development or sale where multiple separate and

distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

- (10) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- (11) "Design Storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall. The TR-55, Type II, 24-hour design storms for the City of Green Bay are: 1-year, 2.2-inches; 2-year, 2.5-inches; 5-year, 3.3-inches; 10-year, 3.8-inches; 25-year, 4.4-inches; and 100-year, 5.3-inches.
- (12) "Development" means residential, commercial, industrial, institutional, or other land uses and associated roads.
- (13) "Division of land" means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5 year period.
- (14) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (15) "Erosion and sediment control plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (16) "Extraterritorial" means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (17) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
- (18) "Governing body" means City of Green Bay Common Council.
- (19) "Land disturbing construction activity" (or "disturbance") means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.
- (20) "~~MEP~~" or "~~maximum extent practicable~~" means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and

may vary based on the performance standard and site conditions.

- (21) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (22) "Permit" means a written authorization made by the Administering Authority to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (23) "Pollutant" has the meaning given in s. 283.01 (13), Wis. Stats.
- (24) "Pollution" has the meaning given in s. 281.01 (10), Wis. Stats.
- (25) "Protective area" has the meaning given in S.30.06(6) of the City of Green Bay Post-Construction Storm Water Management Ordinance.
- (26) "Responsible party" means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
- (27) "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (28) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (29) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
  - (a) Is designed or used for collecting water or conveying runoff.
  - (b) Is not part of a combined sewer system.
  - (c) Is not draining to a storm water treatment device or system.
  - (d) Discharges directly or indirectly to waters of the state.
- (30) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (31) "Stop work order" means an order issued by the Planning Director or Director of Public Works, which requires that all construction activity on the site be stopped.
- (32) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (33) **"Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33,**

Wis. Stats.

- (34) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- (35) “Waters of the state” has the meaning given in s. 281.01 (18), Wis. Stats.

34.06 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the administering authority’s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

34.07 TECHNICAL STANDARDS.

- (1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All BMPs required to ~~comply~~ **for compliance** with this ordinance shall meet the design criteria, standards and specifications based on any of the following:
- (a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
  - (b) Technical standards and other guidance identified within the City of Green Bay Storm Water Reference Guide.
  - (c) For this ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.
  - (d) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an equivalent design Type II distribution storm, and when considering the geographic location of the site and the period of disturbance.

*Note to Users: The USLE and its successors RUSLE and RUSLE2, utilize an R factor which has been developed to estimate annual soil erosion, averaged over extended time periods. The R factor can be modified to estimate monthly and single-storm erosion.*

~~The USLE and its successors RUSLE and RUSLE2, utilize an R factor which has been developed to estimate annual soil erosion, averaged over extended time periods. The R factor can be modified to estimate monthly and single-storm erosion. A design storm can be statistically calculated to provide an equivalent R factor as an average annual calculation.~~

- (2) OTHER STANDARDS. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Administering Authority.

**34.08 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES NOT REQUIRED TO BE PERMITTED UNDER ONE ACRE.**

**(1) RESPONSIBLE PARTY.** The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is the responsible party and shall comply with this section.

**(2) EROSION AND SEDIMENT CONTROL PRACTICES.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

(a) The deposition of soil from being tracked onto streets by vehicles.

(b) The discharge of sediment from disturbed areas into on-site storm water inlets.

(c) The discharge of sediment from disturbed areas into adjacent waters of the state.

(d) The discharge of sediment from drainage ways that flow off the site.

(e) The discharge of sediment by dewatering activities.

(f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

(g) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

**(3) LOCATION.** The BMPs shall be located so that treatment occurs before runoff enters waters of the state.

**(4) IMPLEMENTATION.** The BMPs used to comply with this section shall be implemented as follows:

(a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

(b) Erosion and sediment control practices shall be maintained until final stabilization.

(c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

**(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.**

**34.09 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE REQUIRED TO BE PERMITTED.**

- (1) RESPONSIBLE PARTY. The responsible party shall implement an erosion and sediment control plan, developed in accordance with S.34.11 that incorporates the requirements of this section.
- (2) **EROSION AND SEDIMENT CONTROL PLAN.** A written **site specific** erosion and sediment control plan shall be developed in accordance with S.34.11 and implemented for each construction site.

**(a) PREVENTIVE MEASURES. The erosion and sediment control plan shall also incorporate all of the following:**

1. **Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.**
2. **Minimization of soil compaction and preservation of topsoil.**
3. **Minimization of land disturbing construction activity on slopes of 20 percent or more.**
4. **Development of spill prevention and response procedures.**

(b) Where appropriate, the plan shall include sediment controls **practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce** ~~to do~~ all of the following to the maximum extent practicable:

1. Prevent tracking of sediment from the construction site onto roads and other paved surfaces. Each site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed at a minimum before the end of each workday, and more frequently if tracking is occurring. ~~The deposition of soil from being tracked onto streets by vehicles.~~
2. Prevent the discharge of sediment as part of site de-watering. Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate controls for the highest dewatering pumping rate. Dewatering must also comply with WDNR rules. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
3. ~~The discharge of sediment by dewatering activities.~~
3. ~~Protect the separate storm drain inlet structure from receiving sediment.~~
2. ~~The discharge of sediment from disturbed areas into on-site storm water inlets.~~
4. **The discharge of sediment from disturbed areas into adjacent waters of the state.**

5. The discharge of sediment from drainage ways that flow off the site.
  6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
  7. The discharge of sediment from erosive flows at outlets and in downstream channels.
  8. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
  9. The use, storage and disposal of building materials, debris, garbage, chemicals, cement, concrete truck washout, litter, sanitary waste, toxic materials, hazardous materials, cleaning wastes, and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into storm sewers and waters of the state. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph provided they have appropriate permits.
  - ~~8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.~~
- (3) EROSION AND SEDIMENT CONTROL REQUIREMENTS. The erosion and sediment control plan ~~required under sub.(2)~~ shall meet the following minimum requirements to the maximum extent practicable:
- (a) BMPs shall be designed, installed, inspected and maintained to control total suspended solids carried in runoff from the construction site as follows.
    1. For permitted construction sites with 1 acre or greater of land disturbing construction activity, reduce the total suspended solids load by 80%, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.
    - ~~2. (NON PERMITTED SITES) For construction sites with less than 1 acre of land disturbing construction activity, reduce the total suspended solids load by 80%, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting~~

~~the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.~~

2. Soil loss prediction tools that estimate the sediment load leaving the construction site under varying land and management conditions, or methodology identified in subch. V. of ch. NR 151, Wis. Adm. Code, may shall be used to calculate sediment reduction. The soil loss prediction tool must show that ±. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
  3. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
- (b) Notwithstanding par. (a), if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.
3. ~~Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.~~
- (c) Site Erosion Control. The following criteria apply only to land development or land-disturbing construction activities that result in runoff leaving the site:
1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in par. 3(b) or 3(c). Sheet flow runoff from adjacent areas greater than 10,000 sq. ft. in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5Ft./sec. across the disturbed area for the set of one year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
  2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
  3. Runoff from the entire disturbed area on the site shall be controlled by meeting either sub. a. and b. or a. and c. and WDNR Technical Standards, whichever is more restrictive.
    - a. All disturbed ground left inactive for 15 or more days shall be stabilized by mulching, temporary or permanent seeding, sodding, covering with tarps, or equivalent control measures. ~~Seeding and sodding may only be used from May 1 to September 15 of any year.~~ If temporary seeding is used, a permanent cover shall also be required as part of the final site stabilization.

- b. For sites with 10 or more acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Sedimentation basins shall be designed, constructed and maintained per WDNR Technical Standards. At a minimum each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least 3' of depth. Sediment shall be removed to maintain a depth of 3'. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of 1-year design storms having duration from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
  - c. For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
  - d. Runoff from sites or slopes of 12% or more may require additional or different control methods which are not listed in Section 3 above.
- (d) Any soil or dirt storage piles containing more than 10 cu. yds. of material should not be located with a down slope drainage length of less than 25' to a roadway or drainage channel. If remaining for 15 days or more, the piles shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than 15 days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction, soil or dirt storage piles located closer than 25' of a roadway or drainage channel must be covered with tarps or suitable alternative control, when exposed for more than 15 days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.
- (4) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state or regional storm water treatment facilities. Regional storm water treatment facilities are appropriate for control of post-construction pollutants, they should not be used for construction site sediment removal.
- (5) **IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:**
- (a) **Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in S. 34.11.**
  - (b) **Erosion and sediment control practices shall be inspected and maintained until final stabilization.**
  - (c) **Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.**

**(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.**

**(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.**

- (6) ALTERNATE REQUIREMENTS. The Administering Authority may establish requirements more stringent than those set forth in this section if the Administering Authority determines that an added level of protection is needed for sensitive resources.

**34.10 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.**

- (1) PERMIT REQUIRED. No landowner, land user or responsible party may commence a land disturbing ~~construction~~ activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Administering Authority.
- (2) PERMIT APPLICATION AND FEE. At least one landowner, land user controlling or using the site ~~responsible, or party desiring to,~~ **or responsible party that will** undertake a land disturbing construction activity or land developing activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of S.34.11 and shall pay an application fee as shown in the Fee Schedule to the Administering Authority. By submitting an application, the applicant is authorizing the Administering Authority to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) ~~REVIEW AND APPROVAL OF PERMIT APPLICATION.~~ **PERMIT APPLICATION REVIEW AND APPROVAL.** The Administering Authority shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
- (a) Within 15 business days of the receipt of a complete permit application, as required by sub. (2), the Administering Authority shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
- (b) If the permit application and **erosion and sediment control** plan are approved, the Administering Authority shall issue the permit.
- (c) If the permit application or **erosion and sediment control** plan is disapproved, the Administering Authority shall state in writing the reasons for disapproval.
- (d) The Administering Authority may request additional information from the applicant. If additional information is submitted, the Administering Authority shall have 15 business days from the date the additional information is received to inform the applicant that the **erosion and sediment control** plan is either approved or disapproved.
- (e) Failure by the Administering Authority to inform the permit applicant of a decision within 15 ~~business days of a required submittal shall be deemed to mean approval of the submittal and~~ the applicant may proceed as if a permit had been issued.

- (4) SURETY BOND. As a condition of approval and issuance of the permit, the Administering Authority ~~may~~ **shall** require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (a) **Install all BMPs as identified in the approved erosion and sediment control plan.**
  - (b) **Notify the Administering Authority upon completion of the initial BMP installation to request a BMP inspection prior to commencing further land disturbing construction activity or land developing activity.**
  - (c) Notify the Administering Authority within 48 hours of commencing any land disturbing construction activity or land developing activity.
  - (d) Notify the Administering Authority of completion of any **supplemental** BMPs within ~~5~~ **7** business **calendar** days after their installation.
  - (e) Obtain permission in writing from the Administering Authority prior to any modification pursuant to S.34.11(3) of the erosion and sediment control plan.
  - (f) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
  - (g) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities [or land developing activity] and document repairs in weekly site inspection reports.
  - (h) ~~Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.~~ Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inches or greater. Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and a description of the present phase of land disturbing construction activity at the construction site. **Submit a copy of the weekly inspection report electronically to the Administering Authority.**
  - (i) Allow the Administering Authority to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the **erosion and sediment** control plan.

- (j) Keep a copy of the erosion and sediment control plan, storm water management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.
- (k) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Administering Authority in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in S.34.09.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Administering Authority may extend the **number of periods** one or more times for up to an additional 180 days **for each extension**. The Administering Authority may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.
- (9) ALTERNATE REQUIREMENTS. The Administering Authority may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than 1 acre of disturbance.
- (10) FINAL STABILIZATION. Upon final stabilization and vegetation of disturbed areas, the best management practices shall be removed.

**34.11 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.**

- (1) **EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.** The erosion and sediment control plan required under S.34.09(2) shall ~~comply with the City of Green Bay Storm Water Reference Guide and~~ contain at a minimum the following information:
  - (a) Name, address, and telephone number of the landowner and responsible parties.
  - (b) A legal description of the property proposed to be developed.
  - (c) A site map of existing site conditions on a scale of at least 1" equals 100' showing the site and immediately adjacent areas:
    - 1. Site boundaries and adjacent lands which accurately identify site location;
    - 2. Lakes, streams, wetlands, channels, ditches, and other water courses on the site and adjacent lands;
    - 3. Location of the 100-year floodplain/flood fringe and floodway.
    - 4. Identification of the predominant soil types;

5. Location and general identification of the vegetative cover;
  6. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
  7. Locations and dimensions of utilities, structures, roads, highways, and paving; and
  8. Site topography at a contour interval not to exceed 2'.
- (d) Plan of Final Site Conditions. A plan of final site conditions at the same scale as the existing site map showing the site changes.
- (e) Site Construction Plan. A site construction plan including:
1. Location and dimensions of all proposed land-disturbing construction or land-developing activities;
  2. Locations and dimensions of all temporary soil or dirt stockpiles;
  3. Performance standards applicable to the site;
  4. Proposed best management practices **with installation details**;
  5. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this ordinance;
  6. Schedule of anticipated starting and completion date of each land-disturbing construction or land-developing activity, including the installation of construction site erosion control measures needed to meet the requirements of this ordinance; and
  7. Provisions for maintenance of the construction site erosion control measures during construction.
- (f) **Submittal of all soil loss prediction tool results and iterations.**
- (2) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under 34.04(1)(a), **34.04(1)(c) and 34.04(1)(d)**, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Administering Authority. The **erosion and sediment** control plan statement shall briefly describe the site, **the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.** Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.
- (3) AMENDMENTS. The applicant shall amend the **erosion and sediment control** plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the **erosion and sediment control** plan.

(b) There is a change in construction schedule which will impact the duration the construction site is not temporarily or permanently restored.

(c) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.

(d) The Administering Authority notifies the applicant of changes that are required needed in the erosion and sediment control plan.

(4) ALTERNATE REQUIREMENTS. The Administering Authority may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than 1 acre of disturbance.

**34.12 FEE SCHEDULE.** The fees referred to in other sections of this ordinance shall be established by the Administering Authority and may from time to time be modified by resolution. A schedule of the fees established by the Administering Authority shall be available for review in the Department of Public Works – Engineering or Planning / Building Inspection Department.

**34.13 INSPECTION.** If land disturbing construction activities are ~~being carried out~~ occurring without a permit required by this ordinance, the Administering Authority may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

**34.14 ENFORCEMENT.**

(1) Building, Site Development, and Services not included in a Public Works Contract.

(a) The Administering Authority shall may post a stop-work order if any of the following occur:

1. Any land-disturbing construction activity or land-developing activity regulated under this ordinance is ~~being undertaken~~ occurring without a permit;
2. The erosion and sediment control plan is not being implemented in a good faith manner;  
or
3. The conditions of the permit are not being satisfied met.

(b) If the permittee, responsible party or individual performing the land-disturbing activity does not cease the activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions within 5 ~~10~~ days, the Administering Authority shall revoke the permit.

(c) If the landowner or land user, responsible party or individual performing the land-disturbing activity, where no permit has been issued or the permit has been revoked, does not cease the activity within 5 ~~10~~ days after being notified by the Administering Authority, or if a responsible party violates a stop work order posted under sub. (a), the Administering Authority shall request the City Attorney to obtain a cease and desist order.

- (d) The Administering Authority or the Improvement and Service Committee Board of Appeals may retract the stop-work order under sub. (a) or the permit revocation under sub. (b).
- (e) ~~Five~~ Ten days after posting a stop-work order under sub. (a), the Administering Authority may issue a notice of intent to the permittee, or landowner, or land user or responsible party of the Administering Authority's intent to perform work necessary to comply with this ordinance. The Administering Authority may go on the land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed ~~under this subsection~~ by the Administering Authority, plus interest, shall be billed to the permittee, or landowner, or land user or responsible party. In the event a permittee, or landowner, or land user or responsible party fails to pay the amount due, the City Clerk shall enter the amount due on the tax rolls and collect as a special charge assessment against the property pursuant to §66.60(16) ~~subch. VII of ch. 66~~, Wis. Stats.
- (f) Any person violating any of the provisions of this ordinance may ~~shall~~ be subject to forfeiture of not less than \$50 nor more than \$500 and the costs of prosecution of each violation. Each day a violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction, abatement of nuisance, or other available and appropriate remedies. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (h) No building occupancy permit may be issued if any provision herein is not complied with.
- (2) Right-of-Way and Public Utility Easements; Public Works Contract.
- (a) The Administering Authority shall order construction halted if:
1. The activity regulated under this ordinance is undertaken without a permit;
  2. The erosion and sediment control plan is not being implemented in a good faith manner;  
or
  3. The conditions of the permit are not being met.
- (b) After the Administering Authority notifies the offender of non-compliance, the Director shall take whatever steps are necessary to enforce the erosion and sediment control plan, including, but not limited to, having the permittee make corrections, using its own forces, or engaging other contractors. The cost of such work by other contractors or City forces, plus interest, shall be billed to the permittee.

### 34.15 APPEALS.

- (1) IMPROVEMENT AND SERVICE COMMITTEE. BOARD OF APPEALS ~~The Improvement and Service Committee: The Board of Appeals created pursuant to S.13-209 of the City's ordinance pursuant to ss. 62.23(7)(e), Wis. Stats.:~~
- (a) Shall hear and decide appeals for all ~~Building and Site Development Sites~~ where it is alleged that there is error in any order, decision or determination made by the Administering

Authority in administering this ordinance except for cease and desist orders obtained under S.34.14(1)(c).

- (b) ~~Upon appeal, M~~may authorize, **upon appeal**, variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
- (c) Shall use the rules, procedures, duties and powers authorized ~~by statute~~ in hearing and deciding appeals and authorizing variances.
- (d) **Shall forward its recommendation to the Common Council for final action.**

(2) WHO MAY APPEAL. Appeals to the **Improvement and Service Committee** Board of Appeals may be taken by any aggrieved applicant, permittee, landowner, land user, person or by any office, department, board, or bureau of the City of Green Bay affected by any order, decision or determination **made by** of the Administering Authority **in administering this ordinance.**

(3) ~~IMPROVEMENT AND SERVICE COMMITTEE. Any applicant or permittee performing work within the Public Right of Way or Public Utility Easement may appeal any order, decision, or determination made by the Administering Authority in administering this ordinance by giving written~~ **A written notice to the Director of Public Works shall be made requesting the appeal to be heard by the Improvement and Service Committee.** ~~The Improvement and Service Committee shall hear the appeal and forward its recommendation to the Common Council for final action.~~

34.16 **SEVERABILITY.** If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

ZONING ORDINANCE NO. 11-16

AN ORDINANCE  
AMENDING ZONING ORDINANCE NO. 2-01  
TO PERMIT A MODIFIED SETBACK ALONG THE  
MILITARY AVENUE ACCESS ROAD  
AS PART THE PLANNED UNIT DEVELOPMENT  
OVERLAY DISTRICT FOR 1400 LOMBARDI AVENUE  
(ZP 16-25)

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 revising Zoning Ordinance No. 2-01 to permit a modified setback along the Military Avenue Access Road:

LOT 2 OF 22 CSM 178 BNG PRT OF LOT 20 OF CLA TANKS  
SUBD OF PC 12W & N1/2 OF PC 13W (Tax Parcel Number: 6-310-1)

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

Setbacks. The setback along the Military Avenue Access Road shall remain 15 feet for buildings and may be reduced to 0 for parking.

**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.** Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance.

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

**ZONING ORDINANCE NO. 11-16**

Page 2

**SECTION 6.** 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 7.** 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 8.** 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 \_\_\_\_\_, 2016.

APPROVED:

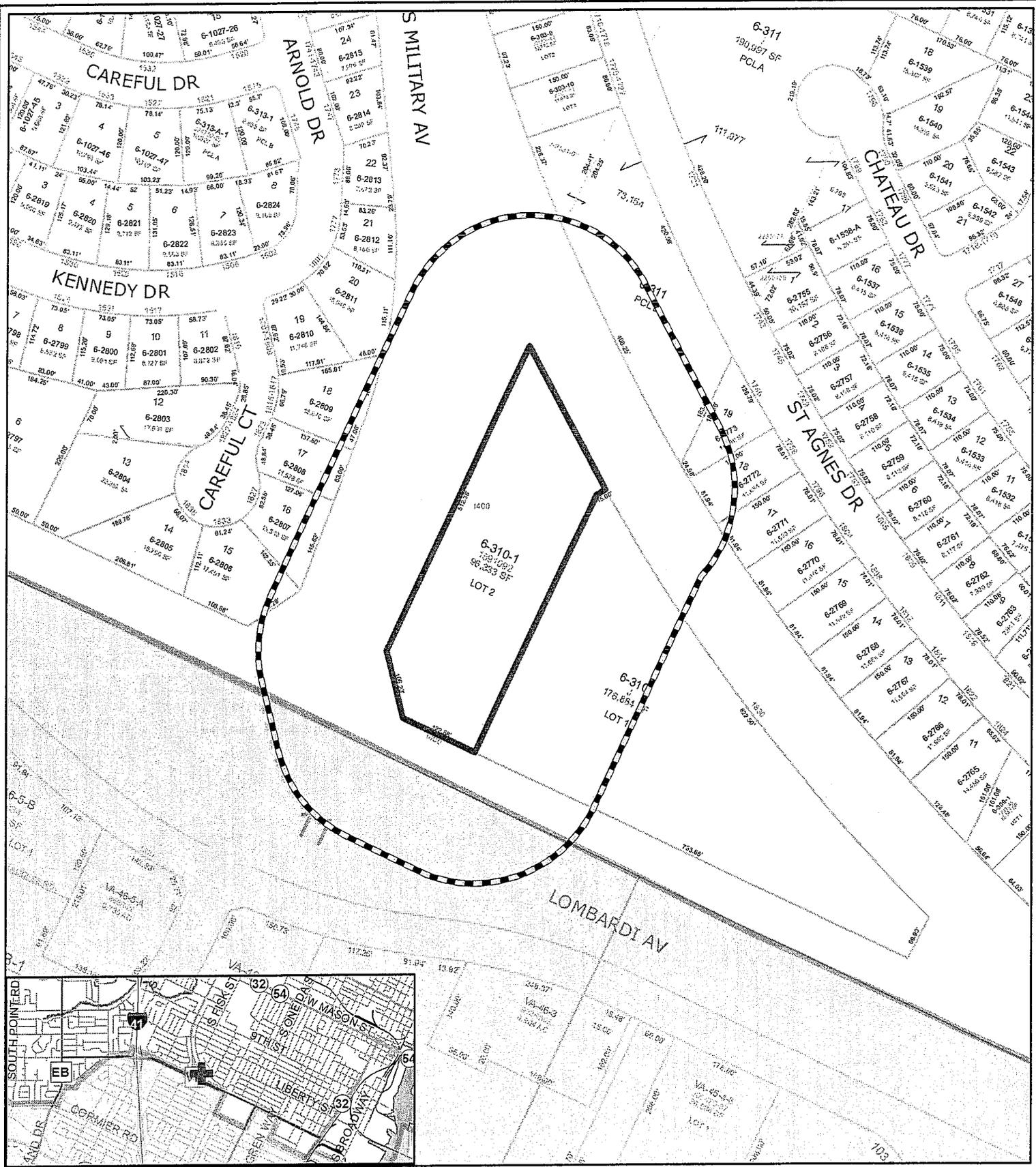
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ATTEST:

\_\_\_\_\_  
Clerk

PN:bc

Attachment – Map

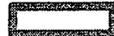


**Zoning Petition (ZP 16-25)**

**A request to amend the Planned Unit Development (PUD) for a modified setback along the South Military Avenue access road, located at 1400 Lombardi Avenue**

*This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Planning Department. P.N. May 2016. PlanningCityZPMaps\2016\ZP16-25*



-  Subject Area
-  200' Notice Area

**ZONING ORDINANCE NO. 12-16**

**AN ORDINANCE  
REZONING PROPERTY LOCATED  
AT 1930 BART STARR DRIVE  
FROM GENERAL INDUSTRIAL (GI) DISTRICT  
TO GENERAL COMMERCIAL (C1) DISTRICT  
(ZP 16-29)**

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 rezoning the following described property from General Industrial (GI) District to General Commercial (C1) District:

THAT PRT OF LOT 8 MORRIS & BROMLEYS SUBD OF S1/2 OF  
PC 13 WSFR AS DESC IN 871 R 119 (Tax Parcel Number 1-1841-E-3)

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

**SECTION 3.** 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 \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

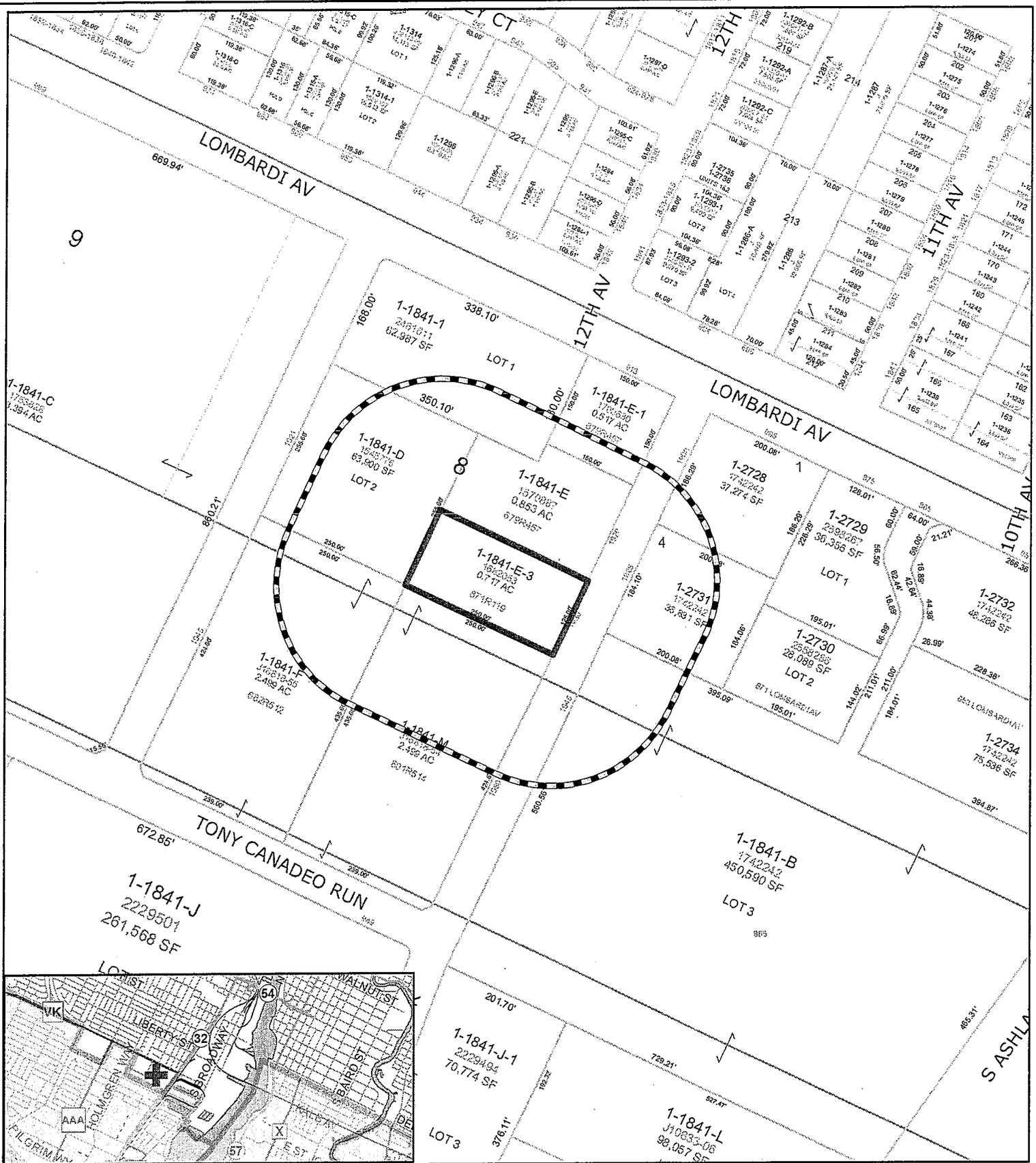
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Clerk

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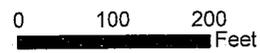
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Attachment – Map



**Zoning Petition (ZP 16-29)**  
**A request to rezone 1930 Bart Starr Drive**  
**from General Industrial (GI) to General Commercial (C1)**

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.  
 Map prepared by City of Green Bay Planning Department.  
 P.N. May 2016. \Planning\City\ZPMaps\2016\ZP16-29



- Subject Area
- 200' Notice Area

324

**GENERAL ORDINANCE NO. 8-16**

**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 removing therefrom the following PERMIT PARKING ONLY 7:00 AM – 5:00 PM MONDAY - FRIDAY zone:

NORTHLAND AVENUE, south side, from a point 140 feet west of Adams Street to a point 50 feet west of Adams Street

**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 \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

bc

05/17/16

GENERAL ORDINANCE NO. 9-16

AN ORDINANCE  
AMENDING CHAPTERS 1 AND 29,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO THE TRAFFIC COMMISSION

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

**SECTION 1.** Sections 1.045, 1.50, 1.64, and 1.90(6)(a), Green Bay Municipal Code, are hereby amended by changing Traffic Commission to Traffic, Bicycle and Pedestrian Commission.

**SECTION 2.** Section 29.102(2)(b), Green Bay Municipal Code, is hereby amended by changing Traffic Commission to Traffic, Bicycle and Pedestrian Commission.

**SECTION 3.** Section 29.103, Green Bay Municipal Code, is hereby amended to read:

29.103      TRAFFIC, BICYCLE AND PEDESTRIAN COMMISSION.

(1) COMPOSITION AND TERMS. There is created and established a Commission of seven members to be known as the City Traffic, Bicycle, and Pedestrian Commission. Five of the commissioners shall be civilian members and appointed by the Mayor, subject to confirmation by the Council, for three-year terms. One member shall be an alderman appointed by the Mayor, subject to confirmation by the Common Council, for the balance of his/her present term in office; and the other member shall be the Policy Department Operations Commander, or his/her assign, and shall serve as an ex-officio voting member.

(2) POWERS AND DUTIES.

(a) General. The Traffic, Bicycle, and Pedestrian Commission gives due consideration to both motorized and non-motorized traffic within the City. The Commission shall coordinate traffic, bicycle, and pedestrian activities; carry out educational activities in traffic, bicycle, and pedestrian matters; supervise the preparation and publication of traffic, bicycle, and pedestrian reports; reference existing transportation, pedestrian, and bicycle plans; receive complaints having to do with traffic, bicycle, and pedestrian matters; and recommend to the Council and other City officials ways and means for improving traffic, bicycle, and pedestrian conditions, including the acquisition of off-street parking and the administration and enforcement of traffic regulations.

**GENERAL ORDINANCE NO. 9-16**

**Page 2**

(b) Temporary Regulations. To test proposed regulations under actual conditions, the City Traffic, **Bicycle, and Pedestrian** Commission may make temporary regulations governing traffic for trial periods not to exceed 90 days. If such trial periods are deemed successful by the Commission, it shall make its recommendations accordingly to the Council so the Council may consider legislation to make such temporary regulations permanent.

(c) Self-Government. The City Traffic, **Bicycle, and Pedestrian** Commission shall make its own rules regarding meetings and procedures and may enact such rules for attendance as to declare any of the civilian offices on the Commission vacant because of violation thereof.

(d) Residential Parking Districts. Subject to Council approval, the Traffic, **Bicycle, and Pedestrian** Commission may promulgate regulations to implement and amend provisions relating to Residential Parking Districts as defined in Sec. 29.201(5), Green Bay Municipal Code. Such regulations shall become effective upon Common Council approval.

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

**SECTION 5.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

JWF:bc

05/17/16

i:\Legislative\council 2016\05172016\law\go 9-16 - amend chs 1 and 29 traffic commission name.docx

34a

**MISCELLANEOUS ORDINANCE NO. 1-16**

**AN ORDINANCE  
ADOPTING AN AMENDMENT TO THE  
SMART GROWTH 2022 COMPREHENSIVE PLAN  
OF THE CITY OF GREEN BAY PERTAINING  
TO PROPERTY GENERALLY LOCATED  
ALONG LOMBARDI AVENUE TO THORNDALE STREET,  
BETWEEN SOUTH RIDGE ROAD AND FRANK STREET  
(CPA 16-01)**

WHEREAS, pursuant to §§62.23(2) and (3), Wis. Stats., the City of Green Bay is authorized to prepare, adopt, and amend a comprehensive plan as defined in §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Common Council of the City of Green Bay has adopted written procedures (known as the Public Participation Plan for Periodic Comprehensive Plan Amendments) designed to foster public participation in every stage of the preparation of periodic comprehensive plan amendments required by §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 16-01; and

WHEREAS, the City of Green Bay has held at least one public hearing on this ordinance in compliance with the requirements of §66.1001(4)(d), Wis. Stats. It is the Common Council's belief that this comprehensive plan amendment is necessary and consistent with the overall goals, policies, and other related elements of the plan.

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

**SECTION 1.** The Common Council has adopted the Smart Growth 2022 Comprehensive Plan for the purpose of guiding future land-use decision making, but recognizes that from time to time amendments may be necessary to reflect changes in the land use and planning needs of the community.

**SECTION 2.** The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 16-01 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

**SECTION 3.** This ordinance shall take effect upon passage by a majority of the members-elect of the Common Council and publication as required by law.

Dated at Green Bay, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

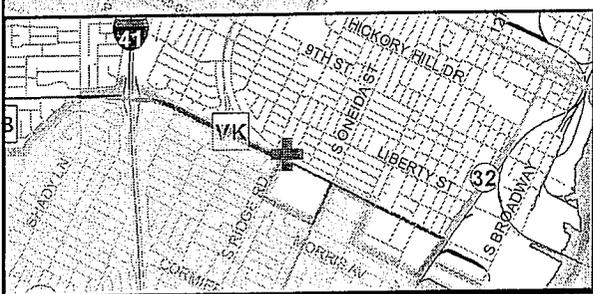
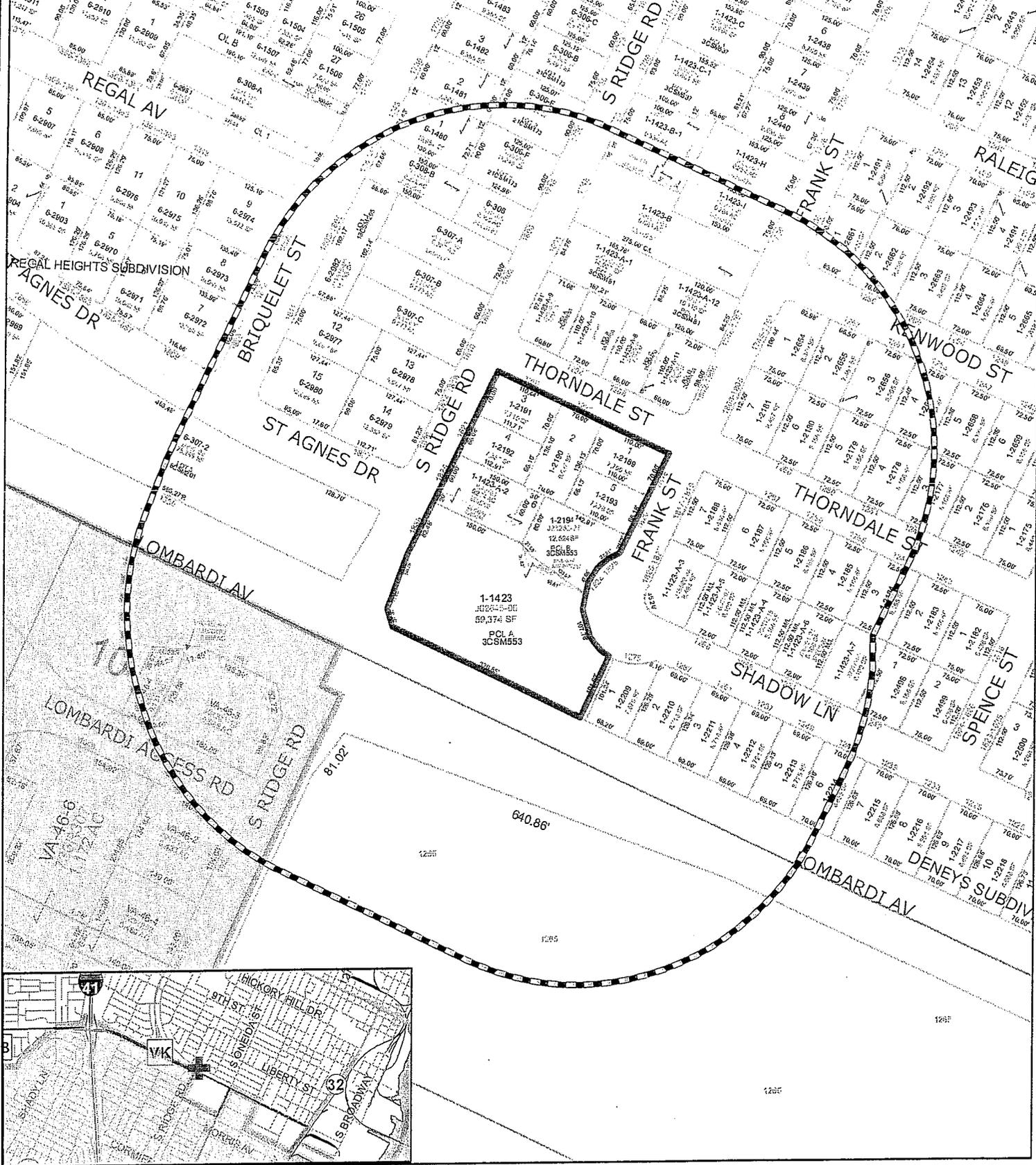
ATTEST:

\_\_\_\_\_  
Clerk

bc

Enclosure – Map

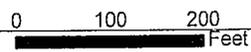
05/17/16



**Comprehensive Plan Amendment (CPA 16-01)**

**A request to revise properties generally located along Lombardi Avenue to Thorndale Street, between South Ridge Road and Frank Street from Low Density Housing (LDH) to High Intensity Retail, Office or Housing (HIROH) (Figure 22-2).**

*This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Planning Department. FR, April 2016. X:\Planning\CITYDATA GIS\CITYACTION\COMP\_PLAN\_AMEND\2016\CPA16-01prop notice*



- Subject Area
- 400' Notice Area

35b.