

ORDINANCE NO. 100

An ordinance to restate the Village of Oconomowoc Lake Flood Plain Ordinance.

Whereas the Village of Oconomowoc Lake has adopted a flood plain ordinance, and

Whereas the Southeastern Wisconsin Regional Planning Commission has reviewed this ordinance and recommended amendments in order to bring it into full compliance with State requirements, and

Whereas the proposed amendments are required for the approval of the Village ordinance by the Wisconsin Department of Natural Resources,

Resolved that the Village of Oconomowoc Lake Flood Plain Ordinance be and hereby is amended and restated, in its entirety, to read as follows:

VILLAGE OF OCONOMOWOC LAKE  
FLOOD PLAIN ORDINANCE

SECTION 1.0 STATUTORY AUTHORIZATION, FINDING OF FACT,  
STATEMENT OF PURPOSE AND TITLE

1.1. STATUTORY AUTHORIZATION: This Ordinance for flood plain protection is adopted pursuant to the authorization contained in Sections 61.35, 62.23 and 87.30 of the WISCONSIN STATUTES.

1.2 FINDING OF FACT: The uncontrolled use of the flood plains, rivers or streams of the Village of Oconomowoc Lake, Wisconsin adversely affects the public health, safety, convenience and general welfare and impairs the tax base of the Village.

1.3 STATEMENT OF PURPOSE: The purpose of these rules is to provide a uniform basis for the preparation, implementation and administration of sound flood plain regulations for all flood plains to:

- 1.31 Protect life, health and property;
- 1.32 Minimize expenditures of public monies for costly flood control projects;
- 1.33 Minimize rescue and relief efforts, generally undertaken at the expense of the general public;
- 1.34 Minimize business interruptions;
- 1.35 Minimize damage to public facilities on the flood plains such as water mains, sewer lines, streets and bridges;
- 1.36 Minimize the occurrence of future flood blight areas on flood plains; and
- 1.37 Discourage the victimization of unwary land and home buyers.

1.4 TITLE: Village of Oconomowoc Lake Flood Plain Ordinance.

SECTION 2.0 GENERAL PROVISIONS

2.1 AREAS TO BE REGULATED: Areas regulated by this Ordinance include all lands, within the corporate limits of the Village of Oconomowoc Lake, Wisconsin, that would be inundated by the "regional flood" defined in the DEFINITIONS, Section 8.1(24) of this ordinance.

2.2 DISTRICT BOUNDARIES: The boundaries of the flood plain districts shall be those areas designated as A-Zones on the Flood Insurance Study Map which has been approved by the Department of Natural Resources and The Federal Emergency Management Agency, herein referred to as "FEMA", dated October 16, 1984, which is on file in the office of the Village Administrator.

Within this district, all uses not listed as PERMITTED USES shall be prohibited.

2.22 The flood plain boundary lines on the map shall be determined by the use of the scale appearing on the map. Where there is a conflict between the flood plain boundary illustrated on the map and actual field conditions, the dispute shall be settled according to Section 5.33, MAPPING DISPUTES of this Ordinance.

2.23 Compliance with the provisions of this Ordinance shall not be grounds for the removal of lands from the flood plain district unless, such lands are filled to a height of at least two feet above the elevation of the "regional flood" for the particular area and are contiguous to other lands lying outside the flood plain district, approval has been granted by the Department of Natural Resources pursuant to section 8 of this Ordinance, and, where required, an "official letter of map amendment" has been issued by the FEMA.

2.2 EFFECT OF FLOOD PLAIN DISTRICT REGULATIONS: The regulations set forth in this Ordinance shall apply to all flood plains mapped on the "official flood plain zoning map".

2.4 COMPLIANCE: No use or change in use of any structure, land or water shall be located, extended, converted or structurally altered and no development as defined in this ordinance shall commence without full compliance with the terms of this Ordinance and other applicable regulations.

#### 2.5 ABROGATION AND GREATER RESTRICTIONS:

2.51 This Ordinance supersedes provisions of any zoning ordinance relating to flood plains. However, any underlying zoning shall remain in full force and effect to the extent that its provisions are more restrictive.

2.52 It is not otherwise intended by this Ordinance to repeal, abrogate, or impair any existing deed restrictions; however, where this Ordinance imposes greater restrictions the provisions of this Ordinance shall prevail.

2.6 INTERPRETATION: In their interpretation and

application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by WISCONSIN STATUTES.

2.7 WARNING AND DISCLAIMER OF LIABILITY: The degree of flood protection intended to be provided by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside flood plain zoning district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages, nor shall this Ordinance create a liability on the part or a cause of action against the Village of Oconomowoc Lake or any officer or employee thereof for any flood damage that may result from reliance on this Ordinance.

2.8 SEVERABILITY: If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.9 Special Provisions Applicable to the General Flood Plain District

2.91 No development in the General Floodplain District shall materially affect either the flood carrying capacity or the flood storage capacity of the 100-year recurrence interval flood. For the purpose of calculating the effect of a development on flood stages, analysis of the effect on flood carrying capacity shall be based on an equal degree of hydraulic encroachment for a hydraulic reach measured on both sides of the waterway, and analysis of the effect on flood storage capacity shall be based on an equal degree of hydrologic encroachment throughout a hydrologic reach. A material effect is defined as one which results in an increase in the flood profile of 0.1 foot or more. Such developments may be permitted only if amendments are made to this Ordinance pursuant to Section 6 herein; provided further that appropriate legal measures, such as flooding easements, are executed for flood stage increases of 0.1 foot or more, and that the total cumulative increase in the elevation of the 100-year recurrence interval flood for any given reach shall not exceed one foot.

2.92 Utility facilities such as: dams, flowage areas, transmission lines, pipelines, and water monitoring devices are permitted subject to the provisions of Chapter 30, WISCONSIN STATUTES, and applicable state and federal

regulations.

2.93 Navigational and Drainage Aids such as: Channels, channel markers, buoys, and other such devices are permitted, provided that prior to any alteration or relocation of a watercourse the Village Administrator shall notify adjacent communities, the Department of Natural Resources and the FEMA, and require the applicant to secure necessary permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

2.94 Other water related uses such as: docks, piers, wharves, bridges, culverts, and river crossings of transmission lines are permitted subject to any pier or dockline regulations, regulations under Chapter 30, WISCONSIN STATUTES, and federal regulations.

2.95 For all subdivision proposals, certified survey maps, and other developments exceeding five acres in area, or where the estimated cost of the proposed development exceeds \$75,000.00, the applicant shall provide all computations which are required to show the effects of the proposal on flood heights, velocities and floodplain storage. Further, the applicant shall provide within such proposals regional flood elevation data, and the means to provide adequate surface drainage and to minimize flood damage. The limits of the 100-year recurrence interval floodplain shall be shown on the plat or map. In those instances where the applicant is not required to provide computations and where inadequate data exists, the available information may be transmitted to the Department of Natural Resources' District office for a determination of the flood protection elevations and for an evaluation of the effects of the proposal on flood heights, velocities and floodplain storage. Additional information, such as valley cross-sections or survey data may be required by the Department to determine the effects of the proposal. This information shall be obtained from the applicant or the applicant's agent by the Village. The applicant shall provide all data and calculations for any development which would require an amendment to the district boundaries or to the regional flood profiles.

### SECTION 3.0: GENERAL FLOOD PLAIN DISTRICT

3.1 APPLICABILITY: The provisions for this district shall apply to all identified flood plains in the Village of Oconomowoc Lake.

3.2 DESCRIPTION OF DISTRICT: The general flood plain district shall include:

3.21 All A Zones shown on the Official Flood Plain

Zoning Map as described in Section 2.2, of this ordinance

3.3 PERMITTED USES: The following open space uses having a low flood damage potential and not obstructing flood flows, shall be permitted within the General Flood Plain District, provided that they are not prohibited by any other ordinance, and provided further that they meet all of the standards contained in Section 3.4 and that a Land Use Permit has been issued by the Village Administrator.

3.31 Agricultural uses.

3.32 Parking areas.

3.33 Private and public recreational uses, such as: tennis courts, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, hunting and fishing, hiking and horseback riding trails.

3.34 Uses accessory to open space uses.

3.35 Docks, piers, wharves.

3.36 Streets, bridges, pipelines and other water related uses, such as culverts and river crossings of transmission lines and any uses subject to regulation under Chapter 30, Wisconsin Stats.

3.4 STANDARDS FOR DEVELOPMENTS IN THE GENERAL FLOOD PLAIN

3.41 All of the provisions of Section 2.9 shall apply hereto.

3.42 Uses permitted by the Department of Natural Resources pursuant to Chapters 30 and 31, Wis. Stats., provided that the necessary permits are obtained and amendments approved by the Village of Oconomowoc Lake to the official water surface profiles, flood plain zoning maps and flood plain zoning ordinance.

3.43 Public utilities, streets and bridges provided that:

- (a) Adequate flood proofing measures are provided to the flood protection elevation;
- (b) Construction shall not cause any increase of 0.1 foot or greater in the height of the regional flood, except that reasonable increases up to 1.0 foot may be approved if the amendment procedures and all conditions of Section 6.2 are met; and
- (c) The Village of Oconomowoc Lake amends its water surface profiles, flood plain zoning maps and flood plain zoning ordinances to reflect any changes

resulting from such construction.

3.44 Filling to an established bulkhead line provided that:

- (a) The provisions of Section 2.91 are met;
- (b) Fill or deposit of materials does not encroach on the area between the ordinary high water mark on each bank of the stream or lake, unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and the other requirements of this Section are met; and
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulkheading sufficient to prevent erosion and leachate.

### 3.5 PROHIBITED USES.

3.51 Dumping and Filling Prohibited. Lands lying within the General Floodplain District shall not be used for dumping or be filled except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches. Normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted.

3.52 Dangerous Materials Storage Prohibited. Lands lying within the General Floodplain District shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life.

3.53 Structures Prohibited. Except for navigational structures, public water measuring and control facilities, bridges, and utilities, no structures, dwellings, or shelters shall be located, moved, or placed on lands in the General Floodplain District.

3.54 Mobile Homes Prohibited. No mobile home, mobile home park, or trailer camp shall be placed or moved onto lands lying in the General Floodplain District.

3.55 Incompatible Uses Prohibited. Lands lying within the General Floodplain District shall not be used for any solid waste disposal site or onsite soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption.

## SECTION 4.0 NONCONFORMING USES

4.1 GENERAL: Insofar as the standards in this section

are not inconsistent with the provisions of Section 62.23(7)(h), Wis. Stats., they shall apply to all nonconforming uses. The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

4.11 No modifications or additions to a nonconforming use shall be permitted unless they are made in conformity with the provisions of this Section. For the purposes of this Section the words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components; and

4.12 If a nonconforming use is discontinued for 12 consecutive months, any future use of the structure or building shall conform with the appropriate provisions of this ordinance.

4.13 No modifications or additions shall be allowed to any existing structures which are not in compliance with permitted general flood plain standards or uses, unless such modifications or additions meet all of the following criteria:

- (a) The modifications or additions to a structure will not increase the amount of obstruction to flood flows pursuant to Section 2.91 of this ordinance.
- (b) Any addition to a structure shall be flood proofed, pursuant to Section 5.5 by means other than the use of fill, to the flood protection elevation;
- (c) No structural repairs, modifications or additions to a structure, which exceed over the life of the structure 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming use;
- (d) If any nonconforming structure is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless permanently changed to a conforming use. For the purposes of this subsection, restoration is deemed impractical where the total cost of such restoration would exceed 50% of the present equalized assessed value of said structure.

4.14 No new on-site sewage disposal system, or additions to existing on-site sewage disposal systems, shall

be allowed in the flood plain area. Any replacement, repair or maintenance of an on-site sewage disposal system shall meet the applicable provisions of local ordinances and Wis. Admin. Code H 62.20.

4.15 No new well used to obtain water for ultimate human consumption, or modifications to an existing well, shall be allowed in the general flood plain area. Any replacement, repair or maintenance of a well shall meet the applicable provisions of local ordinance and Chapters NR 111 and NR 112, Wis. Admin. Code.

## SECTION 5.0 ADMINISTRATION

The Village Administration Plan Commission and Board of Appeals shall administer the flood plain zoning ordinance.

5.1 VILLAGE ADMINISTRATOR: The Village Administrator is hereby appointed to administer the provisions of this Ordinance. The Village Administrator shall exercise the following duties and powers:

5.11 Advise applicants as to the provisions of this Ordinance and assist them in preparing permit applications.

5.12 Issue permits and inspect properties for compliance with this Ordinance and issue certificates of Compliance when appropriate.

5.13 Keep the official records of all water surface profiles, flood plain zoning maps, flood plain zoning ordinances, nonconforming uses and changes thereto, permit applications, permits, appeals, variances and amendments related to the flood plain zoning ordinance.

5.14 Submit copies of any required data, variances, amendments, annual reports, and any other required information to the Department of Natural Resources. An annual summary showing only the number and types of zoning actions taken by the village shall be submitted to that Department by the Village Administrator.

5.15 Investigate, prepare reports and report violations of the flood plain zoning ordinance to the village plan commission and to the village attorney, with copies to the appropriate district office of the Department of Natural Resources.

5.16 Submit copies of map or text amendments and annual reports to the FEMA.

5.17 Maintain on file a list of all documentations of certified elevations.

## 5.18 ADMINISTRATIVE PROCEDURES:

(a) **LAND USE PERMIT:** A land use permit shall be obtained from the Zoning Administrator before any new land use, change in use, or development as defined in Section 8.1(9), subject to the provisions of this Ordinance, may be initiated. An application for a land use permit shall be made to the Zoning Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

1. Name and address of the applicant and property owner;
2. Legal description of the property and type of proposed use;
3. A sketch showing the dimensions of the lot and the distance of buildings from lot lines, center lines, of abutting highways and high-water marks of any abutting watercourses;
4. All information concerning, existing or proposed private water or on-site sewage disposal systems, including a survey showing the locations of sewage disposal systems, wells, streams, lakes, and buildings.

(b) **CERTIFICATE OF COMPLIANCE:** No development as defined in this chapter shall take place, no vacant land in the flood plain shall be occupied or used and no building hereafter erected, altered or moved, shall be occupied until the applicant obtains a Certificate of Compliance from the Village Administrator. The Village administrator shall require that the applicant submit a certification by a registered professional engineer or architect that all flood plain regulatory factors were accomplished in compliance with appropriate flood plain zoning provisions. The applicant shall submit such certification for all new construction and substantial improvements. Upon written request from the owner, the Village Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions for this ordinance.

(c) **OTHER PERMITS:** It is the responsibility of

the applicant to secure all other necessary permits from all appropriate Federal, State, and local agencies, including those required under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C 1334.

5.2 ZONING AGENCY: The Plan Commission is appointed and given the duties and powers to:

- (a) Oversee the functions of the office of the Village Administrator;
- (b) Review and act upon all proposed amendments to the flood plain zoning ordinance;
- (c) Maintain a complete public record of all proceedings.

5.3 BOARD OF ZONING APPEALS: The Board of Zoning Appeals is hereby authorized to act as a board of appeals. The powers of the Board of Appeals shall be consistent with Chapter 62.23(7) WISCONSIN STATUTES.

5.31 APPEALS TO THE BOARD: Appeals to the Board of Appeals may be taken by a person aggrieved or by an officer, department or board of the municipality affected by any decision of the Village Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Village Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Village Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

5.32 HEARING APPEALS:

- (a) The Board of Appeals shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof, specifying the date, time, place of hearing and the matters to come before the Board. A written notice shall be mailed to the parties of interest.
- (b) A decision regarding the appeal shall be made as soon as practicable.
- (c) The final disposition of an appeal or application to the Board of Appeals shall be in the form of a written resolution or order signed by the Secretary of the Board. Such resolution shall state the specific facts which are the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed,

in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application.

(d) A copy of all decisions by the Board of Appeals shall be mailed to the appropriate District Office of the Department of Natural Resources.

**5.33 MAPPING DISPUTES:** The following procedure shall be used by the Board of Appeals in disputes of a flood plain zoning district boundary.

(a) Flood district boundaries: when the location of the flood plain boundary is established by experience flood maps or engineering studies pursuant to Section 3.2 of this Ordinance, the flood elevations or "flood profiles" for the point in question so related to actual ground elevations shall be the governing factor in locating the district boundary. If no elevation or profiles are available to the Board, any other available evidence may be examined.

(b) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Board of Appeals and if he chooses, submit his own technical evidence. The Board shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect, approval has been granted by the Department of Natural Resources, and an official letter of map amendment has been issued by the FEMA.

**5.34 VARIANCE:** Any deviation from the standards of this ordinance, for which a permit has been denied by the Village Administrator, may be allowed only upon written request for a variance submitted to the Village Administrator, public hearing, and issuance of a variance by the Board of Appeals. The board may authorize in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance:

(a) Shall be consistent with the spirit and intent of this flood plain ordinance.

(b) Shall not permit any change in established flood elevations or profiles.

(c) Shall not be granted for the reason that the use is common to a group of adjacent lots or premises.

(d) Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.

(e) Shall not be granted for actions which require an amendment to the flood plain zoning ordinance.

(g) Shall not be granted solely on the basis of economic gain or loss.

(h) Shall not be granted for a self-created hardship.

5.4 If a variance is granted, the Board shall inform the property owner that increased flood insurance premiums may result.

5.5 FLOOD PROOFING; Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area as described in Section 8.1(17), to withstand the flood velocities, forces and other factors associated with the flood protection elevation. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are adequately designed to protect to the flood protection elevation for the particular area. All flood proofing shall provide anchorage to resist flotation and lateral movement.

Flood proofing measures may include:

5.51 Installation of watertight doors, bulkheads, and shutters.

5.52 Reinforcement of walls and floors to resist pressures.

5.53 Use of paints, membranes or mortars to reduce seepage of water through walls.

The above sections 5.5, 5.51, 5.52 and 5.53 shall insure that structural walls are watertight, which shall be the minimum standard for certification pursuant to section 5.5 above.

5.54 Addition of mass or weight to structures to prevent flotation.

5.55 Placement of essential utilities above the flood protection elevation.

5.56 Pump facilities and subsurface drainage systems for building to relieve external foundation wall and basement floor pressures and to lower water levels in structures.

5.57 Construction of water supply and waste treatment systems to prevent the entrance of flood waters.

5.58 Construction to resist rupture or collapse caused by water pressure or floating debris.

5.59 Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

## SECTION 6.0 AMENDMENTS

6.1 GENERAL; The Board of Trustees of the Village of Oconomowoc Lake may from time to time alter, supplement or change the boundaries of use districts and the regulations contained in this Ordinance in the manner provided by law. Official amendments are required for any changes in the water surface profiles, flood plain zoning map or flood plain zoning ordinance. Actions which require an amendment include, but are not limited to the following:

6.11 Any change in the boundary of the flood plain area.

6.12 Settlement of conflicts between the water surface profiles and flood plain zoning map, in accordance with Section 5.33 of this Ordinance.

6.13 Any fill or encroachment that will cause a change equal to or greater than 0.1 foot in the water surface profiles of the regional flood;

6.14 Any upgrading of flood plain zoning ordinances required by law.

6.15 Amendments to this Ordinance may be made upon petition of any interested party in accordance with the provisions of Section 62.23 of the WISCONSIN STATUTES.

The Village Administrator shall:

(a) Require the applicant to submit, at the time of application, two copies of an aerial photograph, or a plan which accurately locates the flood plain proposal with respect to the flood plain district limits, stream channels, existing flood plain developments, together with all

pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.

(b) Require the applicant to furnish any of the following additional information as is deemed necessary by the Department of Natural Resources for evaluation of the effects of the proposal upon flood flows and to determine the boundaries of the flood plain.

1. A typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-section area to be occupied by the proposed development, and high water information.

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

3. Profile showing the slope of the bottom of the channel or flow line of the stream.

4. Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.

(c) Transmit one copy of the information described in subsections (a) and (b) to the Department of Natural Resources along with a written request to have that agency provide technical assistance to establish flood plain boundaries and, where applicable, provide regional flood elevation. Where the provisions of section 2.93 of this ordinance apply, the applicant shall provide all required information and computations.

6.2 AMENDMENT: Copies of any amendments proposed to the Board of Trustees shall be referred to the Plan Commission, and shall be forwarded by the secretary of the Plan Commission, together with the first notice of the public hearing thereon, to the main office and appropriate district office of the Department of Natural Resources and the FEMA. The amendment procedure shall comply with the provisions of Section 62.23, Wis. Statutes. No amendment to

the text or maps shall become effective until approved by the Department of Natural Resources, the FEMA and, in the case of map amendments, until an official letter of map amendment has been issued by the FEMA.

#### SECTION 7.0 ENFORCEMENT AND PENALTIES

Any violations of the provisions of the Ordinance by any person, firm, association, corporation (including building contractors) or his or their agent, shall be unlawful and shall be forwarded to the Municipal Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the village a penalty of not less than \$25.00 and not more than \$100.00, together with the taxable costs of the action. Each day during which such violation exists shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by an action started by the Village of Oconomowoc Lake, the state, or any citizen thereof.

#### SECTION 8.0 DEFINITIONS

8.1 Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this Ordinance its most reasonable application.

(1) A ZONES - are those areas shown on a community's "Official Flood Plain Zoning Map" (see definition 22) which would be inundated by the "base flood" or "regional flood" as defined herein. These areas may be numbered as A0, A1 to A30, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

(2) ACCESSORY USE - An accessory use is any facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

(3) BASE FLOOD - A flood having a one percent chance of being equalled or exceeded in any given year. (See also regional flood)

(4) BASE FLOOD ELEVATION - An elevation equal to that which reflects the height of the base flood in (3) above.

(5) BOARD OF APPEALS - The body established under Chapter 62.23, WISCONSIN STATUTES, and designated "board of appeals."

(6) BULKHEAD LINE - A geographic line along a reach of navigable body of water that has been adopted by a municipal

ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, WISCONSIN STATUTES, and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this Ordinance.

(7) CERTIFICATE OF COMPLIANCE - A certification by the Village Administrator that a structure, use or development is in compliance with all provisions of this Ordinance.

(8) CHANNEL - A channel is a natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

(9) DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposit or extraction of materials.

(10) EQUAL DEGREE OF HYDRAULIC ENCROACHMENT - The effect of any encroachment into the floodway is computed by assuming an equal degree of hydraulic encroachment on the opposite side of a river or stream for a significant hydraulic reach, in order to compute the effect of the encroachment upon hydraulic conveyance. This computation assures that property owners up, down, or across the river or stream will have the same rights of hydraulic encroachment.

(11) EQUAL DEGREE OF HYDROLOGIC ENCROACHMENT - The effect of any development on the storage capacity of a floodplain area, particularly upstream from urban areas, is analyzed assuming an equal loss of flood storage for all property owners in the storage area of a floodplain on both sides of a river or stream throughout the watershed.

(12) "EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISIONS", means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which construction of facilities for serving the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of flood plain management regulations adopted by a community.

(13) "FLOOD" or "FLOODING" - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any

source.

(14) FLOOD HAZARD BOUNDARY MAP - A map prepared by the Federal Emergency Management Agency, designating areas of special flood hazard within a given community. Flood hazard areas are designated as A Zones. This map forms the basis for the regulatory and insurance aspects of the National Flood Insurance Program.

(15) FLOOD INSURANCE STUDY MAP - A map prepared by the Federal Emergency Management Agency, designating areas of special flood hazard and flood insurance rate zones for a given community. Flood hazard and insurance rate zones are designated as A Zones. This map forms the basis for the regulatory and the insurance aspects of the National Flood Insurance Program.

(16) FLOOD PLAIN, GENERAL - The general flood plain is the land which has been or may be hereafter covered by flood water during the regional flood.

(17) FLOOD PROFILE - A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along a stream or river.

(18) FLOOD PROOFING - Flood proofing involves any combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the purpose of reducing or eliminating flood damage to properties, water and sanitary facilities, structures and contents of buildings in flood hazard areas.

(19) FLOOD PROTECTION ELEVATION - The flood protection elevation shall correspond to a point two feet of freeboard above the water surface profile associated with the regional flood and the official floodway lines. Also see: FREEBOARD

(20) FREEBOARD - "Freeboard" is a factor of safety usually expressed in terms of a certain amount of feet above calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, and loss of flood storage areas due to development and filling of the lake, river or stream bed.

(21) "LAND USE" - any "development" as defined in 8.1(9).

(22) MOBILE HOME - A structure transportable in one or more sections, which is built on a permanent chassis and

designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Ordinance it does not include recreational vehicles or travel trailers.

(23) NONCONFORMING USE - A nonconforming use is an existing lawful use of a structure, building or accessory use which is not in conformity with the provisions of the flood plain zoning ordinance for the area of the flood plain which it occupies.

(24) OFFICIAL FLOOD PLAIN ZONING MAP - that map, adopted and made part of this Ordinance, which has been approved by the Department of Natural Resources and the Federal Emergency Management Agency, and which delineates those areas which would be inundated by the base or regional flood, including but not limited to numbered and unnumbered A Zones. This map may be a Flood Hazard Boundary Map, Flood Insurance Study Map, or other approved community flood plain map.

(25) OFFICIAL LETTER OF MAP AMENDMENT - Official notification from the Federal Emergency Management Agency that a Flood Hazard Boundary Map or Flood Insurance Study Map has been amended.

(26) REGIONAL FLOOD - The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year there is a 1% chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26% chance of occurrence.

(27) STORAGE CAPACITY OF A FLOOD PLAIN - The volume of space above an area of flood plain land that can be occupied by flood water or a given storage at a given time, regardless of whether the water is moving.

(28) STRUCTURE - Anything constructed or erected, the use of which requires a permanent or temporary location on or in the ground, stream bed or lake bed, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges or culverts.

(29) SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has

been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (I) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (II) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions, such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows and other nonstructural components.

(30) UTILITIES - Any public or private water supply, or waste collection or disposal system, including but not limited to: septic systems, private and public wells and their attendant facilities, and public sewage collection systems.

Passed and adopted by the Board of Trustees of the Village of Oconomowoc Lake, upon recommendation of the Village Plan Commission and after a public hearing thereon held upon due public notice thereof, this 15<sup>th</sup> day of April, 1985.

William J. Roberts  
Village President

Countersigned:

June Perkins  
Village Clerk

(VILLAGE SEAL)