

CHAPTER XII (TWELVE)

FLOODPLAIN ZONING ORDINANCE

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12.00 AUTHORITY, FACT, PURPOSE AND TITLE.

12.01 STATUTORY AUTHORIZATION.

This floodplain zoning ordinance is adopted pursuant to the statutory authorization contained in Sections 61.35, 62.23 and Section 87.30 of the Wisconsin Statutes.

12.02 FINDING OF FACT AND STATEMENT OF PURPOSE.

The development and use of flood hazard areas could adversely affect the public health, safety, and general welfare of the Village of Bloomington. Development of these lands are suitable for open space uses, not required structures or filling or storage of materials or equipment. To regulate development in flood hazard areas to protect life, health and property the Village Board of the Village of Bloomington does ordain:

12.03 TITLE.

Floodplain Zoning Ordinance for the Village of Bloomington, Wisconsin.

12.04 GENERAL PROVISIONS.

4.1 DISTRICT BOUNDARIES.

The boundary of the floodplain district shall be those areas designated as A-Zones or floodplains on the Flood Insurance Rate Map prepared by F.E.M.A. This is the official floodplain zoning map and has been approved by the Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA), and is on file in the office of the Village Clerk.

4.2 REMOVAL OF LANDS FROM FLOODPLAIN.

(1) If mapped incorrectly as floodplain or to remove lands from the floodplain district: (a) the applicant must submit plans for local approval and DNR approval based on the requirements of Chapter NR 116, Wisconsin Administrative Code; including the placement of fill on the property to at least two feet above regional flood elevation and contiguous to lands outside the floodplain to allow vehicular rescue and relief during the regional flood; (b) and the municipality must formally amend the official map by rezoning procedures following statutory requirements. No amendment shall become effective until approved by the Department of Natural Resources.

(2) To remove flood insurance requirements, FEMA must first revise the Flood Insurance Rate Map or issue a Letter of Map Amendment or Revision.

4.3 GREATER RESTRICTIONS.

If another local ordinance provision is more restrictive than the restrictions contained in this floodplain zoning ordinance, that ordinance provision shall continue in full force and effect to the extent of the greater restrictions.

4.4 ABROGATION.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or private deed restrictions. However, if this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

4.5 INTERPRETATION.

If a provision of this ordinance is required by a standard in Chapter NR 116, Wisconsin Administrative Code, and the meaning of the ordinance provision is unclear, the provision shall be interpreted based on the NR 116 standards in effect on the date of the adoption of or the latest amendment to this ordinance.

4.6 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection provided by this ordinance is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes

such as ice jams or bridge openings restricted by debris. Therefore, this ordinance does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee for any flood damage that may result from reliance on this ordinance.

4.7 SEVERABILITY.

If any 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.

12.05 DEFINITIONS.

5.1 Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as when in common usage and to give this ordinance its most reasonable application. Present tense includes future, singular reflects plural and plural reflects singular. "May" is permissive; however, "shall" is mandatory.

(1) "A-ZONES" - Those areas shown on the flood insurance map which would be inundated by the "regional flood" as defined below. These areas may be numbered 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) "DNR" - The Wisconsin Department of Natural Resources.

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

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

(5) "FLOOD" OR "FLOODING" - A general and temporary condition of partial or complete inundation of normally dry land areas caused by the overflow of inland waters; or the unusual and rapid accumulation or runoff of surface waters from any source during a flood event.

(6) "FLOODPLAIN" - That land which has been or may be covered by flood water during the regional flood. The floodplain includes the floodway, the flood fringe, and general floodplain areas.

(7) "NONCONFORMING USE OR STRUCTURE" - An existing lawful structure or use of a structure which is not in conformity with the requirements of this ordinance.

(8) "OPEN-SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures, filling, or storage of materials or equipment.

(9) "REGIONAL FLOOD" - 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. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region or both. Also known as "Base Flood" or "100-Year Flood", this is a nationwide standard for flood insurance and floodplain management rules and regulations.

(10) "STRUCTURE" - Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed. A structure includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

12.06 DESIGNATION AND DUTIES OF THE ZONING OFFICIAL.

The Village President is appointed zoning official to review all development as defined in Section 5 of this ordinance to assure compliance with this ordinance, Chapter NR 116, Wis. Adm. Code, and other local, state and federal regulations.

12.07 DEVELOPMENT IN FLOODPLAIN AREAS.

7.1(1) In riverine situations, the zoning official shall (a) notify adjacent communities and the appropriate DNR district office prior to any alteration or relocation of a watercourse; and (b) submit copies of such notifications to FEMA; and (c) assure that the flood carrying capacity is maintained within the altered or relocated portions of any watercourse.

(2) All permits shall show the Regional Flood Elevation for the site.

(3) It is the applicant's responsibility to assure that all other local, state and/or federal permits are secured before development begins.

7.2(1) All "development" as defined in 5.1(3) of this ordinance is prohibited in floodplain areas except the following uses which have a low flood damage potential and do not obstruct flood flows. The following uses are allowed within the floodplain district to the extent that they are not prohibited by any other regulations and do not require filling, structures or storage of materials or equipment.

(a) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(b) Nonstructural industrial and commercial users, such as: loading or parking areas and airport landing strips.

(c) Private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.

7.3 Any other development than those allowed above will require an amendment to rezone the site out of the floodplain based on an engineering analysis of the effects of such removal, in compliance with Section 4.2 of this ordinance and Ch. NR 116, Wis. Adm. Code.

12.08 NONCONFORMING USES AND STRUCTURES.

All applications to repair, reconstruct, extend, alter or enlarge a nonconforming use shall be forwarded to the DNR district office for review and comment for compliance with Chapter NR 116, Wis. Adm. Code. All terms and conditions recommended by DNR shall be incorporated into the issuance of any local permit.

12.09 ENFORCEMENT AND PENALTIES.

Any violation of the provisions of this ordinance by any person or firm shall be unlawful and shall be referred by the Zoning Official to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$5.00 and not more than \$50.00, together with the taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and may be enjoined and abated by action at suit of the municipality, the state, or any citizen according to Section 87.30, Wisconsin Statutes.

**VILLAGE OF BLOOMINGTON
ORDINANCE NO. 2025-03**

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER XI (ELEVEN)
"UTILITIES" OF THE VILLAGE OF BLOOMINGTON MUNICIPAL CODE.**

NOW, THEREFORE, the Village Board of the Village of Bloomington, Grant County, Wisconsin, does ordain as follows:

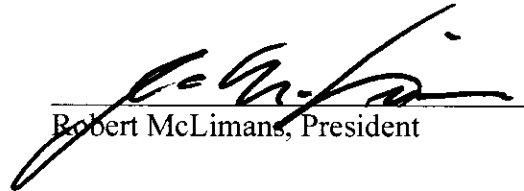
Section I: Chapter XI (Eleven) entitled "Utilities", shall be repealed and recreated to read as follows:

(the complete Chapter XI (Eleven) Utilities follows in its entirety)

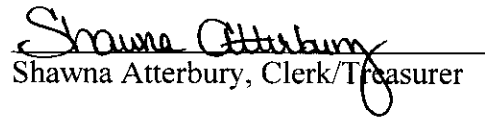
Section II: This Ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved this date of November 3, 2025, by the Village Board of the Village of Bloomington, Grant County, Wisconsin.

VILLAGE OF BLOOMINGTON by:


Robert McLimans, President

ATTEST: I, Shawna Atterbury, Village Clerk-Treasurer, do hereby certify that Chapter XI (Eleven) entitled "Utilities" has been repealed and recreated and has been approved by the Village Board of the Village of Bloomington, Grant County, Wisconsin, at a meeting held on November 3, 2025.


Shawna Atterbury, Clerk/Treasurer

Date Adopted: November 3, 2025

Effective Date: November 7, 2025

