

44.



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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O-2008-0033 Ordinance In Committee

Ordinance to amend Subsection 12.70(1) of the Revised Municipal Code relative to amending the Flood Insurance Rate Map (FIRM) numbers.

Introduced: 7/1/2008

Controlling Body: Plan Commission

Sponsor(s): Safety & Development Committee

### COMMITTEE RECOMMENDATION

*PASS*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>7/1/08</i>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
	✓		Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale				✓
			Weigel				
TOTAL				<i>4</i>	<i>0</i>		<i>1</i>

### SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

*Passed*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>JUL - 1 2008</i>			Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
		✓	Roadt	✓			
			Sengstock	✓			
			Vitale				✓
			Weigel	✓			
TOTAL				<i>9</i>			<i>1</i>



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Ordinance

**File Number: O-2008-0033**

**Final Action:**

**Sponsor(s):** Safety & Development Committee

**JUL - 1 2008**

Ordinance to amend Subsection 12.70(1) of the Revised Municipal Code relative to amending the Flood Insurance Rate Map (FIRM) numbers.

PART I. Subsection 12.70(1)(e)(ii) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

### 12.70 FC - ROOTRIVER FLOOD CONTROL DISTRICT.

\* \* \*

(1) Statutory authorization, finding of fact, statement of purpose, title and general provisions.

\* \* \*

(e) General provisions.

\* \* \*

(ii) Official Maps and Revisions. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of West Allis Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Engineering Department, City of West Allis. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS : Based on the Milwaukee County Flood Insurance Study (FIS), dated (September 2008), volume numbers (55079CV001A, 55079CV002A, 55079CV003A, 55079CV004A, 55079CV005A)

a. Milwaukee County Flood Insurance Rate Map (FIRM), panel numbers (55079C0064E, 55079C0068E, 55079C0069E, 55079C0127E, 55079C0131E, 55079C0132E and 55079C0151E) dated September 26, 2008; with corresponding profiles that are based on the FIS.


\* \* \*


PART II. All ordinances or parts of ordinance contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

cc: Department of Development  
City Attorney's Office  
Department of Building Inspections  
Engineering Department

ZON-O-683-7-1-08

**PASSED** JUL - 1 2008  
  
\_\_\_\_\_  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

**APPROVED** 7/3/08  
  
\_\_\_\_\_  
Dan Devine, Mayor





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY Access via relay - 711

April 24, 2008

The Honorable Dan Devine  
Mayor  
7525 W. Greenfield Avenue  
West Allis, WI 53214

Dear Mayor Devine,

Recently, the City of West Allis received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA) notifying the City that the new Flood Insurance Rate Maps (FIRMs) would become effective within six (6) months and of the requirement that the local floodplain ordinance must be amended and adopted by that date. For Milwaukee County, the LFD was issued on March 26, 2008. Therefore, the City ordinance must be amended and updated no later than September 26, 2008 or the City will be suspended from the National Flood Insurance Program (NFIP).

The Department of Natural Resources (DNR) is aware that the creation and adoption of new FIRMs and the updating floodplain ordinances can be a complicated process. This letter and the attached checklist and timeline have been developed to explain the ordinance adoption process as it relates to the new FIRMs and the NFIP.

The floodplain ordinance adoption process includes reviews by both the DNR and FEMA to ensure the ordinance is compliant with the minimum standards of 44 CFR 60 and Chapter NR 116, Wisconsin Administrative Code. It is important to include sufficient time for these reviews when starting the adoption process to ensure that everything is completed by the required date. If the Wisconsin Model Ordinance is used, then, a community should ideally submit an adopted amended ordinance to the DNR and FEMA for final review and processing at least 30 days prior to the stated deadline. If any modifications are made to the Model Ordinance, then a draft of the proposed ordinance should be submitted to the DNR and FEMA at least 90 days prior to the effective date.

8/26  
6/26

Communities can adopt amended ordinances at anytime after the issuance of an LFD. Once adopted, the new FIRMs become the effective map for regulatory purposes. Building permits can be issued using the new FIRMs once the floodplain ordinance including the new maps has been adopted and approved. However, for insurance purposes the old FIRMs remain in effect until the effective date of the new FIRMs. Lending institutions and insurance companies will continue to use the old FIRMs when determining if insurance is required and setting rates until the effective date of the new FIRMs.

For communities who have amended their floodplain ordinance since 2004 and used the DNR's Model Ordinance, the ordinance amendment process should be relatively quick with only minor language changes required along with the new map dates and panel numbers. For those communities with older ordinances, the amendment process will take longer in order to incorporate all updates to the Model Ordinance and the new map dates and panel numbers.



DNR staff are available to assist communities with the amendment process. Staff will review current ordinances and make recommended changes. Also, staff are available to talk to local officials about the state and federal regulations. Regional staff may be available to attend public meetings if needed. Communities can download an electronic copy of the state Model Floodplain Ordinance from the DNR website (<http://dnr.wi.gov/org/water/wm/dsfm/flood/communities.htm>). It is strongly recommended that communities have DNR staff review the local floodplain ordinance well before the ordinance is presented to the local governing body for adoption in order to ensure compliance with the NFIP and Chapter. NR 116, Wisconsin Administrative Code.

The process for amending a local floodplain ordinance to adopt the new FIRMs is the same as for any ordinance adoption. A community is required to hold a public hearing in order to allow citizens and other interested parties to comment on the proposed ordinance. The hearing must be advertised as a Class II notice. A Class II public notice requires the publication or posting of two (2) notices of public hearing with the final notice being published or posted no less than seven (7) days prior to the public hearing. Other meetings or opportunities for public review and comment are at the discretion of the local community.

A change to the ordinance publication requirements occurred on March 11, 2008, when Wisconsin Act 72 was signed into law. This act modifies the ordinance publication requirements for all Wisconsin towns, villages, cities and counties. In summary, instead of requiring that the full text of a revised ordinance be either published in the community's official newspaper, or posted if the community does not have an official newspaper, the act allows for a "summary" to be published or posted instead.

The summary must still be published as a Class I notice and contain the following information, in a brief, precise and plain-language description:

1. the number and title of the ordinance;
2. the date of the enactment;
3. a summary of the subject matter and main points of the ordinance; and
4. information as to where the full text of the ordinance may be obtained, including the phone number of the village/city/county clerk, a street address where the full text of the ordinance may be viewed, and a Web site, if any, at which the ordinance may be accessed.

Once an amended floodplain ordinance has been adopted, a certified copy of the ordinance along with copies of the two notices of public hearing and proof of publication must be sent to Gary Heinrichs, WI DNR WT/3, P. O. Box 7921, Madison, WI 53707-7921. A copy of the ordinance should also be sent to Eric Kuklewski, Senior Natural Hazards Program Specialist, FEMA, 536 S. Clark Street, 6<sup>th</sup> Floor, Chicago, IL 60605. *mailed on 7/8/08 to Gary + Eric jl*

It is important for communities to remember that amended ordinances must be reviewed and approved by both the DNR and FEMA before the date stated in the LFD in order to avoid being suspended from the NFIP. A community should try to submit an adopted amended ordinance at least 30 days prior to the stated deadline.

In order to assist communities in the ordinance adoption process, the DNR has developed a checklist of important items to include in the ordinance along with a timeline of when these items should be completed. Also, each community has been assigned a DNR staff person to assist in the ordinance review and adoption process.

For further information on the ordinance adoption process or the Wisconsin Model Ordinance, please contact Dick Koch, Floodplain Specialist, (richard.koch@wisconsin.gov), 920-662-5405.

Sincerely,

A handwritten signature in black ink, appearing to read "Meg Galloway", written in a cursive style.

Meg Galloway, Section Chief  
Dams and Floodplain Section

Cc: Paul Zeihler, City Clerk, 7525 W. Greenfield Avenue, West Allis, WI 53214  
Steve Schae, Planning and Zoning Manager, 7525 W. Greenfield Avenue, West Allis, WI 53214

Enc.

## CHECK LIST FOR ORDINANCE UPDATES

- ☐ **Send the DNR staff person assigned to review your ordinance the appropriate contact information for your community.**  
It is important that the DNR staff person reviewing your ordinance know who are the appropriate people to contact and how to contact them. In your correspondence, please include the name, mailing address, telephone number, fax number and email (if available) of the person(s) in charge of the ordinance review process.
- ☐ **Determine if your community has developed a Flood Storage District.**  
DNR has developed two different Model Floodplain Ordinances: one for communities without Flood Storage Districts and one for communities with Flood Storage Districts. The Model Ordinances can be found at <http://dnr.wi.gov/org/water/wm/dsfm/flood/communities.htm>.
- ☐ **Review Model Floodplain Ordinance for new language.**  
DNR's Model Floodplain Ordinance was updated in 2003. If your community has an older ordinance, a repeal of the current ordinance and adoption of the DNR's Model may be the easiest way to complete the amendment process.
- ☐ **Include the new map panel numbers and new effective map date under the section entitled *Official Maps: Based on the FIS*.**  
The new map panel numbers are listed in the Letter of Final Determination (LFD) sent by FEMA. The numbers are listed at the top of the first page of the letter. The new effective map date is listed in the body of the LFD.
- ☐ **Include the new Flood Insurance Study (FIS) number(s) and new effective FIS date under the section entitled *Official Maps: Based on the FIS*.**  
The new FISs were created on a countywide basis. Therefore, only one FIS applies to all the communities in the county. The DNR staff person assigned to review your ordinance may also be able to assist you in determining this number(s). Some counties may have a multiple volume FIS. All of the volumes must be referenced.
- ☐ **Include any other studies including dam failure analyses which have been approved by the DNR for streams which flow through your community under the section entitled *Official Maps: Based on other studies*.**  
All other studies approved by the DNR and/or FEMA and which are used for regulating the floodplain must be referenced in the ordinance. The DNR staff person assigned to review your ordinance may be able to assist you in determining if any other studies including dam failure analyses affect your community.
- ☐ **Send the DNR staff person assigned to review your ordinance a draft copy and note any changes from either the current ordinance or from the DNR Model Floodplain Ordinance.**  
Having a DNR staff person review the proposed ordinance as early as possible will allow for sufficient time to make any necessary changes prior to the effective map date. This is particularly important if your community plans on adopting an ordinance which varies from the DNR Model Floodplain Ordinance. These ordinances will need to be reviewed by both FEMA and the DNR and should be submitted in draft form at least 90 days prior to the effective map date.



- ☐ **Hold a Public Hearing on the proposed Floodplain Ordinance amendments.**  
State statute requires that any amendment to a local ordinance be subject to a public hearing. Notice of the public hearing should follow Class II publication requirements. It is recommended that you contact your local legal staff for assistance in determining the publication requirements.

- ☐ **Send copy of adopted amended ordinance and associated publication information to the DNR and FEMA at least 30 days prior to the effective map date.**

A certified copy of the adopted amended ordinance along with the notices of publication and proof of publication or posting should be sent to:

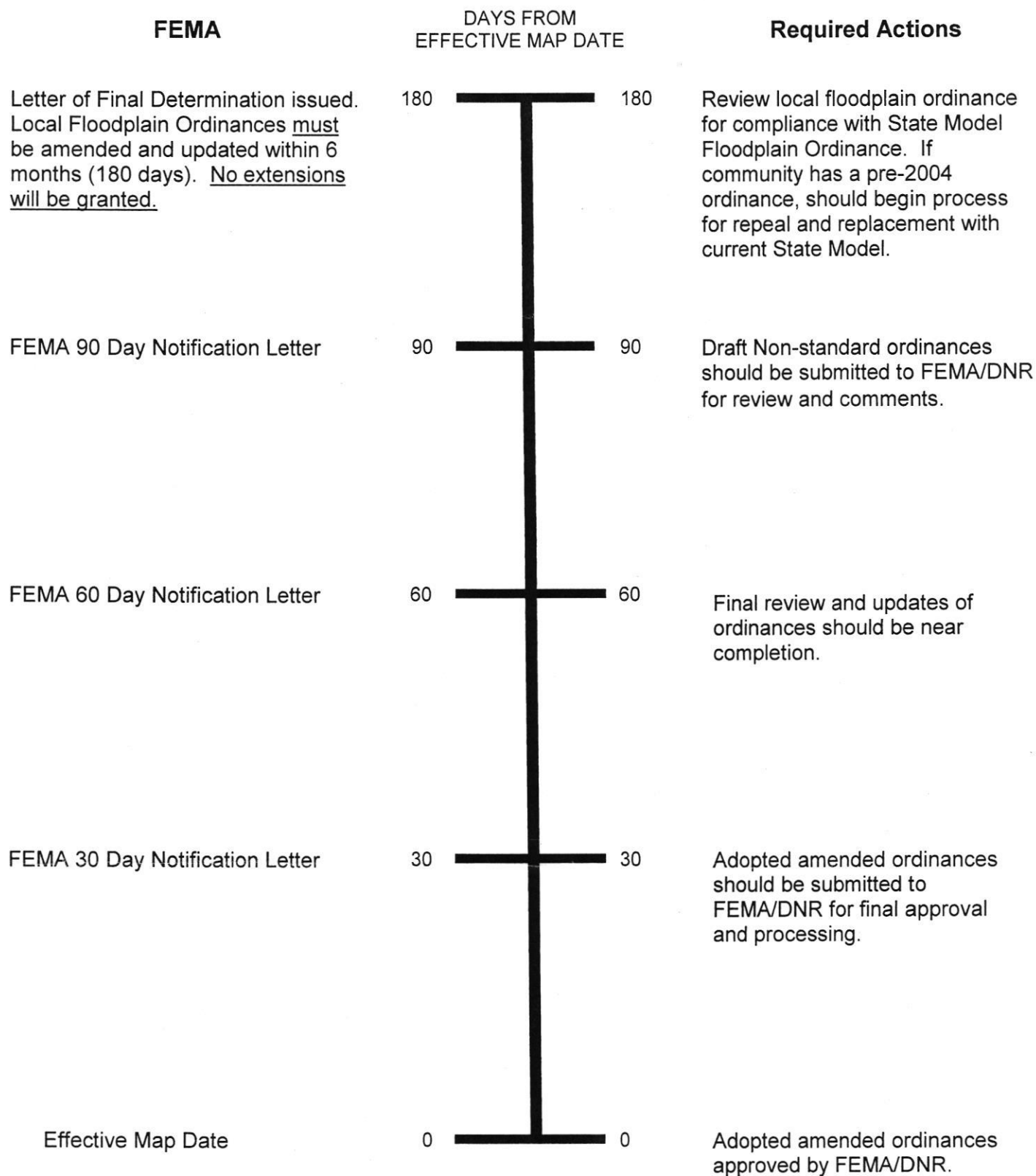
Gary Heinrichs  
DNR WT/3  
P. O. Box 7921  
Madison, WI 53707-7921

A certified copy of the adopted amended ordinance should also be sent to:

Eric Kuklewski, Senior Natural Hazards Program Specialist  
FEMA  
536 S. Clark Street 6<sup>th</sup> Floor  
Chicago, IL 60605



# Time Line for Ordinance Amendment and Adoption



*Adopted amended ordinances **must** be approved and processed by FEMA/DNR by the Effective Map Date or community will be **immediately** suspended from the NFIP.*



CITY OF WEST ALLIS  
NOTICE OF HEARING  
Tuesday, July 1, 2008  
7:00 P.M.

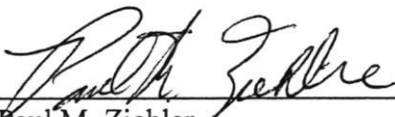
NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing on Tuesday, July 17, 2008 at 7:00 p.m., or as soon thereafter as a matter may be heard, in the Common Council Chambers of West Allis City Hall, 7525 West Greenfield Avenue, West Allis, Wisconsin, on the following:

ORDINANCE TO AMEND SUBSECTION 12.70(1) OF THE REVISED MUNICIPAL CODE  
RELATIVE TO AMENDING THE FLOOD INSURANCE RATE MAP (FIRM) NUMBERS.

You may express your opinions in writing to the City Clerk/Treasurer prior to the meeting or orally at such public hearing.

Dated at West Allis, Wisconsin, this 20<sup>th</sup> day of May 2008.

08H27

  
\_\_\_\_\_  
Paul M. Ziehler  
City Administrative Officer  
Clerk/Treasurer

Publish: June 12, 2008 and June 19, 2008

NONDISCRIMINATION STATEMENT

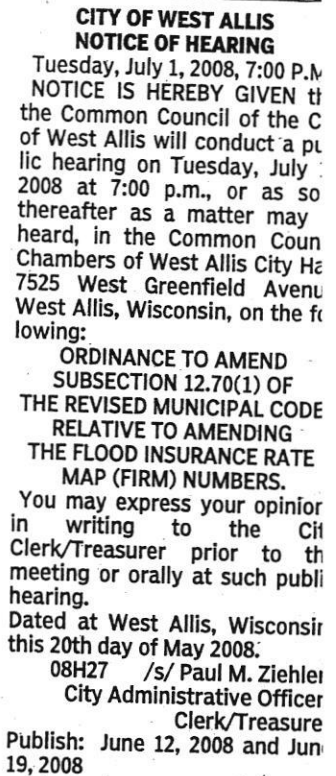
The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice, the City will furnish appropriate auxiliary aids and services, when necessary, to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.







OFFICE OF CITY CLERK/TREASURER  
CITY OF WEST ALLIS, WISCONSIN

CERTIFICATION

July 7, 2008

I hereby certify that the attached is a true and correct copy of Ordinance No. O-2008-0033.  
Ordinance to amend Subsection 12.70(1) of the Revised Municipal Code relative to amending the  
Flood Insurance Rate Map (FIRM) numbers, passed at the regular meeting of the  
City of West Allis Common Council held on July 1, 2008.

Paul M. Ziehler  
City Administrative Officer  
Clerk/Treasurer

## Janel Lemanske

---

**From:** Kristi Johnson  
**Sent:** Wednesday, July 02, 2008 10:18 AM  
**To:** Janel Lemanske; Ann Neff  
**Subject:** FW: West Allis floodplain ordinance amendment

Ann or Janel,

Please see the below email regarding O-2008-0033 that was adopted last night.

Address to:

mailed  
7/8/08 jl

Wisconsin Department of Natural Resources  
Attn: Richard Koch  
P.O. Box 10448  
Green Bay, WI 54313

Thank you!

Kristi Johnson  
Planner II  
City of West Allis  
Department of Development  
[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)  
phone: 414-302-8463  
fax: 414-302-8401

-----Original Message-----

From: Koch, Richard J - DNR [<mailto:Richard.Koch@Wisconsin.gov>]  
Sent: Friday, June 27, 2008 1:09 PM  
To: Kristi Johnson  
Cc: Peter Daniels; Koch, Richard J - DNR  
Subject: RE: West Allis floodplain ordinance amendment

Kristi

This looks good to me and everything should be ready for adoption. Once adopted please send me a copy of the proof of publication for the class  
2 notice of hearing and a certified copy of what was adopted for review and approval.

Thanks

Dick



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew Frank, Secretary  
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters  
2984 Shawano Ave., P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-662-5100  
FAX 920-662-5413  
TTY 920-662-5112

July 21, 2008

City of West Allis  
Attn: Paul M Ziehler-Clerk/Treasurer  
7525 West Greenfield Avenue  
West Allis, WI 53214

Subject: Floodplain Zoning Ordinance Approval for the City of West Allis, Approval Number SE-F-41292-74-3C

Dear Mr. Ziehler:

We appreciate your community's effort in upgrading your floodplain zoning regulations. Please note the conditions that must be met in order for this approval to remain valid.

Successful floodplain management and implementation of these regulations will depend on effective administration and enforcement of the ordinance. Please keep us advised of any problems associated with this administration and let us know when we can be of assistance. Tanya Meyer, 2300 N. Martin Luther King Jr. Drive, Milwaukee, WI 53212-3128, Phone 414-263-8641 is available to assist with any problem you may have with the administration of this ordinance.

### FINDINGS OF FACT

1. On July 1, 2008, the City of West Allis adopted text and map amendments to its Floodplain Zoning Ordinance, following public notice and hearing.
2. The purpose of this amendment is to revise the Floodplain Zoning Ordinance to bring it into compliance with state and federal minimum floodplain management standards.

### CONCLUSIONS OF LAW

1. The Department is authorized by s. 87.30, Wis. Stats., and Ch. NR 116.21 and NR 116.22, Wis. Adm. Code, to review and approve amendments to floodplain zoning ordinances.
2. The community has complied with the procedural requirements for adoption of this amendment according to Wisconsin Statutes.
3. This amendment substantially complies with the requirements of Ch. NR 116, Wisconsin Administrative Code and 44 CFR, Part 60.



### DECISION

The Department **CONDITIONALLY APPROVES** this amendment, subject to the following conditions.

1. Your community may have floodplain areas which have not been mapped according to the hazard potential of a dam or dams which affect the community. After an inspection and/or analysis of the dam(s), changes to the floodplain zoning of the affected areas may be necessary.
2. According to Ch. NR 116, Wisconsin Administrative Code and National Flood Insurance Program regulations, your community must send all map revisions affecting floodplain elevations, boundaries and text changes to the Department Regional Office in Green Bay, Wisconsin and to the Federal Emergency Management Agency, 536 S. Clark St., 6<sup>th</sup> Floor, Chicago, IL. 60605.

### NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which request to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

This notice is provided pursuant to section 227.48(2), Statutes. This decision was mailed on July 21, 2008.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By:



Richard J. Koch  
Floodplain Specialist

cc: Eric Kuklewski, FEMA-Chicago  
Tanya Meyer-DNR/Milwaukee  
Gary Heinrichs, Bureau of Watershed Mgt  
Miriam Anderson, Bureau of Watershed Mgt.  
Kristi Johnson-West Allis

Dev.  
Attorney  
BT + 2  
Eng

RECEIVED  
JUL 22 2008  
CITY OF WEST ALLIS  
CAO

COMMUNITY **CNI** NEWSPAPERS

AFFIDAVIT OF PUBLICATION

0003137821

WEST ALLIS CITY OF-LEGALS  
CLERK/TREASURER'S OFFICE  
7525 W GREENFIELD AVE

West Allis, WI 53214

Patti Guerrero hereby states that she is authorized by Journal Sentinel Inc. to certify on behalf of Journal Sentinel Inc., publisher of Community Newspapers, public newspapers of general circulation, printed and published in city and county of Milwaukee; was published in the My Community Now- Midwest on 7/17/2008; that said printed copy was taken from said printed newspaper(s).

  
Patti Guerrero

State of Wisconsin )  
 ) SS:  
County of Milwaukee)

Subscribed and sworn before me this 22<sup>nd</sup> day of July, 2008.

Barbra Boly

Notary Public State of Wisconsin

My Commission Expires 4-10-11

