



**Department of Public Works
Engineering Division**
W240 N3065 Pewaukee Road
Pewaukee WI 53072
Phone: 262-691-0804

**PUBLIC WORKS COMMITTEE
MEETING NOTICE AND AGENDA
Thursday, October 23, 2025
4:00 PM**

Pewaukee City Hall Common Council Chambers
W240N3065 Pewaukee Road, Pewaukee, WI

1. Call to Order and Pledge of Allegiance
2. Public Comment - Please limit your comments to two minutes. If further time for discussion is needed, please contact your District Alderperson prior to the meeting.
3. Discussion and Action Regarding the Minutes
 - 3.1 Discussion and possible action to adopt the September 4, 2025 meeting minutes
4. Water and Sewer Division
 - 4.1 Discussion and possible action regarding the Water Supply Service Area Plan Draft Section #4, 7, & 8.
 - 4.2 Discussion on the project update for the Gun Club Lift Station replacement project
 - 4.3 Discussion and possible action on the status update PFAS Pilot Study Well #8
5. Engineering Division
 - 5.1 Discussion and possible action regarding possible tree replanting within the City's right-of-way
 - 5.2 Discussion and possible action regarding changing fees charged for City-owned boat launches
 - 5.3 Discussion and possible action to create a policy for sidewalk installation, maintenance, and replacement for the City of Pewaukee
6. Public Comment - Please limit your comments to two minutes. If further time for discussion is needed, please contact your District Alderperson prior to the meeting.
7. Adjournment

Magdelene Wagner
Director of Public Works
October 23, 2025

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the

meeting to be in an accessible format must contact the DPW Main Office at (262) 691-0804 by 12:00 p.m. the Tuesday prior to the meeting so that arrangements may be made to accommodate your request.

City of Pewaukee - New Agenda Item

Agenda Language:

Discussion and possible action to adopt the September 4, 2025 meeting minutes

Sub Item Agenda Language:

Background Provided By:

Background:

Please review September 4, 2025 meeting minutes

Fiscal Impact:

Recommended Motion:

Committee to approve the September 4, 2025 minutes

In Attendance:

Mayor Steve Bierce, Alderman Jerry Wamser, Michael Kreiter

Absent:

David Swan

Also In Attendance

Director of Public Works M. Wagner, Chief Engineer-Utilities R. Wirtz, Utility Manager J. Mueller, Administrative Assistant H. Jacobs

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the Public Works Committee meeting to order at 4:20 p.m. and called to stand for the Pledge of Allegiance.

2. Public Comment - Please limit your comments to two minutes. If further time for discussion is needed, please contact your District Alderperson prior to the meeting.

None

3. Discussion and Action Regarding the Minutes

3.1 Discussion and possible action to adopt August 7, 2025, meeting minutes.

Motion was made and seconded (J.Wamser, M.Kreiter) to approve the August 7, 2025 meeting minutes. Motion passed unanimously.

4. Storm Water Management Division

4.1 Discussion and possible action regarding the 2026 Storm Water Utility Budget.

Ms. Wagner presented the 2026 Storm Water Utility Budget. She noted that at the time of preparation not all wage categories were complete, but she wanted to highlight the major changes, primarily in project expenditures.

Ms. Wagner explained that most of the 2026 projects are road projects with storm water components. She detailed the key projects:

1. Lexington/Takoma project: This involves a large drainage channel along the roadway, requiring replacement of large culverts and downstream stabilization of a drainage swale experiencing severe erosion near sewer and water infrastructure.

2. Glenwood Lane in Springdale Estates: This repaving project will address drainage issues in an older section of the subdivision where inlets are spaced too far apart and the road is very flat, causing roadway deterioration.
3. Valley Brook Subdivision ditch: A \$750,000 project along Redford Boulevard to clean out obstructions that are contributing to back-ups in the subdivision during smaller storm events.
4. Greenhill/Yench Road: Another road project with storm water components.
5. Additional design costs for future phases of road projects.

Mayor Bierce inquired about the current storm water fund balance. Ms. Wagner explained they had not yet received that information due to transitioning to a new budget program but would have it for the upcoming meeting. She noted there was \$3 million worth of projects beyond current revenue but could not yet determine if borrowing would be needed.

Mayor Bierce also asked about interdepartmental fees, which Ms. Wagner clarified that they were not yet fully allocated in the budget.

Mr. Kreiter asked about \$700 expenditure for Fox View Court in the 2024 activity. Ms. Wagner explained it was for project closeout and retainer payment.

Alderman Wamser commented that the storm sewer rebuild behind Kathryn Court performed perfectly during the recent storm. Mr. Wirtz confirmed there were no complaints from the neighborhood despite receiving 8 inches of rain. He noted the pond was overflowing into the spillway and storm sewer along Springdale Road, but the system handled it well. He plans to inspect the area this fall.

5. Water and Sewer Division

5.1 Discussion and possible action regarding the draft 2026 Water Utility Budget.

Ms. Mueller explained that both Water and Sewer Utility budgets appeared "wonky" due to the 2024 conversion to a new chart of accounts system required by the Public Service Commission (PSC). Red accounts in the document were old accounts that need to be phased out after one more budget year.

Ms. Mueller anticipates additional revenue for 2026 from approximately 40 new homes and several apartment buildings coming online, including five buildings for Ridgeview Parkway and completion of the Parkway Ridge buildings. She noted she had been conservative in revenue projections.

Ms. Mueller highlighted the water connection fees for new construction and explained the differences in how residential equivalents are calculated for apartment buildings versus single-family homes. Mayor Bierce questioned whether apartments should be charged differently than single-family homes if the population density is similar. Ms. Mueller explained that connection fees use a residential equivalent formula that assigns apartment units a smaller value than single-family homes.

Ms. Mueller also noted that the budget includes projected wages, though not officially adopted. She explained that the PSC's new chart of accounts has redundant wage categories that are challenging for their small staff of six people. Five of the six staff members now hold DNR certifications, which require ongoing continuing education. In addition, recent software updates will require administrative staff to attend training. This has increased the budget line substantially for continuing education and membership.

The budget also reflects higher chemical costs, electrical costs, and increased prices for transmission and distribution parts. Additionally, the utility is planning a billing software upgrade to a cloud-based system, which comes with higher costs but is expected to improve integration with other city systems.

Mr. Kreiter inquired about the legal fees outlined. Ms. Mueller explained that these cover legal guidance related to outcomes of the water supply service area study.

5.2 Discussion and possible action regarding the Draft Sewer Utility 2026 Budget.

Ms. Mueller explained that similar account changes affected the Sewer Utility budget. Revenue projections are based on the same assumptions as the Water Utility. She noted that Interceptor Capacity Assessments (ICA) revenues vary by area, with some increasing (such as the area around Pewaukee golf course) and others decreasing as developments fill up. QuadGraphics recently connected to the sanitary sewer and is expected to generate approximately \$180,000 in revenue.

Treatment plant costs for the Brookfield Treatment Plant are expected to decrease slightly after an anomaly in the previous year with unexpected projects. Lake Pewaukee Sanitary District (LPSD) has notified the city of an anticipated 9% rate increase, while a 3% increase was budgeted for Waukesha charges. Ms. Mueller mentioned they are working with Ehlers to conduct a rate study.

Collection system costs reflect repairs being made in conjunction with road projects. The budget also includes software updates and increased continuing education costs for sewer certifications.

5.3 Discussion and possible action regarding the Draft 2026 Water and Sewer Capital Budget

Ms. Mueller presented the Water Utility capital budget, explaining it contains baseline figures for continuing with groundwater projects, including radium and PFAS treatment, as the water facility plan direction is not yet finalized.

Key projects include:

- Drilling a deep well at the Still River facility.
- The Bluemound Road water connection between Busse Road and Foster Court will require a bridge and water main.

- The Sherwood Forest sewer project.

Ms. Wagner added that the Village of Pewaukee is replacing their Kopmeier lift station, pending railroad permission. The city's budget includes \$1 million for its share (approximately 90% of the flow). She explained that while the original agreement states the northwest corner would connect through their Kopmeier lift station, topographically that doesn't make sense, so they are working with the village to move the connection point.

Ms. Mueller also highlighted a \$1.75 million project to replace a section of sanitary sewer along Kopmeier that crosses the lake, which has been a long-standing concern.

6. Engineering Division

6.1 Discussion and possible action regarding the draft 2026 Engineering Budget.

Ms. Wagner presented the Engineering budget, noting few changes from the previous year. She highlighted wage adjustments pending council approval and a 4% increase in garbage collection costs per contract, with additional increases anticipated as more homes are serviced. These increases will be offset by revenue in a different category.

The Forestry budget decreased from \$175,000 to \$50,000 for removals, as major projects will be completed this year. Ms. Wagner explained that they will begin focusing on a replanting plan guided by recommendations from Wachtel. They plan to decide whether to prioritize replanting within the right-of-way or concentrate more on parks or other city-owned lands, as indicated in the guidance provided by Wachtel.

Mr. Matt Stevens has ideas about creating a bare root stock nursery at the DPW building to grow trees at a reasonable cost, leveraging a system discussed with Wachtel and potentially collaborating with the DNR to establish this at the department's facilities.

Ms. Wagner also noted plans to replace the boat launch in 2026, with Mr. Wirtz applying for a DNR grant to offset costs.

Mayor Bierce inquired if the barge problem was fixed. Ms. Wagner explained they cannot prohibit barges or charge them different rates per DNR regulations, but they will be increasing launch fees to the maximum allowed. She plans to install cameras to address declining revenue, which has dropped from approximately \$12,000 to \$5,000-\$6,000 annually, likely due to non-payment. They are also exploring adding a QR code payment option.

The new concrete boat launch will extend further into the water to eliminate power loading issues and will eliminate outrigger snags on cable ties.

Ms. Wagner mentioned that plans are in place for quiet zone improvements at Weyer Road, Watertown Road, and Green Road, operating under the assumption that approval from the Federal Railroad Administration (FRA) for Weyer Road

improvements will be received to proceed in 2026.

Ms. Wagner detailed the forthcoming road construction projects, highlighting Greenhill and Yench Road as areas located for road and drainage improvements, noting the absence of utilities in these locations. She specified that Hickory Grove Estates will undergo road improvements only, following the rejection of the sewer proposal. The Lexington/Takoma project is set to proceed into its second phase. Furthermore, funds have been allocated for traffic signal enhancements at Lindsay and Pewaukee Roads, with anticipated cost-sharing arrangements with the Village of Pewaukee.

7. Highway Division

7.1 Discussion and possible action regarding the draft 2026 Highway Budget

Ms. Wagner presented the Highway budget, noting refinements to utility costs for the new DPW building as more data becomes available. The salt budget remained unchanged as they have a healthy stock from last year despite slight price increases. She mentioned the road repairs budget could potentially be increased for small overlays and spot repairs, though many problematic roads will be addressed in the next two years through larger projects.

Alderman Wamser inquired about the planned repairs to the City Hall parking lot. Ms. Wagner confirmed that the budget includes provisions for repaving all parking lots, repairing retaining walls, replacing the stairway to the upper parking lot, and addressing the abandonment of the old water tower space. Alderman Wamser further questioned potential measures to mitigate the deterioration of the stairs. Ms. Wagner clarified that the primary issue with the stairs was incomplete concrete curing before snowfall. She suggested exploring alternative solutions, such as utilizing fiber mesh.

8. Bike and Pedestrian

8.1 Discussion and possible action regarding the draft 2026 Bike and Pedestrian Budget

Ms. Wagner presented the Bike and Pedestrian budget, highlighting:

1. Design dollars for Watertown Road trail segments—one section from North Avenue to Springdale Road as part of a road project, and another section from North Avenue to almost Forest Grove Road.
2. A \$200,000 pedestrian crossing at Highway 164 and Ridgeview, requiring additional lights and reconfigured islands for safe landing spots.
3. A pedestrian crossing at Nettesheim Park to coincide with county road reconstruction in 2026.
4. \$300,000 for the city's share of the Fieldhack path from Lake Country Trail to the high school, with construction likely starting in late 2026 or early 2027.
5. A new \$1 million proposal for a path connecting Swan View Farms through Balmer Park to the sports complex, which would link several neighborhoods to the newly expanded sports facility. This would be a shorter alternative to the planned Swan Road/Lindsay Road path in the Bike and Pedestrian plan.

Mayor Bierce expressed support for keeping the new path project in the budget and moving it forward to the council for consideration.

9. Public Comment - Please limit your comments to two minutes. If further time for discussion is needed, please contact your District Alderperson prior to the meeting.

None

10. Adjournment

A motion was made and seconded (M. Kreiter, J. Wamser) to adjourn the meeting at 5:15 p.m. Motion passed unanimously.

Respectfully Submitted

Magdelene Wagner
Director of Public Works

DRAFT

City of Pewaukee - New Agenda Item

Agenda Language:

Discussion and possible action regarding the Water Supply Service Area Plan Draft Section #4, 7, & 8.

Sub Item Agenda Language:

Background Provided By:

Jane E. Mueller

Background:

At the August meeting of the Public Works Committee, you were introduced to several draft sections of the Water Supply Service Area Plan. The Wisconsin DNR issued a directive to all community water supplies serving populations over 10,000 to prepare a Water Supply Service Area Plan by December 31, 2025. The plan shall delineate the area which the public water supply system currently serves retail customers and the projected growth area for the system within the planning period of 10 and 20 years.

The Utility conducted a Water System Study in 2023. The Water Supply Service Area Plan is the next phase of that study. This report delves deeper into the water source options, considers population growth, future water system expansion, and water quality and quantity challenges. Sections 1-3, 5 and 6 were reviewed at the August meeting.

The following sections will be reviewed this evening:

Section 4: Existing Water Sources

Section 7: Future Capacity Needs

Section 8: Inventory of Water Supplies in the Region

As you may recall, previously the Utility had requested that the consultant provide projections in the report for both the Village of Pewaukee and a portion of the Village of Lisbon. The Utility has had prior discussions with the Village of Pewaukee about extending water and sewer service to the northwest quadrant of the City and has also discussed extending water service to the Village of Lisbon lands adjacent to Weyer Road.

Fiscal Impact:

Recommended Motion:

For informational purposes

Technical Memorandum No. 2 for City of Pewaukee, Wisconsin

Water Supply Service Area Plan Sections 4, 7, and 8

Prepared by:

STRAND ASSOCIATES, INC.®
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Milwaukee, WI 53202
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August 2025



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SECTION 4
EXISTING WATER SOURCES

4.01 OVERVIEW

The water system is currently supplied entirely by groundwater. The City has 11 usable wells, including six deep aquifer wells (Well Nos. 1, 2, 6, 7, 9, and 11) and five shallow aquifer wells (Well Nos. 3, 4, 8, 10, and 12). Note that Well No. 5 is under order by the WDNR to be abandoned and is not considered to provide usable capacity. The City has experienced several water quality issues at various wells, including PFAS contamination in shallow aquifer wells and radium contamination in deep aquifer wells. This section will summarize the City’s current groundwater withdrawals and detail the water quality observed at the existing wells.

4.02 CURRENT WITHDRAWALS

Figure 4.02-1 presents the percentage of withdrawals from each well in 2024.

Table 4.02-1 presents the withdrawals per well between 2017 and 2024.

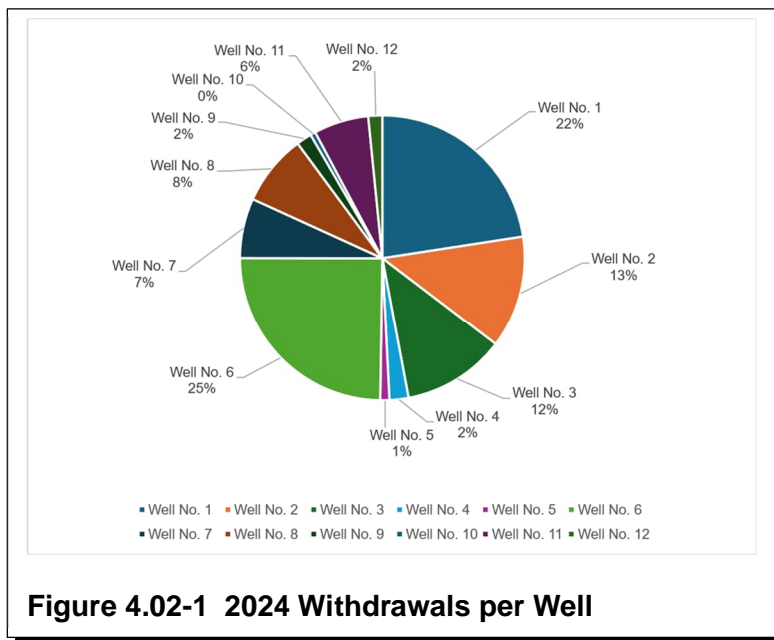


Table 4.02-1 Withdrawal Summary per Well 2017 to 2024

Year	Yield per Day (gallons)											
	Well No. 1	Well No. 2	Well No. 3	Well No. 4	Well No. 5	Well No. 6	Well No. 7	Well No. 8	Well No. 9	Well No. 10	Well No. 11	Well No. 12
2017	187,932	76,419	121,352	45,955	16,257	285,771	117,016	132,104	5,539	2,042	48,969	13,205
2018	128,917	210,245	144,750	26,338	18,927	218,930	55,326	157,500	9,533	3,447	81,481	28,635
2019	205,043	156,512	92,545	3,335	3,948	157,610	19,945	129,604	10,229	2,842	119,324	35,707
2020	359,003	162,048	73,172	1,582	13,752	135,524	5,662	181,892	10,248	5,101	181,473	50,453
2021	197,254	96,375	142,845	15,556	3,650	235,932	53,177	220,320	13,426	5,563	86,719	25,320
2022	288,602	131,710	115,110	23,348	11,493	240,074	95,650	156,742	23,644	9,766	133,922	35,222
2023	300,268	171,589	154,782	26,806	5,804	327,707	105,385	81,131	29,443	10,160	150,344	39,274
2024	308,252	174,327	159,890	29,484	14,144	338,552	92,411	110,168	23,756	8,030	84,986	21,717

As presented in the water system schematic, Figure 3.01-2, several wells share a common facility and entry point into the system with another well. Table 4.02-2 presents a summary of current facility status and usable capacity based on status. In total, due to several wells being offline or due to be abandoned, the firm water supply capacity is 2.40 MGD. Firm capacity is defined as the capacity of the system with the largest pumping unit out of service and the remaining wells operating 18 hours per day. In the City’s case, multiple well sites operate with a shallow aquifer and deep aquifer well pumping together and blending at a common facility for reduction of radionuclides. If the shallow aquifer well at such a facility were to be offline, the deep aquifer well may not meet the water quality requirements for radionuclides and must also be taken offline. Therefore, firm supply capacity for the City is considered on a facility-by-facility basis. The largest supply facility within the City’s system is Well Nos. 3 and 6. The firm capacity presented in Table 4.02-2 assumes that Well Nos. 3 and 6 are offline, and the remaining wells are operating 18 hours per day. The specific water quality concerns that are causing certain wells to be temporarily offline or permanently abandoned are detailed further in this section.

Facility	Current Facility Status	Available Facility Capacity
Well No. 1	Online	500 gpm
Well No. 2	Online	450 gpm
Well Nos. 3 and 6	Online*	1,475 gpm
Well Nos. 4 and 7	Online at reduced blended capacity	490 gpm
Well No. 5	To be abandoned	-
Well No. 8	Offline due to PFAS	-
Well Nos. 9 and 10	Online	200 gpm
Well Nos. 11 and 12	Well No. 11 online, Well No. 12 offline due to PFAS	580 gpm
Total Capacity		3,695 gpm (5.32 MGD)
Firm Capacity* (18-hour)		1,665 gpm (2.40 MGD)

*Well Nos. 3 and 6 facility offline for firm capacity.

Table 4.02-2 Current Withdrawal Capability by Facility

4.03 WATER QUALITY CONCERNS

This section does not provide a comprehensive review of all primary and secondary water quality requirements, but rather provides a broader overview of the concerns at each well, and potential treatment additions and modifications that may be required in the future. The City’s deep aquifer wells (Well Nos. 1, 2, 5, 6, 7, 9, and 11) and shallow aquifer wells (Well Nos. 3, 4, 8, 10, and 12) experience distinct water quality concerns that currently, or may in the future, require treatment.

A. PFAS

For the City’s shallow aquifer wells, the primary concern is PFAS contamination. PFAS are a category of man-made chemicals that have been used in industrial and commercial products and manufacturing since the 1940s and can still be found in products today. According to the United States Environmental Protection Agency (USEPA), health effects associated with prolonged PFAS exposure include, but are not limited to, an increased risk of certain cancers, developmental effects, and liver disease. PFAS can enter surface water or groundwater sources from a variety of sources, including industrial runoff and use of firefighting foams. USEPA promulgated its final rule on PFAS in drinking water under the Safe Drinking

Water Act (SDWA) on April 10, 2024, and announced updates to the rule on May 14, 2025. Regulated levels for two types of PFAS (perfluorooctanesulfonic acid [PFOA] and perfluorooctance sulfonate [PFOS]) are presented in Table 4.03-1.

Compound	MCLG (ppt)	MCL (ppt)
PFOA	0	4.0
PFOS	0	4.0

Notes:
MCLG=maximum contaminant level goal
ppt=parts per trillion

Table 4.03-1 USEPA MCLs for PFOA and PFOS

Currently on line w/PN

Well Nos. 8 and 12 are currently offline due to known PFOA and PFOS contamination exceeding USEPA-regulated levels. Additionally, the City’s Fifth Unregulated Contaminant Monitoring Rule (UCMR5) testing revealed PFOA and PFOA contamination exceeding USEPA-regulated levels at Well No. 5 and the Wispark Ground Storage Tank, which acts as the entry point into the system for Well Nos. 4 and 7. Known PFOA and PFOS levels that exceed regulated levels at each entry point are summarized in Table 4.03-2.

Facility	Result	Sampling Date
Well No. 1	N/A	N/A
Well No. 2	N/A	N/A
Well Nos. 3 and 6	N/A	N/A
Well Nos. 4 and 7	Blended PFOA = 7.4 ppt	June 24, 2024
Well No. 5	PFOA = 4.9 ppt	June 24, 2024
	PFOS = 12.0 ppt	June 24, 2024
Well No. 8	PFOA = 8.7 ppt	June 18, 2024
	PFOS = 7.9 ppt	June 18, 2024
Well Nos. 9 and 10	N/A	N/A
Well Nos. 11 and 12	Well No. 12 PFOA = 14 ppt	July 12, 2023
	Well No. 12 PFOS = 25 ppt	July 12, 2023
	Blended PFOS = 6.3 ppt	November 15, 2023

Table 4.03-2 PFAS Level Summary

B. Radium and Other Radionuclides

For deep aquifer wells, the primary concern is radium contamination. Radium is a radioactive element that is naturally occurring in many rock formations and groundwater aquifers. Groundwater moves slowly through pores and cracks within aquifers underground. As water moves underground, minerals, including radium, break off and dissolve into the water. The two forms of radium that are most often found in Wisconsin’s groundwater sources are Ra-226 and Ra-228. The SDWA and WAC NR 809 require all public water systems to monitor for radioactive substances, including radium. In total, Ra-226 and Ra-228 must be less than 5 picocuries per liter (pCi/L), and the gross alpha must be less than 15 pCi/L at each entry point.

All existing City deep aquifer wells have treatment or processes in place intended to control radium levels (HMO, WRT, or blending), which are summarized in Table 4.03-3.

Facility	Existing Radium Treatment
Well No. 1	HMO
Well No. 2	WRT
Well Nos. 3 and 6	Blending
Well Nos. 4 and 7	Blending
Well No. 5	To be abandoned
Well No. 8	N/A
Well Nos. 9 and 10	Blending
Well Nos. 11 and 12	Blending

Table 4.03-3 Existing Radium Treatment Summary

Several deep aquifer wells (Well Nos. 6, 7, and 9) are dependent on blending with a shallow aquifer well to control radium levels. Because of this, when certain shallow wells are offline due to issues such as PFAS contamination, radium also becomes a concern at the entry point.

C. Strontium

While not currently regulated by WDNR, strontium may also be a concern for the City’s deep aquifer wells in the future. The Wisconsin Department of Health Services (WDHS) recommended a maximum level of 1.5 milligrams per liter (mg/L) of strontium in drinking water in 2022; however, the WDNR did not adopt the standard. USEPA has published a lifetime advisory level of 4 mg/L for strontium in drinking water. This level is not an enforceable limit, but rather a recommended advisory limit. The City tested each well for strontium levels in 2015 as a part of required Third Unregulated Contaminant Monitoring Rule (UCMR3) testing. The resulting concentrations are presented in Table 4.03-4.

Well No.	Strontium Concentration (mg/L)
1	43
2	41
3	1.9
4	4.0
5	28
6	44
7	31
8	1.2
9	5.5
10	1.4
11	9.3
12	2.8

Table 4.03-4 UCMR3 Strontium Levels (Samples Taken November 25, 2015)

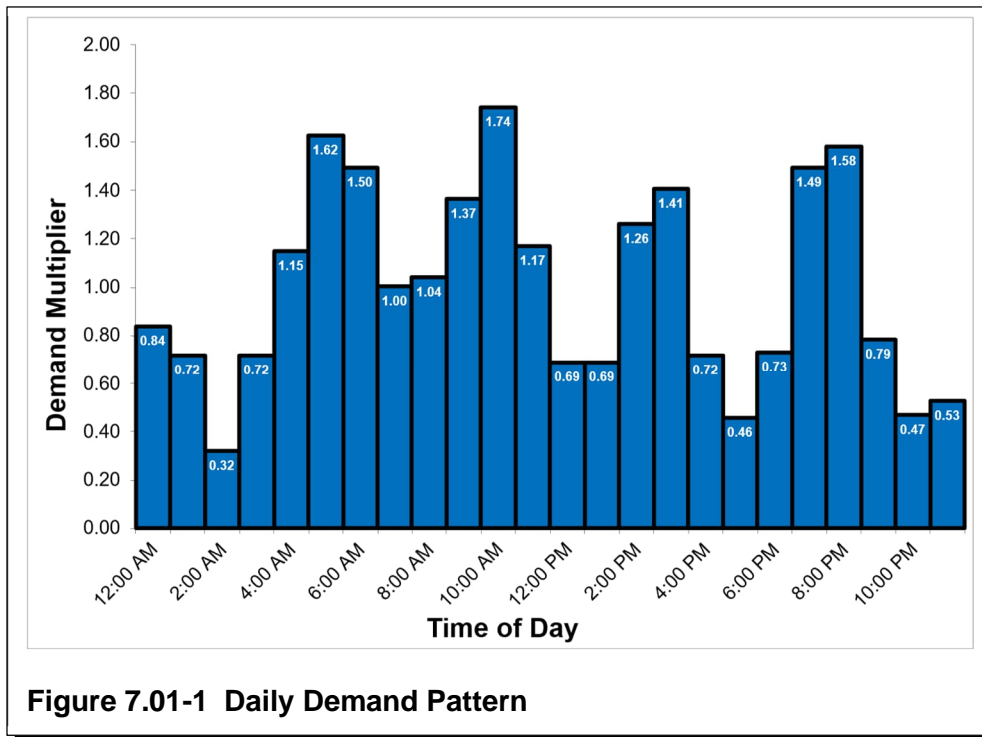
While strontium levels are not currently enforced, certain treatment options, including IX and reverse osmosis (RO), can treat radium and strontium concurrently. For planning purposes, future treatment of deep aquifer wells will be planned to include RO rather than radium-specific treatment, which would not effectively reduce strontium.

SECTION 7
FUTURE CAPACITY NEEDS

7.01 OVERVIEW

This section summarizes the water supply and storage capacity needs through each planning year. Water demand projections presented in Section 6 of this report were used to assess future capacity needs. Water demands were projected based on existing use and historical trends. If the City chooses to take part in recommended conservation programs, a reduction in water use of approximately 10 percent may be achieved, resulting in “conservation” water demands. Future supply will be provided by one of five alternatives: groundwater (existing system), Lake Michigan via Great Lakes Diversion, local quarries, Lake Pewaukee, or the Fox River. Each alternative is described in further detail in Section 8 of this report.

Generally, to provide adequate capacity for projected demands, MDD must be met by firm water supply capacity. Because multiple supply alternatives are being assessed in more detail in Section 8 of this report, this analysis will consider a “minimum supply capacity,” which is equal to the projected MDD for each planning year. Fire flow must be met by a combination of firm water supply capacity and usable storage, accounting for storage drawdown due to hourly operational and demand fluctuations. A daily demand distribution curve for the City’s water use was developed as a part of the 2023 Study, and is presented in Figure 7.01-1. Elevated storage, provided by the EST and the Carmelite standpipe, can provide up to 1,073,000 gallons of storage during a 3-hour fire event (or 5,960 gpm over 3 hours), as described in Table 3.04-1. Additional storage is provided by the City’s six ground storage reservoirs. As presented in Table 3.03-1, 967,300 gallons of effective volume is provided by the existing ground storage reservoirs, accounting for pumping capacity and operational fluctuations.



Future storage needs differ between the different supply alternatives being assessed. Because of this, reserve capacity calculations in this section will include elevated storage only. Any deficit in total reserve capacity may be provided by existing ground storage or additional elevated storage to be added in the future, depending on the supply alternative. Infrastructure needs for assessed alternatives are summarized in Section 8 and detailed further in Section 9 of this report.

7.02 CAPACITY NEEDS–CITY ONLY

A. 2035 Capacity Needs

Figure 7.02-1 presents the hourly domestic demand throughout a 2035 MDD for the City only. The maximum drawdown of storage during a maximum day is expected to be 447,000 gallons (2,480 gpm over 3 hours), or 423,000 gallons (2,350 gpm over 3 hours) with conservation.

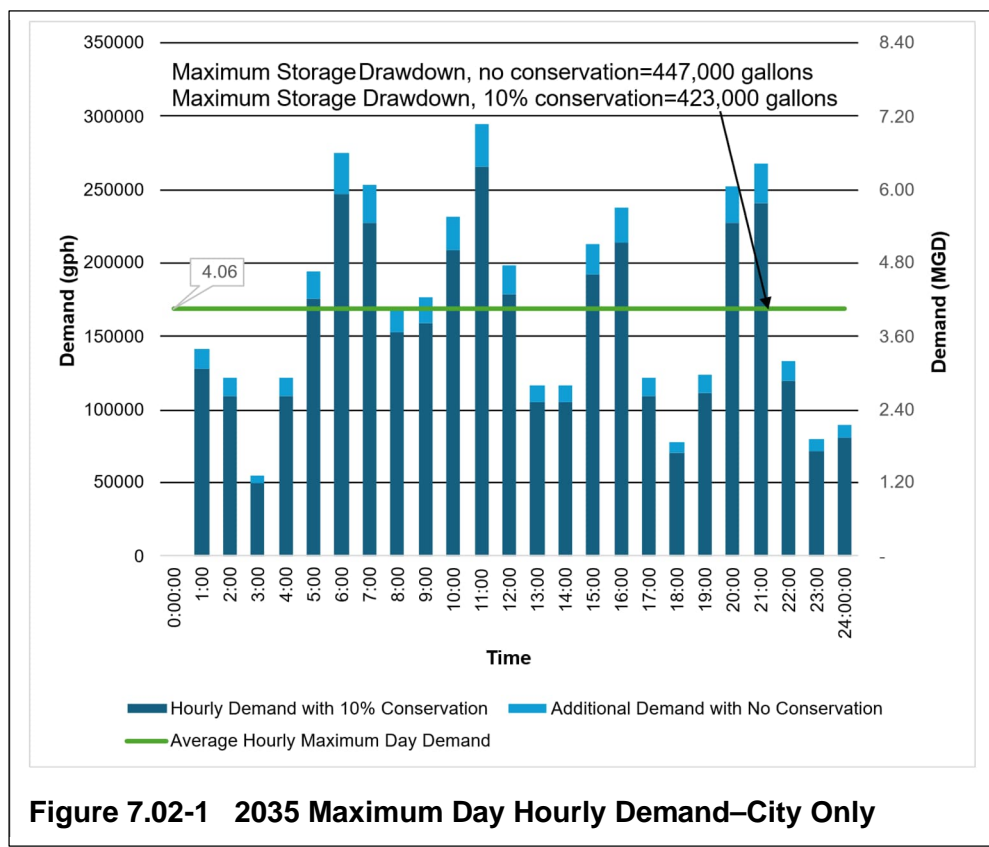


Figure 7.02-1 2035 Maximum Day Hourly Demand–City Only

1. No Additional Conservation

2035 Projected Demand Rate

Domestic	=	(2,820) gpm	=	(4.07) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	2,820 gpm	=	4.07 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
Storage Drawdown	=	(2,480) gpm	=	(3.58) MGD
Total Reserve Capacity	=	(20) gpm	=	(0.03) MGD

Therefore, an additional 3,600 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 20 gpm. This volume is within the margin of error; therefore, the existing elevated storage capacity is considered adequate to serve a 3-hour fire event during this scenario.

2. 10 Percent Demand Reduction by Conservation

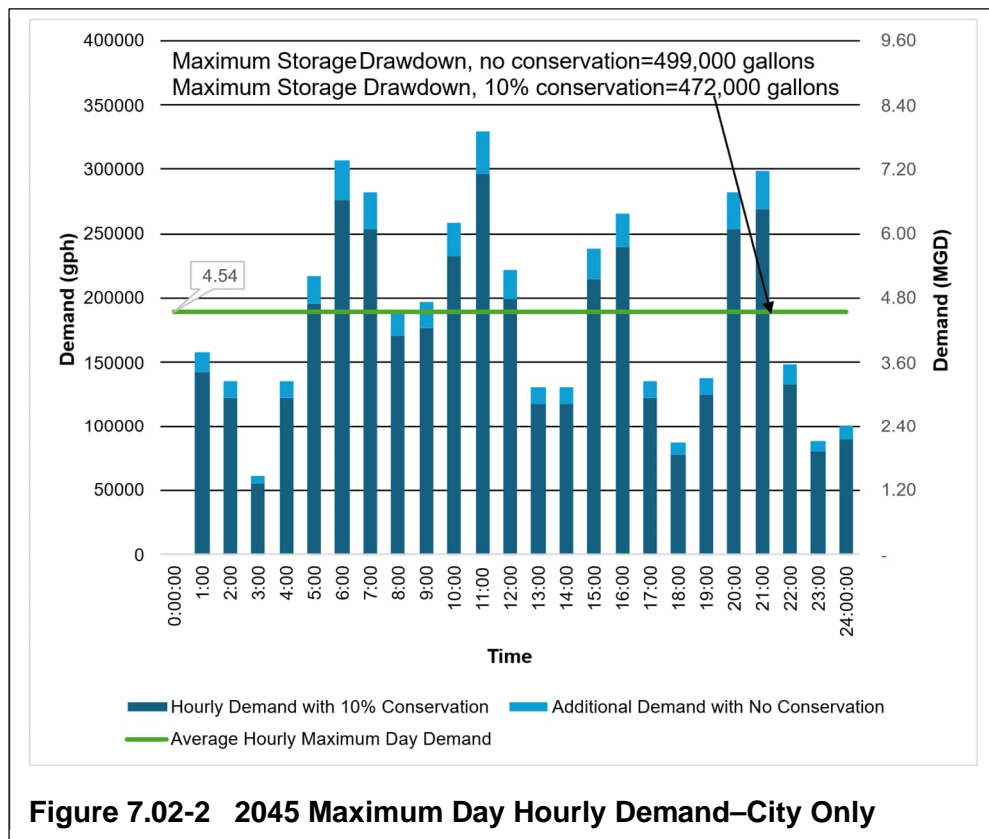
2035 Projected Demand Rate

Domestic	=	(2,540) gpm	=	(3.66) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	2,540 gpm	=	3.66 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
<u>Storage Drawdown</u>	=	<u>(2,350) gpm</u>	=	<u>(3.38) MGD</u>
Total Reserve Capacity	=	110 gpm	=	0.16 MGD

The total reserve capacity is approximately 110 gpm; therefore, no additional elevated storage is required to provide fire flow for a 3-hour fire event.

B. 2045 Capacity Needs

Figure 7.02-2 presents the hourly domestic demand throughout a 2045 MDD for the City only. The maximum drawdown of storage during a maximum day is expected to be 499,000 gallons (2,770 gpm over 3 hours), or 472,000 gallons (2,620 gpm over 3 hours) with conservation.



1. No Additional Conservation

2045 Projected Demand Rate

Domestic	=	(3,150) gpm	=	(4.54) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	3,150 gpm	=	4.54 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
<u>Storage Drawdown</u>	=	<u>(2,770) gpm</u>	=	<u>(3.99) MGD</u>
Total Reserve Capacity	=	(310) gpm	=	(0.45) MGD

Therefore, an additional 56,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 310 gpm. This may be provided by existing ground storage.

2. 10 Percent Demand Reduction by Conservation

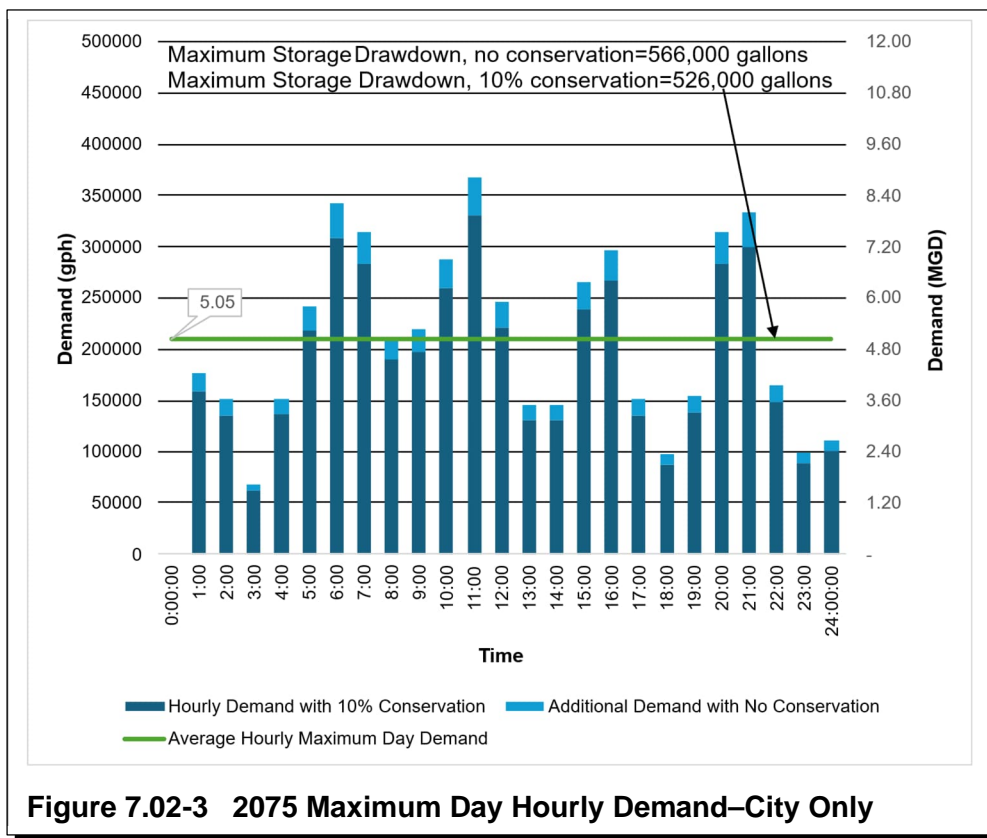
2045 Projected Demand Rate

Domestic	=	(2,840) gpm	=	(4.09) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	2,840 gpm	=	4.09 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
<u>Storage Drawdown</u>	=	<u>(2,620) gpm</u>	=	<u>(3.78) MGD</u>
Total Reserve Capacity	=	(160) gpm	=	(0.24) MGD

Therefore, an additional 26,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 160 gpm. This may be provided by existing ground storage.

C. 2075 Capacity Needs

Figure 7.02-3 presents the hourly domestic demand throughout a 2075 MDD for the City only. The maximum drawdown of storage during a maximum day is expected to be 566,000 gallons (3,090 gpm over 3 hours), or 526,000 gallons (2,920 gpm over 3 hours) with conservation.



1. No Additional Conservation

2075 Projected Demand Rate

Domestic	=	(3,150) gpm	=	(5.05) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	3,150 gpm	=	5.05 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
<u>Storage Drawdown</u>	=	<u>(3,090) gpm</u>	=	<u>(4.45) MGD</u>
Total Reserve Capacity	=	(630) gpm	=	(0.91) MGD

Therefore, an additional 113,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 630 gpm. This may be provided by existing ground storage.

2. 10 Percent Demand Reduction by Conservation

2075 Projected Demand Rate

Domestic	=	(3,160) gpm	=	(4.55) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	3,160 gpm	=	4.55 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
<u>Storage Drawdown</u>	=	<u>(2,920) gpm</u>	=	<u>(4.21) MGD</u>
Total Reserve Capacity	=	(460) gpm	=	(0.67) MGD

Therefore, an additional 83,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 460 gpm. This may be provided by existing ground storage.

7.03 CAPACITY NEEDS–EXTENDED SERVICE AREA

A. 2035 Capacity Needs

Figure 7.03-1 presents the hourly domestic demand throughout a 2035 MDD for the extended service area. The maximum drawdown of storage during a maximum day is expected to be 670,000 gallons (3,720 gpm over 3 hours), or 634,000 gallons (3,520 gpm over 3 hours) with conservation.

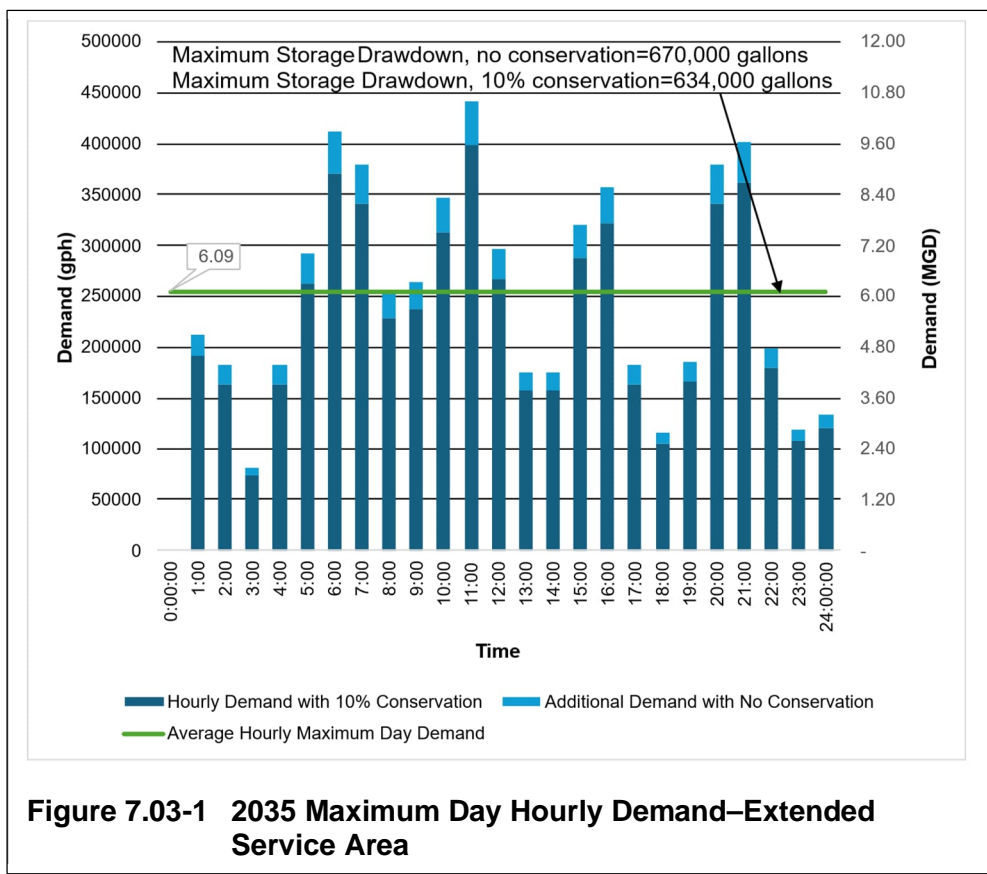


Figure 7.03-1 2035 Maximum Day Hourly Demand–Extended Service Area

1. No Additional Conservation

2035 Projected Demand Rate

Domestic	=	(4,230) gpm	=	(6.09) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	4,230 gpm	=	6.09 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
<u>Storage Drawdown</u>	=	<u>(3,720) gpm</u>	=	<u>(5.36) MGD</u>
Total Reserve Capacity	=	(1,260) gpm	=	(1.82) MGD

Therefore, an additional 227,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 1,260 gpm. This may be provided by existing ground storage.

2. 10 Percent Demand Reduction by Conservation

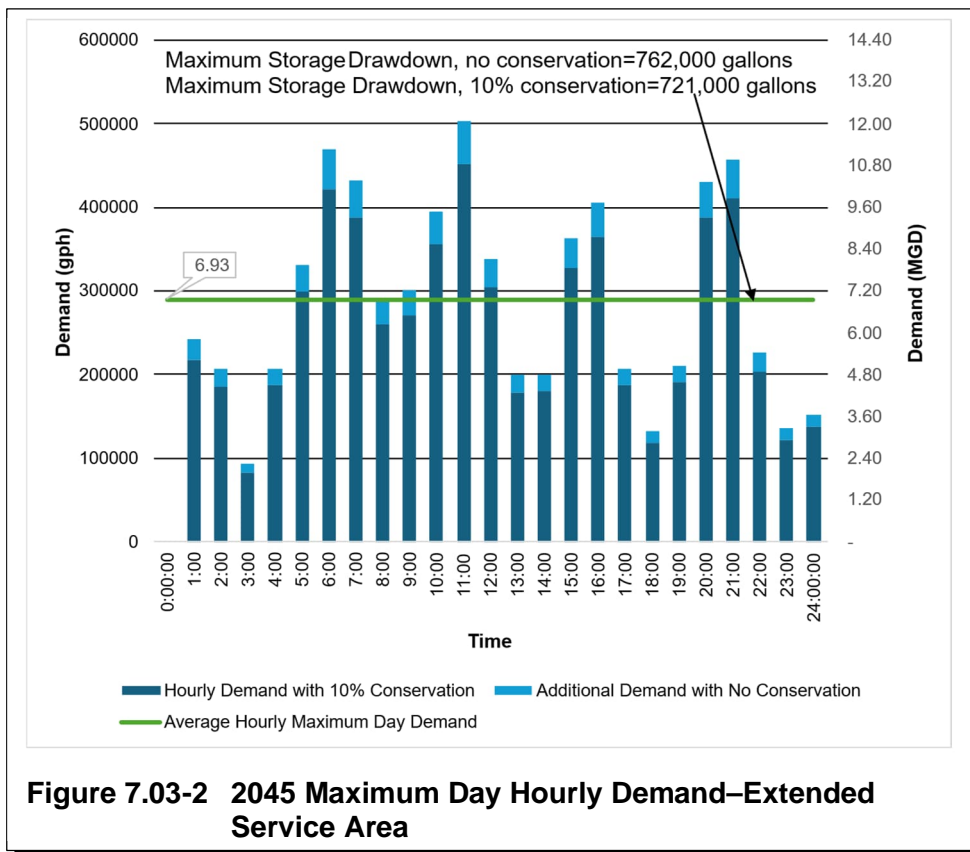
2035 Projected Demand Rate

Domestic	=	(3,810) gpm	=	(5.49) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	3,810 gpm	=	5.49 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
Storage Drawdown	=	(3,520) gpm	=	(5.07) MGD
Total Reserve Capacity	=	(1,060) gpm	=	(1.95) MGD

Therefore, an additional 191,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 1,060 gpm. This may be provided by existing ground storage.

B. 2045 Capacity Needs

Figure 7.03-2 presents the hourly domestic demand throughout a 2045 MDD for the extended service area. The maximum drawdown of storage during a maximum day is expected to be 762,000 gallons (4,230 gpm over 3 hours), or 721,000 gallons (4,010 gpm over 3 hours) with conservation.



1. No Additional Conservation

2045 Projected Demand Rate

Domestic	=	(4,810) gpm	=	(6.93) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	4,810 gpm	=	6.93 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
<u>Storage Drawdown</u>	=	<u>(4,230) gpm</u>	=	<u>(6.10) MGD</u>
Total Reserve Capacity	=	(1,770) gpm	=	(2.56) MGD

Therefore, an additional 319,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 1,770 gpm. This may be provided by existing ground storage.

2. 10 Percent Demand Reduction by Conservation

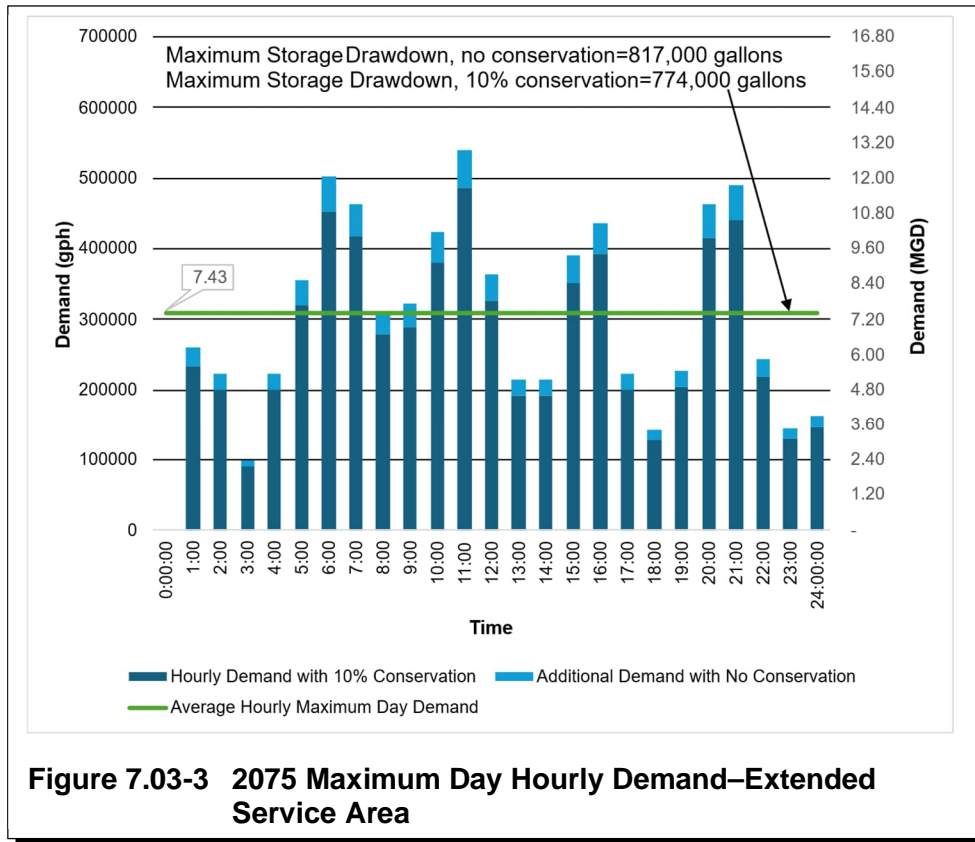
2045 Projected Demand Rate

Domestic	=	(4,330) gpm	=	(6.24) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	4,330 gpm	=	6.24 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
<u>Storage Drawdown</u>	=	<u>(4,010) gpm</u>	=	<u>(5.77) MGD</u>
Total Reserve Capacity	=	(1,550) gpm	=	(2.23) MGD

Therefore, an additional 279,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 1,550 gpm. This may be provided by existing ground storage.

C. 2075 Capacity Needs

Figure 7.03-3 presents the hourly domestic demand throughout a 2075 MDD for the extended service area. The maximum drawdown of storage during a maximum day is expected to be 817,000 gallons (4,540 gpm over 3 hours), or 774,000 gallons (4,300 gpm over 3 hours) with conservation.



1. No Additional Conservation

2075 Projected Demand Rate

Domestic	=	(5,160) gpm	=	(7.43) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	5,160 gpm	=	7.43 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
Storage Drawdown	=	(4,540) gpm	=	(6.54) MGD
Total Reserve Capacity	=	(2,080) gpm	=	(3.00) MGD

Therefore, an additional 374,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 2,080 gpm. This may be provided by existing ground storage.

2. 10 Percent Demand Reduction by Conservation

2075 Projected Demand Rate

Domestic	=	(4,640) gpm	=	(6.68) MGD
Fire	=	(3,500) gpm	=	(5.04) MGD
Minimum Supply Capacity	=	4,640 gpm	=	6.68 MGD
Elevated Storage	=	5,960 gpm	=	8.58 MGD
Storage Drawdown	=	(4,300) gpm	=	(6.19) MGD
Total Reserve Capacity	=	(1,840) gpm	=	(2.65) MGD

Therefore, an additional 331,000 gallons of storage capacity is required in addition to the existing elevated storage to meet this demand rate, based on the calculated exceedance of 1,840 gpm. This may be provided by existing ground storage.

7.04 SUMMARY OF FUTURE CAPACITY NEEDS–EXISTING SYSTEM

This section summarizes storage and supply needs through 2075 with the City’s existing groundwater system. Note that any differences that should be accounted for with other supply alternatives are detailed in Section 8 of this report.

A. Storage Capacity

Figure 7.04-1 presents a summary of storage requirements to provide adequate fire flow through 2075 for each planning year and potential service area. **No additional storage is anticipated through 2075 to operate the existing groundwater supply system.**

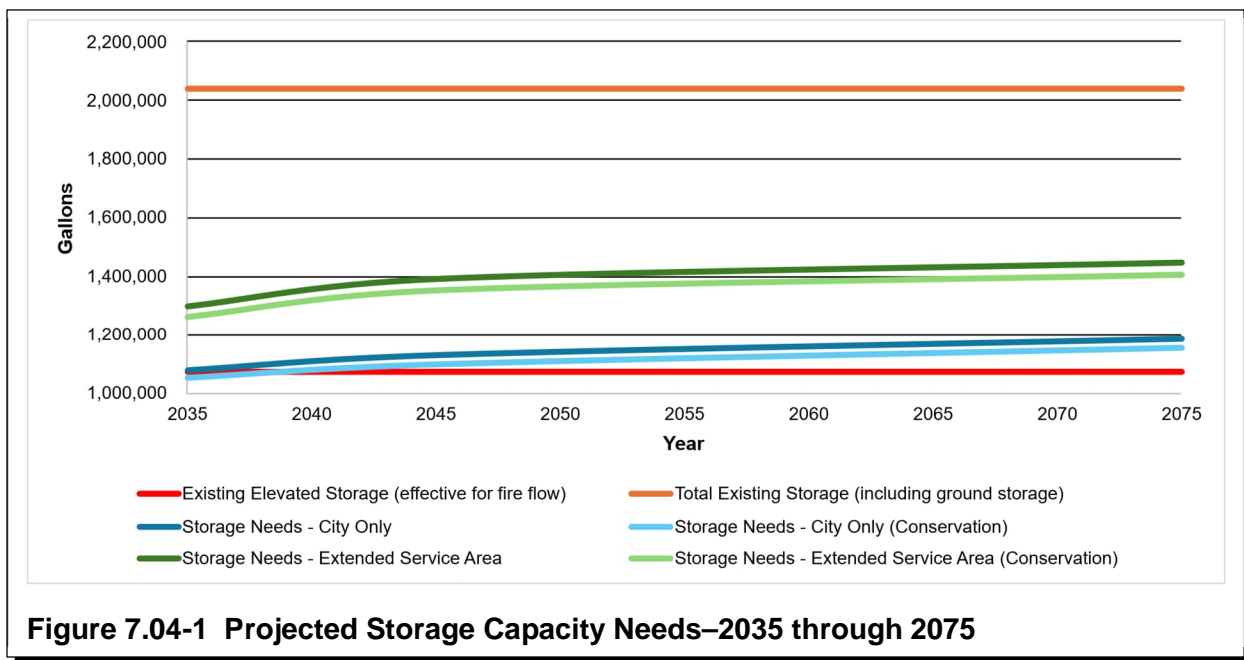


Figure 7.04-1 Projected Storage Capacity Needs–2035 through 2075

B. Groundwater Needs for the City Only

In addition to supply capacity improvements to meet growing demands, several City wells may require replacement during the planning period. Generally, the PSCW provides the depreciation life for a municipal well to be 45 years, but wells can last longer with good maintenance. Based on historic experience within the region, the typical lifespan for a regularly maintained well is 50 to 60 years for a shallow well and 80 to 100 years for a deep well. As a conservative approach, anticipated lifespans of 50 and 80 years for shallow and deep aquifer wells, respectively, are assumed. Additionally, it is assumed that after each well reaches the end of its useful life, it is replaced with a new deep aquifer well of similar capacity and treatment needs as the other new wells. Table 7.04-1 presents the year drilled and anticipated year of replacement for each existing well. It is anticipated that eight existing City wells will require replacement by 2075.

1989

Well No.	Construction Year	Typical Useful Life (years)	Anticipated Replacement Year
1	1974	80	2054
2	1981	80	2061
3	1989	50	2039
4	1999	50	2049
6	1999	80	2079
7	2006	80	2086
8	2009	50	2059
9	1950	80	2030
10	1988	50	2038
11	1996	80	2076
12	2008	50	2058

Table 7.04-1 Anticipated Replacement Year of Existing Wells

Figure 7.04-2 presents a summary of the supply capacity improvements required to adequately satisfy demands by each design year for the City based on continued use of groundwater. Assuming that each new deep aquifer well could produce approximately 600 gpm (0.86 MGD), ten wells, including replacement wells, would have to be drilled by 2075. Note that capacity improvements include PFAS treatment added to Well No. 8 by 2030.

2027?

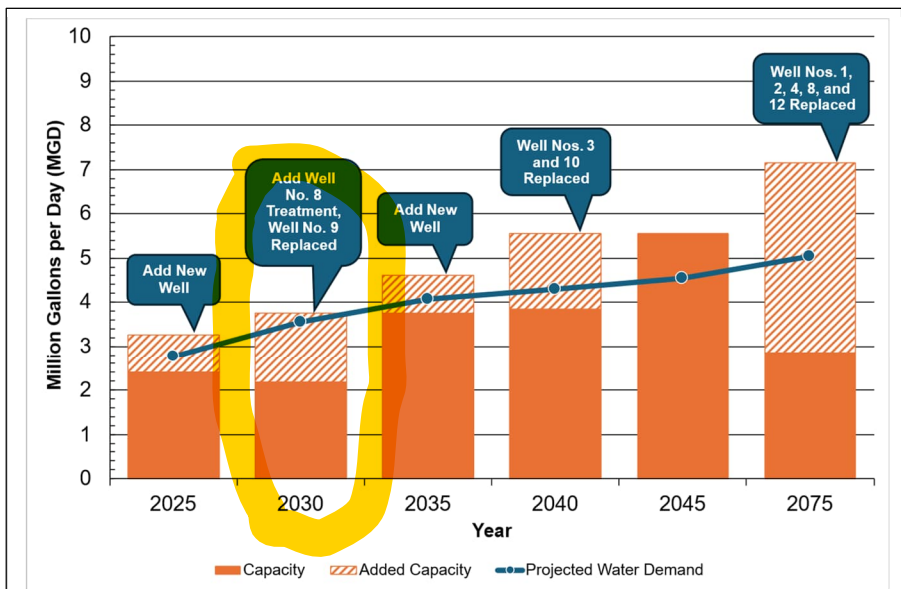
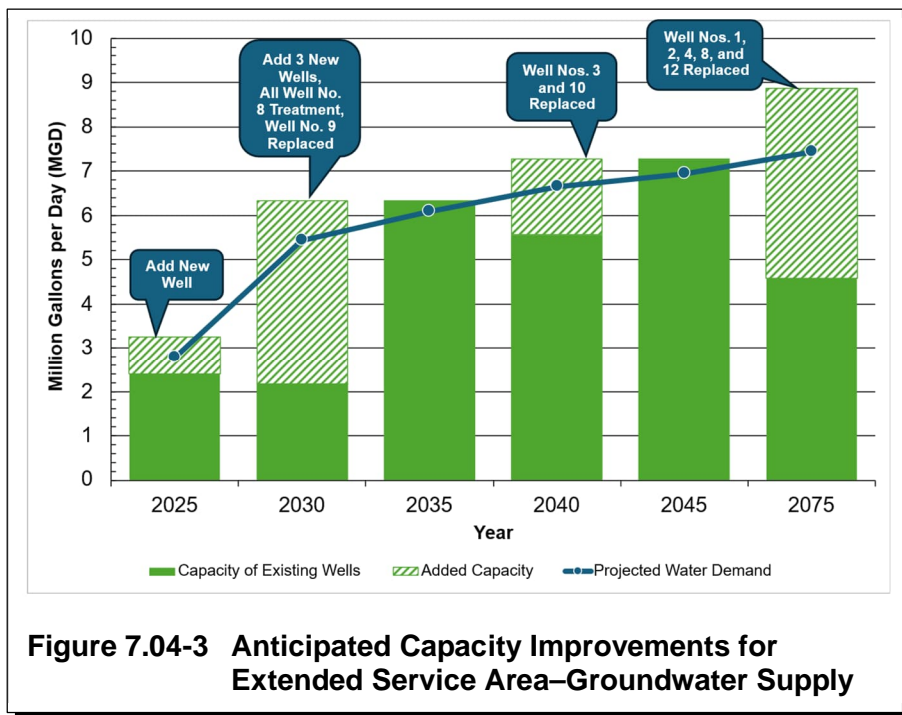


Figure 7.04-2 Anticipated Capacity Improvements for City Only–Groundwater Supply

B. Groundwater Needs for Extended Service Area

Figure 7.04-3 presents a summary of the supply capacity improvements required to meet demands by each design year for the extended service area if the groundwater supply system remains. Assuming that each new deep aquifer well could produce approximately 600 gpm (0.86 MGD), 12 wells, including replacement wells, would have to be added by 2075. The additional 12 wells may be either all newly drilled or some combination of newly drilled wells and existing wells owned and operated by the Village of Pewaukee. Note that capacity improvements include PFAS treatment added to Well No. 8 by 2030.



SECTION 8
INVENTORY OF WATER SUPPLIES IN THE REGION

8.01 OVERVIEW

According to WAC NR § 854.05(7) (2025), “Inventory and Identification of the sources and quantities of water supplies in the region. A [water supply service area] plan shall identify possible water supply alternatives available to the public, including... an inventory of alternative existing groundwater and surface water sources available in the region.” This section will provide an inventory of potential water supply options within the region and assess the general feasibility and capability of each to supply water to the projected service area during the planning period. Specific water supply alternatives are discussed in detail in Section 9.

8.02 GROUNDWATER FROM A COMBINATION OF SHALLOW AND DEEP AQUIFERS

The system is currently fed by a groundwater system that pulls from a combination of shallow and deep aquifer wells. One water supply option includes the City’s continued use of the groundwater aquifer, including drilling new wells as needed to keep up with needed capacity. Current withdrawals and water quality concerns from the deep and shallow aquifers are described in Section 4.

Emerging contaminant issues, namely PFAS, are a growing concern at the City’s existing shallow wells due to contamination of the source water within the Silurian Dolomite aquifer. Additionally, shallow aquifer wells are susceptible to surface contamination, including agricultural contamination and road salts. For these reasons, and because of the treatment required to manage PFAS at existing (and any potential future) shallow wells, all future wells are anticipated to be deep aquifer wells that draw from the Cambrian-Ordovician aquifer. Existing and potential future deep aquifer wells present their own set of unique water quality concerns, most notably, radium, which would be expected to require treatment.

The City has experienced difficulties locating sites for new wells due to proximity to existing surface contamination, wetlands, and land planned for development. Figure 8.02-1 presents a map of potential well sites based on a preliminary review of proximity known surface contamination and wetlands. Note that a well siting study is required to further evaluate the feasibility of potential future well sites. Actual future sites would also depend on land availability.

A. Infrastructure Needs—City Only

To meet the projected MDD of 5.05 MGD, an additional ten deep aquifer wells (including two new wells and eight replacements wells as existing wells reach the end of their useful lives) with approximate capacities of 600 gpm will be needed (as presented in Figure 7.04-2). All newly drilled well facilities are assumed to include RO treatment to manage radium and strontium. Additionally, existing shallow aquifer wells (Well Nos. 3, 4, 8, 10, and 12) are anticipated to require IX treatment to manage PFAS contamination. No additional storage would be required.

B. Infrastructure Needs—Extended Service Area

To meet the projected MDD of 7.43 MGD, an additional 12 deep aquifer wells (including four new wells and eight replacement wells as existing wells reach the end of their useful lives) with approximate capacities of 600 gpm will be needed (as presented in Figure 7.04-3). All newly drilled well facilities are assumed to include RO treatment to manage radium and strontium. Additionally, existing shallow aquifer

wells (Well Nos. 3, 4, 8, 10, and 12) are anticipated to require IX treatment to manage PFAS contamination. No additional storage would be required.

8.03 SURFACE WATER FROM LAKE MICHIGAN

The City and all evaluated service areas reside fully within Waukesha County. Waukesha County is considered a “straddling county,” meaning that some, but not all, of the county resides within the Great Lakes Basin. Figure 8.03-1 presents a map of the proposed service areas in relation to the border between the Great Lakes and Mississippi River Basins. Because the service areas reside entirely within a straddling county, the option of a diversion of Lake Michigan water is a potential alternative for future water supply. Several communities in the region purchase Lake Michigan water treated and sold by the City of Milwaukee (Milwaukee), including the Cities of Mequon, New Berlin, Waukesha, Wauwatosa, and West Allis, and the Villages of Brown Deer, Butler, Greendale, Menomonee Falls, Shorewood, and Thiensville.

Of the public water systems that use Lake Michigan water, the City of Waukesha (Waukesha) is the most feasible option for supplying the City with Lake Michigan water because the City borders Waukesha to the south. This option would take advantage of existing infrastructure that exists to supply water from Milwaukee Water Works (MWW) to Waukesha rather than requiring a new supply transmission main directly from MWW.

General practice for a municipal water system that is exclusively served by a wholesale provider is to maintain the equivalent of two ADDs in storage volume. This is to allow the City ample time to either restore service or get emergency wells up and operational in the event of a total service shutoff by the wholesale provider. Table 8.03-1 presents a summary of storage required to meet this standard through 2075, based on conservation water demands presented in Section 6. Added storage may consist of elevated storage or some combination of ground-level and elevated storage depending on available land and height limitations, in accordance with the applicable Airport Height Zoning Ordinance, Waukesha, County Ordinance, 149-O-111 (2025). Note that effective elevated storage for normal operation includes the total volume that could be used before services at relatively high ground elevations start to see operating pressures drop to less than 35 psi.

Year	Existing Effective Elevated Storage for Normal Operations (MG)	City Only		Extended Service Area	
		Total Storage Needed (MG)	Additional Storage Needed (MG)	Total Storage Needed (MG)	Additional Storage Needed (MG)
2035	0.296	3.69	3.39	5.51	5.21
2045	0.296	4.12	3.82	6.28	5.98
2075	0.296	4.59	4.29	6.73	6.43

MG=million gallons

Table 8.03-1 Storage Needs–Water Supply Alternative No. 2

A. Infrastructure Needs–City Only

In this scenario, an MDD of up to 4.54 MGD would be supplied from Lake Michigan, treated by MWW, sold to Waukesha, and resold to the City. It is assumed that hourly demand fluctuations and fire flow will be provided by the City through storage.

Figure 8.03-2 presents preliminary concepts for infrastructure needed to support this alternative. Based on preliminary water modeling of the City's system, a single pumping station at Waukesha Water Utility's (WWU) existing Well No. 10 site (which is planned to be abandoned) could support all the needed flow to the City's Main Zone from the WWU Central Zone. For added redundancy, an additional metering station with an approximate capacity of 1,200 gpm is anticipated that would pull from WWU's Northwest Zone at or around the site of the Pewaukee Golf Club, based on land availability. Additionally, approximately 10,000 linear feet (LF) of water main extensions are anticipated to support flow from both interconnects with the City's Main Zone.

Sodium hypochlorite and ammonium sulfite feed systems are anticipated to be included at the Well No. 10 and Pewaukee Golf Club stations to provide adequate rechloramination and support residual chloramine levels throughout the system.

The Rolling Ridge neighborhood is anticipated to be served by the City within the planning period but would operate at a higher hydraulic grade than the City's Main Zone. A small metering station designed to support the maximum demand at Rolling Ridge, which is projected to be 50 gpm, would pull from WWU's Pebble Valley Zone, which operates at an appropriate HGL for serving Rolling Ridge.

Approximately 4.29 MG of added storage is anticipated to be required by 2075 to provide a minimum of 2 ADDs, as presented in Table 8.03-1.

In addition to water supply and storage infrastructure, sewer collection and wastewater treatment infrastructure must be considered in order to provide return flow in accordance with the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact). Potential options for returning the equivalent of 1 ADD of flow back to the basin are evaluated in Section 9.

B. Infrastructure Needs—Extended Service Area

In this scenario, up to 6.69 MGD would be supplied from Lake Michigan, treated by MWW, sold to Waukesha, and resold to the City. It is assumed that hourly demand fluctuations and fire flow will be provided by the City through storage.

Figure 8.03-2 presents preliminary concepts for infrastructure needed to support this alternative. In addition to water supply and return flow infrastructure anticipated to serve the City only, approximately 9,500 LF of water main along Bluemound Road and Pewaukee Road is anticipated to require upsizing to support peak flows.

Approximately 6.43 MG of added elevated storage is anticipated to be required by 2075 to provide a minimum of 2 ADDs, as presented in Table 8.03-1.

8.04 SURFACE WATER FROM LOCAL QUARRIES

Four local quarries are located within close proximity to the City. Two limestone quarries are located within Lisbon but border the City, and two quarries are located within the City's municipal boundary. Currently, no public water systems in Wisconsin receive their water supply from one or more quarries. Preliminary concepts described in the following were assessed, and according to preliminary conversations between Strand and representatives for the several local quarries, the maximum daily flow for the City and the extended service areas could be achieved by 2075.

However, several concerns have been raised regarding the feasibility of this alternative, which are described in the following.

Several contamination and water quality concerns have been raised. The quarries' water supply is the result of dewatering in the shallow aquifer and is subject to similar contamination potential as the City's existing groundwater supplies that the City is seeking to remedy, specifically PFAS. Additionally, the quarries anticipate remaining active through at least 2075 with the operation of industrial equipment and trucks. While emergency spill response plans are in place, active operations do present the potential for industrial contamination that could reach the source water.

As noted in the City of Waukesha Application for a Lake Michigan Diversion with Return Flow (Waukesha Diversion Application) prepared by CH2M (formerly CH2M HILL, Inc.) in 2013, the quarries collect rainwater, surface water runoff, and groundwater, and pump it into the Fox River. This alternative may reduce the base flow to the Fox River, which could have negative environmental implications.

City staff and quarry owners have concerns regarding ownership and chain of custody regarding the source water. Specifically, the quarries currently own and operate the dewatering pumps that produce the water. Dewatering pumps are operated with the intent to manage and maintain working areas of the quarries and to provide wash water for the aggregates and dust control. Either the City would need to rely on the quarry operators to produce enough source water, or the City would need to take ownership of the pumps and obtain easements within the active quarries to operate the pumps according to its needs. Quarry operators are concerned that providing source water to a municipal drinking water system could subject them to requirements that could be prohibitive to their continued operation. The City is concerned that sourcing water from a private entity could present several operational and legal challenges such as seasonal fluctuations in source water availability, potential for future quarry ownership or operational changes, and the potential for City operations to cause a disruption to quarry operations.

Because of these factors, this alternative is not considered feasible and was not evaluated further.

A. Infrastructure Needs–City Only

In this scenario, up to 5.05 MGD would be supplied from a combination of local quarries and regulated as conventional surface water. Treatment would be anticipated to include rapid mix, flocculation, sedimentation, conventional filtration, and advanced treatment, such as RO, to address potential surface contamination. Figures 8.04-1 and 8.04-2 present preliminary concepts and locations for water treatment plants (WTP) with a quarry supply. This alternative includes two surface WTPs at approximately the locations indicated in Figures 8.04-1 and 8.04-2 and approximately 10,000 LF of raw water main.

B. Infrastructure Needs—Extended Service Area

In this scenario, up to 7.43 MGD would be supplied from a combination of local quarries. Figures 8.04-1 and 8.04-2 present preliminary concepts and locations for WTPs with a quarry supply. Treatment would be anticipated to include rapid mix, flocculation, sedimentation, conventional filtration, and advanced treatment, such as RO, to address potential surface contamination. This alternative includes two surface WTPs at approximately the locations indicated in Figures 8.04-1 and 8.04-2 and approximately 10,000 LF of raw water main.

8.05 SURFACE WATER FROM PEWAUKEE LAKE

Pewaukee Lake is located within the City, the Village of Pewaukee, and the Town of Delafield. The City borders approximately 38 percent of the lake's 14 mile shoreline. Pewaukee Lake has a surface area of approximately 2,500 acres and contains approximately 12 billion gallons of water. Preliminary concepts described in the following were assessed for feasibility. The lake's source water is precipitation to the lake, surface runoff from the lake's 13,432-acre¹ watershed, and infiltration from the shallow sand and gravel aquifer. By 2075, total annual water use is projected be 0.93 billion gallons for the City only, or 1.37 billion gallons for the extended service area. The 12 billion gallons of total volume in Pewaukee Lake may be able to supply projected demands, but extended dry weather events will limit supply. For the City only or the extended service area, 1 week of dry weather could cause the lake's level to drop 0.25 or 0.5 inch, respectively. The rate of withdrawal for the City could further impact lake levels by approximately 7 inches during a 3-month period in addition to normal lake level drops associated with drought. An in-depth analysis of lake levels, including seasonal fluctuations and impacts of multiple consecutive drought years, was not conducted. However, the volume of water required would threaten the minimum lake level and flow requirements in the WDNR order to the Village of Pewaukee as the dam operator. Additionally, because Pewaukee Lake is currently a recreational body of water, there is the potential for pushback from landowners and the potential for contamination from the use of motorized boats. Because of these factors, this alternative is not considered feasible and was not evaluated further.

A. Infrastructure Needs—City Only

In this scenario, up to 5.05 MGD would be supplied from Pewaukee Lake and treated at a conventional surface WTP adjacent to the lake at approximately the location indicated on Figure 8.05-1. Treatment would be anticipated to include rapid mix, flocculation, sedimentation, conventional filtration, and advanced treatment, such as RO, to address potential surface contamination. The alternative also includes approximately 2,000 LF of raw water main between the lake intake and the WTP.

B. Infrastructure Needs—Extended Service Area

In this scenario, up to 7.43 MGD would be supplied from Pewaukee Lake and treated at a conventional surface WTP adjacent to the lake at approximately the location indicated on Figure 8.05-1. Treatment would be anticipated to include rapid mix, flocculation, sedimentation, conventional filtration, and advanced treatment, such as RO, to address potential surface contamination. The alternative also includes approximately 2,000 LF of raw water main between the lake intake and the WTP.

¹Southeastern Wisconsin Regional Planning Commission (SEWRPC), "A Lake Management Plan for Pewaukee Lake", *SEWRPC Community Assistance Planning Report No. 58 (3rd Edition)* (2020): 13.

8.06 SURFACE WATER FROM FOX RIVER

The Fox River is located on the southeast side of the City. The Fox River flows through Illinois to the Illinois River and eventually to the Mississippi River. The flow records indicate that the average daily flow from the 1990 to 2000 was 76 MGD². This is equivalent to 27.7 billion gallons per year on average. The Fox River water quality has been collected in the past and generally shows that the water is suitable for water supply with adequate treatment. The Fox River is currently categorized as recreational waters. If the Fox River would be used as a municipal water source, the designation would change, and this would require stricter wastewater treatment plant effluent limitations and increased compliance costs for wastewater plants discharging into it. Preliminary concepts described in the following were assessed for feasibility.

The Fox River can experience dramatic changes in flow seasonally, as well as changes from dry to wet years. In July 1988, total river flow fell below 10 MGD for multiple weeks³, falling below the projected 2075 MDD of 7.43 MGD for at least 1 day. Existing base flow concerns at multiple points in the Fox River have been reported. One example provided by SEWRPC includes the drought experienced during summer 2012 in which the river's stream gage in Waukesha dropped 2.63 feet, which was among the lowest river stage ever recorded by the gage⁴. Using the Fox River as a primary or sole water supply for the City or extended service area would have the potential to exacerbate drought conditions at the river and would risk the ability of the City to provide adequate supply to its customers. For these reasons, this alternative is not considered feasible and was not evaluated further.

A. Infrastructure Needs—City Only

In this scenario, up to 5.05 MGD would be supplied from the Fox River and treated at a conventional surface WTP adjacent to the river at approximately the location indicated on Figure 8.06-1. Treatment would be anticipated to include rapid mix, flocculation, sedimentation, conventional filtration, and advanced treatment, such as RO, to address potential surface contamination. The alternative also includes approximately 2,000 LF of raw water main between the lake intake and the WTP.

B. Infrastructure Needs—Extended Service Area

Figure 8.06-2 presents the average and maximum daily flows required to meet the City's projected demands through 2075. In this scenario, up to 7.43 MGD would be supplied from the Fox River and treated at a conventional surface WTP adjacent to the river at approximately the location indicated on Figure 8.06-1. Treatment would be anticipated to include rapid mix, flocculation, sedimentation, conventional filtration, and advanced treatment, such as RO, to address potential surface contamination. The also alternative includes approximately 2,000 LF of raw water main between the lake intake and the WTP.

²CH2M, et al, "Future Water Supply," (2002): 2-13.

³CH2M et al, "Future Water Supply," (2002): 2-16.

⁴SEWRPC, "Fox (Illinois) River Watershed Mitigation Plan", *SEWRPC Community Assistance Planning Report No. 343* (2023).

8.07 SUPPLY FROM OTHER NEIGHBORING UTILITIES

Several other utilities neighbor the City, including the City of Brookfield, the Town of Brookfield, and the Village of Sussex. Each utility was assessed preliminarily to determine whether they may be capable of providing supply to the City or the entire extended service area during the planning period. Note that all neighboring utilities listed in the following likely present similar challenges to the City's existing water quality concerns.

A. The City of Brookfield

The City of Brookfield owns and operates a public water system supplied by 22 raw water supply wells that provide a firm capacity of 12 MGD (8,050 gpm) with its largest well out of service. As reported to PSCW, in 2024, the City of Brookfield used an average of 3.61 MGD and experienced an MDD of 5.34 MGD.

B. The Town of Brookfield Sanitary District No. 4

The Town of Brookfield Sanitary District No. 4 (Town of Brookfield) owns and operates a public water system supplied by six raw water supply wells. As presented in the *Water System Study Update* prepared by Strand in July 2025, the six wells provide an existing firm capacity of 2.33 MGD (1,620 gpm). The Town of Brookfield does not currently have plans to increase its supply capacity through 2037, and it does not have the reserve capacity to supply the City or the extended service area. This alternative was not assessed further.

C. The Village of Sussex

The Village of Sussex owns and operates a public water system supplied by five raw water supply wells that provide a firm capacity of 0.86 MGD (600 gpm) with the largest well out of service. The system does not have the reserve capacity to supply the City or the extended service area. This alternative was not assessed further.

D. Other Municipalities

Other neighboring municipalities, including the Village of Lisbon, the Village of Waukesha, and the Town of Delafield, do not operate water utilities and, therefore, could not feasibly serve the City or extended service areas.

City of Pewaukee - New Agenda Item

Agenda Language:

Discussion on the project update for the Gun Club Lift Station replacement project

Sub Item Agenda Language:

Background Provided By:

Jane E. Mueller

Background:

The new Gun Club Lift Station was fully placed into service on Tuesday, September 30th, following completion of the final sewer force main connection.

As of Wednesday October 15th, several run sensors in the backup generator have failed, rendering the generator inoperable. A general contractor is procuring a rental generator to ensure continuous emergency backup power for this critical lift station.

Aside from the generator problem, we are working through some relatively minor issues with programming controls and alarm set points with the subcontractor and our integration team.

A site visit with the Committee will be scheduled in the coming months, depending on weather conditions.

Delayed Watertown Road Opening:

1. The project included replacement of an existing manhole located at the south road right-of-way, essentially within the driveway to the lift station. The contractor excavated the site on a Thursday in early September in preparation for manhole replacement for the following Monday. Utility staff were on site on Friday mid-morning. When the contractor returned to the site on Monday, a portion of the asphalt road had collapsed adjacent to the manhole excavation.
2. The sewer force main connection delays. The Village of Pewaukee owns two parallel sewer force mains (20" and 30") that run down the center of Watertown Road from Forest Grove Road to the Brookfield Treatment Plant. The City has two lift stations connected to these mains, which are typically under constant low pressure. City and Village Utility staff made multiple attempts to operate valves and release the pressure in order to drain both of these force mains and allow the contractor to remove the old connections and tie in the new connections. Ultimately, a company was hired to cut in a "line stop" at each connection point, enabling the new lines to be connected.
3. Both issues are expected to result in Change Orders for the project. These costs have not yet been determined.

Fiscal Impact:

Low bid \$6,209,036.50 plus Change Orders to be determined.

Recommended Motion:

No action. For informational purposes.





City of Pewaukee - New Agenda Item

Agenda Language:

Status update PFAS Pilot Study Well #8

Sub Item Agenda Language:

Discussion and possible action on the status update PFAS Pilot Study Well #8.

Background Provided By:

Jane E. Mueller

Background:

The Utility is continuing operation of the ion exchange pilot system. So far, the system has been removing PFAS to non-detectable levels since it was placed into service earlier this summer. The original pilot configuration used two vessels: one containing ion exchange resin alone, and the other containing ion exchange resin combined with an iron removal pretreatment additive called OxiPlus. However, iron in the water continues to accumulate on the resins, causing differential pressure on the vessels.

Last week, Water Surplus, the pilot system provider, added a third column to test the use of a product called SandPlus. SandPlus has been used successfully at another facility to minimize the solids build-up on the resin.

The pilot study will continue for several months, until PFAS is detected in the effluent water from the treatment devices. The results will help determine the useful life of the ion exchange media which will help us determine the design parameters for the PFAS treatment system.

Fiscal Impact:

Recommended Motion:

For information only.

City of Pewaukee - New Agenda Item

Agenda Language:

Discussion and possible action regarding possible tree replanting within the City's right-of-way

Sub Item Agenda Language:

Background Provided By:

Magdelene Wagner

Background:

In 2022, the City completed a complete tree inventory on all City-owned and maintained lands. For the last several years, our focus has been concentrated on removing dead and diseased trees. A large contract for this is currently being bid for winter removals.

The next phase of our Forestry plan is for tree replanting. Attached are the relevant portions of the report related to this phase.

Before implementing a replanting plan, staff need parameters to create and plan for future budgets for this process. The 2022 inventory identified areas within the City's right-of-way that could accommodate new trees. However, it should be noted that the identified locations did not account for existing private or public utility locations. It is not good practice to place trees in areas where utilities are located directly adjacent, as this can lead to future maintenance conflicts and accessibility issues the trees would pose.

While the City has removed a number of trees from the right-of-way, these trees were not planted by the City, but rather they grew naturally or were planted by residents. While everyone benefits from these trees until it is time to remove them, they become a community liability and the City has to pay the cost for the removal. Additionally, if a known hazardous tree is not removed, the City may be liable for any damage it may cause.

The City's right-of-way is home to many things in a limited space. This includes roadways, curbs, sidewalks (albeit limited), trails, sanitary sewer pipes and manholes, water main pipes, valves, and hydrants, as well as storm sewer manholes, inlets, and end sections or drainage ditches, and various utility facilities such as electric, gas, and telecommunications. It is a very busy place in a limited space!

Tree planting within the City's right-of-way has historically been very limited due to these challenges. In addition, the City's past unofficial policy has been to keep the right-of-ways clear to limit the maintenance and staff responsibilities associated with street trees. The City has encouraged developers of the subdivisions, business parks, and industrial parks to include trees as part of their private landscaping rather than within the

right-of-way. Many subdivisions require a minimum of one tree to be planted in the front yard of each lot (serving as their "street tree"). Some subdivisions have planted boulevards and cul-de-sac plantings, which can present issues as the trees mature, which require trimming so they do not scratch or damage vehicles or impede sightline distances.

Questions Staff need answered:

- 1. Does the City want to create a street tree planting plan?
- 2. Does the City want to require developers to provide street trees on current or future developments?
- 3. Does the City want to create a park replanting plan in addition to (or in place of) the street replanting plan?
- 4. Are there parameters to the replanting plan or locations?
- 5. Is there a preference on tree species?
- 6. A street tree planting should also include an ordinance for the minimum requirements for tree planting and maintenance of these trees. This would also incorporate the current ordinances (see attached) and include language on private trees with disease and maintenance requirements for known deficiencies or diseases or nuisances.
- 7. Does the City want to create a Certified Arborist position or hire a consultant to function as the City Forester? Is there a staff member who has these qualifications currently?

Fiscal Impact:

Varies depending on policy.

Recommended Motion:

Committee to recommend direction for creation of a policy and/or ordinance on tree planting.

City of Pewaukee, WI
Sunday, October 19, 2025

Chapter 253. Nuisances and Property Maintenance

§ 253-7. Dutch elm disease.

A. Definition. As used in this section, the following terms shall have the meanings indicated:

NUISANCE

- (1) All species and varieties of elm trees (trees of genus *Ulmus*) infected with the fungus known as "Dutch elm disease" (*Ceratostomella ulmi*), as determined by laboratory analysis by the Section of Applied Botany and Plant Pathology, Natural History Survey, or by laboratories approved by said agency, are hereby declared to be a public nuisance.
 - (2) All species and varieties of elm trees that are dead or substantially dead and all dead elm wood to which the bark is still attached, which, because of their condition, may serve as a breeding place for the European elm bark beetle (*Scolytus multistriatus*) and the native elm bark beetle (*Hylurgopinus rufipes*), or any other carrier of said disease, are hereby declared to be a public nuisance.
- B. Enforcing officer. The Forester shall perform the duties set forth in this section and shall enforce the provisions of this section. He/she may have such assistance as the City shall from time to time provide for.
- C. Abatement of nuisance by owner of property. It shall be unlawful for any owner of any lot or parcel of land in the City to permit or maintain on any such lot or parcel of land any dead elm wood or elm tree which is a public nuisance as defined herein, and it shall be the duty of the owner of such to promptly remove and burn any such elm tree or dead elm wood under the supervision and direction of the Forester.
- D. Inspections. The Forester is authorized and empowered to enter upon any lot or parcel of land in the City at any reasonable hour for the purpose of inspecting any elm trees or dead elm wood situated thereon, and he may remove such specimens from any such trees as are required for the purposes of the laboratory analysis referred to in this section, or to determine whether such tree because it is dead, or substantially dead, may serve as a breeding place for any carrier of Dutch elm disease. It shall be unlawful for any person, firm or corporation to take any action to prevent the Forester from entering on any lot or parcel of land in the City for the purpose of such inspection or to interfere with the Forester in the performance of any of his duties provided for under the provisions of this section.
- E. Notice to owner.
- (1) If, on laboratory analysis of specimens removed from any elm tree by the Forester, it is determined that such tree is a public nuisance as provided herein, or if the Forester determines that any dead or substantially dead elm trees or dead elm wood is a public nuisance as provided herein, the Forester shall serve or cause to be served upon the owner of record of the lot or parcel of land on which such tree or dead elm wood is located a written notice requiring such owner to comply with the provisions of this section. Said notice shall state that a due process hearing as established by Chapter 5, Administrative Review, of the City Code may be requested within five days of the receipt of the notice in writing to the Forester. If any person, firm or corporation upon which such notice is served fails, neglects or refuses to remove and

destroy by burning such elm tree or dead elm wood within 10 days after service of such notice, the Forester may proceed to remove and burn such tree or dead elm wood and assess the cost thereof against the owner of such lot or parcel of land and the amount of such cost shall be paid by the owner to the City.

- (2) Service of notice provided for in this section shall be by personal service if the owner of the lot or parcel of land on which an infected elm tree is located is a resident of the City. If such owner cannot be found in the City of Pewaukee or is a nonresident of said City, written notice shall be served by certified mail.
- F. Payment of costs. If the City removes from any lot or parcel of land in the City any infected, dead or substantially dead elm tree or dead elm wood, which is a public nuisance as provided by this section, the assessment of the cost of the work done by the City against the owner of the lot or parcel of land involved shall be in addition to the penalties imposed herein for any violation or noncompliance with any provision of this section.
- G. Abatement of nuisance by City. Any elm tree or dead elm wood on property owned by the City which is a public nuisance as defined in this section shall be promptly removed and burned under the supervision of the Forester at the expense of the City.^[1]

[1] *Editor's Note: Original § 7.05, Noxious weeds, which immediately followed this section, was repealed by Ord. No. 05-11.*

City of Pewaukee, WI
Sunday, October 19, 2025

Chapter 253. Nuisances and Property Maintenance

§ 253-5. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of § **253-2**:

- A. Signs, billboards, etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- B. Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the Code of the City of Pewaukee relating to materials and manner construction of buildings and structures within the City.^[1]
[1] Editor's Note: See Ch. 137, Building Construction.
- C. Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance, or manner of operation interferes with the effectiveness of any such device, sign or signal.
- D. Obstruction of intersection. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- E. Tree limbs. All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than 10 feet above the surface of a public street.
- F. Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and Code of the City of Pewaukee.^[2]
[2] Editor's Note: See Ch. 202, Fireworks.
- H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- I. Wires over streets. All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.
- J. Noisy animals or fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb two or more persons within the City.
- K. Unlawful assembly. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

- L. Snow and ice removal. All ice not removed from public sidewalks and all snow not removed from public streets within 12 hours after it has ceased to fall thereon.
- M. Animals.
[Amended 12-4-2017 by Ord. No. 17-10]
 - (1) Keeping, harboring, securing or failing to secure any domestic or wild animal in any manner which promotes or causes a nuisance as defined in § 253-2.
 - (2) Feeding of wild animals and waterfowl prohibited. No person shall give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting, or enticing wildlife or wild animals, including any animal which is not normally domesticated in this state, including but not limited to bears, coyotes, deer, foxes, rodents, groundhogs, opossums, raccoons, skunks, and the like, or waterfowl, including but not limited to ducks, geese, swans, herons, and egrets. This prohibition shall not include baiting in the legal taking of fish and/or game.

§ 253-7. Dutch elm disease.

- A. Definition. As used in this section, the following terms shall have the meanings indicated:

NUISANCE

- (1) All species and varieties of elm trees (trees of genus *Ulmus*) infected with the fungus known as "Dutch elm disease" (*Ceratostomella ulmi*), as determined by laboratory analysis by the Section of Applied Botany and Plant Pathology, Natural History Survey, or by laboratories approved by said agency, are hereby declared to be a public nuisance.
 - (2) All species and varieties of elm trees that are dead or substantially dead and all dead elm wood to which the bark is still attached, which, because of their condition, may serve as a breeding place for the European elm bark beetle (*Scolytus multistriatus*) and the native elm bark beetle (*Hylurgopinus rufipes*), or any other carrier of said disease, are hereby declared to be a public nuisance.
- B. Enforcing officer. The Forester shall perform the duties set forth in this section and shall enforce the provisions of this section. He/she may have such assistance as the City shall from time to time provide for.
 - C. Abatement of nuisance by owner of property. It shall be unlawful for any owner of any lot or parcel of land in the City to permit or maintain on any such lot or parcel of land any dead elm wood or elm tree which is a public nuisance as defined herein, and it shall be the duty of the owner of such to promptly remove and burn any such elm tree or dead elm wood under the supervision and direction of the Forester.
 - D. Inspections. The Forester is authorized and empowered to enter upon any lot or parcel of land in the City at any reasonable hour for the purpose of inspecting any elm trees or dead elm wood situated thereon, and he may remove such specimens from any such trees as are required for the purposes of the laboratory analysis referred to in this section, or to determine whether such tree because it is dead, or substantially dead, may serve as a breeding place for any carrier of Dutch elm disease. It shall be unlawful for any person, firm or corporation to take any action to prevent the Forester from entering on any lot or parcel of land in the City for the purpose of such inspection or to interfere with the Forester in the performance of any of his duties provided for under the provisions of this section.
 - E. Notice to owner.
 - (1) If, on laboratory analysis of specimens removed from any elm tree by the Forester, it is determined that such tree is a public nuisance as provided herein, or if the Forester determines that any dead or substantially dead elm trees or dead elm wood is a public nuisance as

provided herein, the Forester shall serve or cause to be served upon the owner of record of the lot or parcel of land on which such tree or dead elm wood is located a written notice requiring such owner to comply with the provisions of this section. Said notice shall state that a due process hearing as established by Chapter 5, Administrative Review, of the City Code may be requested within five days of the receipt of the notice in writing to the Forester. If any person, firm or corporation upon which such notice is served fails, neglects or refuses to remove and destroy by burning such elm tree or dead elm wood within 10 days after service of such notice, the Forester may proceed to remove and burn such tree or dead elm wood and assess the cost thereof against the owner of such lot or parcel of land and the amount of such cost shall be paid by the owner to the City.

- (2) Service of notice provided for in this section shall be by personal service if the owner of the lot or parcel of land on which an infected elm tree is located is a resident of the City. If such owner cannot be found in the City of Pewaukee or is a nonresident of said City, written notice shall be served by certified mail.
- F. Payment of costs. If the City removes from any lot or parcel of land in the City any infected, dead or substantially dead elm tree or dead elm wood, which is a public nuisance as provided by this section, the assessment of the cost of the work done by the City against the owner of the lot or parcel of land involved shall be in addition to the penalties imposed herein for any violation or noncompliance with any provision of this section.
- G. Abatement of nuisance by City. Any elm tree or dead elm wood on property owned by the City which is a public nuisance as defined in this section shall be promptly removed and burned under the supervision of the Forester at the expense of the City.^[1]

[1] *Editor's Note: Original § 7.05, Noxious weeds, which immediately followed this section, was repealed by Ord. No. 05-11.*

Once the problems are corrected, not budgeting to this area may save money for a year or two. However, problems will reappear needing more money to correct and compromising the safety of citizens. The most cost effective and safe way to manage trees is with routine maintenance pruning. You don't wait for trucks to breakdown before changing the oil because usually it is too late by then! Tree maintenance prevents problems, extends the life of the tree and reduces costs.

v. Tree Planting (see Table 4)

The City currently plants approximately 10-12 park trees per year. This number is insufficient based on the number of potential vacant planting sites (300) being available. These sites have been identified in the street tree inventory. Using the visual mapping information in GIS, management can readily discern where the greatest need for future plantings should take place. It is important to continue introducing new tree species into the street tree population to keep and improve the diversity of the population.

If the City uses outside contractors for planting, a primary focus should be to establish planting and aftercare specifications (see **Appendix F – Planting Specifications**) that will be adhered to by all private contractors planting in the public ROW. Inspection and enforcement of the specifications is critical at planting time.

It is recommended that a community wide planting plan be developed after the highest priority tree problems are corrected (2025 or 2026). Do not use conifers for street side planting, eliminate planting *Acer* (Maples) and *Fraxinus* (Ash) and continue to add more variety in species planted. There are many options to help fund planting; from involving community groups, grants for planting, partnerships with businesses, projects tied to highway work, etc.

The planting that does take place should only be trees from the list of Recommended Tree Planting List (**Appendix B: Tree Species Recommendations**). This is set up to ensure that the proper size tree is used under utility wires or in a narrower tree terrace situation.

Better quality (single leader) planting stock should be specified and required when ordering nursery stock. The City should expect to receive quality nursery stock from its suppliers that do not exhibit poor structural problems. By using quality nursery stock, the City will be able to reduce the amount of training pruning time spent correcting problems created in the nursery. This is best accomplished by purchasing plant material from nursery firms that are members of the Wisconsin Nursery and Landscape Association (WNLA).

vi. Tree Stake Removal (see Table 4)

There are 16 sites where tree stakes were still in place supporting younger trees. Stake removal is important to prevent potential damage to the trunks of these trees. If the stakes are left on too long and are extremely taut, there is a risk of girdling taking place and causing restriction of water and nutrient flow between the roots and crown, potentially leading to dieback in the crown.

**Public Tree Inventory Report & Management Plan
For the City of Pewaukee, WI
By Wachtel Tree Science (262)538-1900
October 2022**

MD	Mechanical Damage	trunk wound from mechanical damage (mower damage, struck by cars, construction damage, etc.), BW and/or TW
MS	Multi-stemmed	stems originate from ground level
ND	Nutrient Deficiency	mostly chlorosis
OG	Overgrowing Growthspace	usually large tree in narrow terrace, roots over growing sidewalk/curb
OS	Overshadowed	street trees where private tree dominates public tree's canopy
PL	Poor Location	poor location
PP	Pest Problem	list pest problem under NOTES (apple scab, target canker, etc.)
PS	Poor Structure	IB, LC, significant CT
RD	Root Damage	visible root damage and assumed damage from new construction
RP	Raised Planter	raised planter
RR	Root Rot	visible root decay or fruiting bodies
SP	Sucker Present	canopy water sprouts/suckers, note when vigorous for species
TP	Topped	topped
TS	Trunk Split	unsealed wound/split in trunk, usually remove Within One Year, call client contact to notify
TW	Trunk Wound	visible/open wound on trunk, actively sealing, don't have to include typical frost cracks (for species such as Norway Maples)
UP	Utility Pruned	tree was pruned for utility clearance
WA	Wooded Area	should already be noted in tree location
WG	Weak Growth	recent growth is less than expected for species profile

VACANT PLANTING SITES

Locate vacant planting sites within the following parameters:

terrace width of 5 feet (1.5 meters) or greater that have curb, sidewalk and grass.

- Street tree Growth Spaces with terrace widths that are open, greater than 5 feet, boxout/grate or behind walk that have a curb, sidewalk and grass
- In medians and Growth Spaces not listed above only inventory existing trees, no vacant planting sites will be located
- Vacant planting sites must be spaced 40 feet (12.2 meters) on center
- No overhead restrictions
- Minimum of 5 feet (1.5 meters) from water/gas laterals
- Minimum of 10 feet (3.0 meters) from driveways
- Minimum of 10 feet (3.0 meters) from utility poles
- Minimum of 10 feet (3.0 meters) from hydrants
- Minimum of 10 feet (3.0 meters) from other miscellaneous obstacles (signage, flag poles, fencing etc.)
- Minimum of 50 feet (15.2 meters) from intersections (watch vision triangles!!)

- In the event of an inventory update, if an existing yard or private tree conflicts with a potential planting site, show as a “no plant site” and list reason in Notes
- For vacant planting sites, include the following information:
 - Inspection Date
 - Species - Common, Vacant
 - Location - Street
 - Growth Space - Open, 5 ft +, Boxout, Grate, Behind Walk
 - Primary Maintenance Needs - Plant
 - Work Priority - OK
 - Work Priority managed separately/differently from other maintenance needs

STUMPS

Inventory all stumps in the Right-Of-Way (R.O.W.), selected parks and public properties.

- For stumps, include the following information:
 - Inspection Date
 - Species - Common, Stump
 - Location -
 - Growth Space - Open, 5 ft +, Boxout, Grate, Behind Walk
 - Diameter - diameter of the stump
 - Primary Maintenance Needs - Remove Stump
 - Work Priority - Within One Year
 - Include other information as needed to identify whether or not it would make a suitable planting site

management. It is easier to train someone to run a lawn mower than it is to train a person to perform proper pruning. Improper pruning can have long term negative impacts on tree health and City budgets.

An area that is not seen as a problem is wood residue utilization. Currently wood residues generated by City forestry operations are utilized by residents or stored at the old City dump.

C. Inventory Summary – All Public Trees

The City of Pewaukee has an urban forest that needs improvement within species diversity, size distribution and condition ratings. All of these components can be improved with focused management over the years.

The distribution of size classes is a bell curve showing an uneven aged forest with few young trees (23%) within the 1 to 6-inch diameter classes. 58% of trees are in the established and fast growing 6 to 18-inch diameter classes. An uneven aged forest is ideal because as the older age tree classes succumb to mortality and removal, there are numerous young healthy trees that will continue to grow and preserve benefits provided by the overall urban forest. The City can improve on their current situation by committing to increased tree planting that will bolster future population growth.

Approximately 88% of public trees have condition ratings 70% or lower. This is concerning. Improvements can be made using training, routine and safety pruning. Focus should be placed on safety pruning which can eliminate hazards and training pruning which can correct structural issues improving the health of the tree and reducing future maintenance costs.

Overall, the City has okay species diversity that comes close to meeting the current tree diversity recommendations. There should be no future planting of *Acer* (Maples) *Picea* (Spruce) and *Fraxinus* (Ash).

Maple trees make up a large portion (20%) of the overall forest. Norway Maple is the main maple species in the City. Norway maples tend to have co-dominant stems, a poor structural condition. Norway maples are also prone to girdling roots and also tend to have poor structure.

Plant species that are not currently represented in the inventory or have very low numbers but have unique attributes and necessary hardiness include: Swamp White x Bur Oak hybrid, Bitternut Hickory, Ohio Buckeye, Baldcypress, and Ironwood.

Appendix B: Tree Species Recommendations

RECOMMENDED TREE PLANTING LIST

This list is provided as a guide to some of the most appropriate trees for urban settings in USDA Hardiness Zone 5b for the City of Pewaukee. There is no single perfect tree. These species have been selected for use in our demanding street tree situations. There is a larger group of plants that would grow very well in the City of Pewaukee and should be considered for other landscape uses (parks, etc.). Before selecting any particular species or variety, each site should be evaluated as to: rooting space, soil texture, soil pH, drainage, exposure, overhead wires, and surrounding buildings (crown space). The most important thing to remember is to plant the right tree in the right place.

SMALL TREES (Below 30' Maximum Height) – Acceptable trees for terraces with overhead power lines and/or if terrace is 3-5 feet wide. May be planted in wider terraces.

Scientific Name	Common Name	Cultivars
<i>Amelanchier arborea</i>	Downy Serviceberry	
<i>Amelanchier x grandiflora</i>	Apple Serviceberry	Autumn Brilliance', 'Robin Hill'
<i>Amelanchier laevis</i>	Allegheny Serviceberry	'Cumulus', 'Lustre'
<i>Carpinus caroliniana</i>	American Hornbeam	'Firespire'
<i>Crataegus crusgalli inermis</i>	Thornless Cockspur Hawthorn	
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	
<i>Crataegus viridis</i>	Winter King Hawthorn	'Winter King'
<i>Maackia amurensis</i>	Amur Maackia	'Starburst'
<i>Malus spp.</i>	Flowering Crabapple	'Adirondack', 'Bob White', 'Harvest Gold', 'Jackii', 'Prairiefire', 'Professor Sprenger', 'Red Bud', 'Royal Raindrops', 'Sugar Tyme'
<i>Ostrya virginiana</i>	Ironwood	
<i>Syringa pekinensis</i>	Peking Lilac	China Snow'
<i>Syringa reticulata</i>	Japanese Tree Lilac	Ivory Silk', 'Summer Snow'

MEDIUM TREES (30’-45’ Maximum Height) – Acceptable trees for terraces that are 5-8 feet wide. May be planted in wider terraces.

Scientific Name	Common Name	Cultivars
<i>Aesculus carnea</i>	Red Horsechestnut	‘Ft. McNair’
<i>Aesculus glabra</i>	Ohio Buckeye	‘Sunset’
<i>Cladrastis kentuckea</i>	American Yellowwood	
<i>Sorbus alnifolia</i>	Korean Mountain Ash	

LARGE TREES (Above 45’ Maximum Height) – Acceptable trees for terraces 8 foot and wider.

Scientific Name	Common Name	Cultivars
<i>Aesculus octandra</i>	Yellow Buckeye	
<i>Carya cordiformis</i>	Bitternut Hickory	
<i>Celtis occidentalis</i>	Hackberry	Prairie Pride', ‘Chicagoland’
<i>Cercidiphyllum japonicum</i>	Katsuratree	
<i>Corylus colurna</i>	Turkish Filbert	Autumn Gold'
<i>Eucommia ulmoides</i>	Hardy Rubber Tree	
<i>Ginkgo biloba</i>	Ginkgo (male only)	Autumn Gold', 'Magyar', 'Princeton Sentry'
<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	Imperial', 'Shademaster', 'Skyline/Skycole', 'Sunburst', 'Street Keeper/Draves'
<i>Gymnocladus dioica</i>	Kentucky Coffeetree	Espresso', 'Prairie Titan'
<i>Liriodendron tulipifera</i>	Tuliptree	
<i>Platanus x acerifolia</i>	London Planetree	‘Exclamation’
<i>Quercus bicolor</i>	Swamp White Oak	
<i>Quercus macrocarpa</i>	Bur Oak	
<i>Quercus robur</i>	English Oak	Skymaster', 'Regal Prince'
<i>Quercus rubra</i>	Red Oak	
<i>Quercus muehlenbergii</i>	Chinkapin Oak	
<i>Quercus x schuettei</i>	Swamp x Bur Oak	
<i>Taxodium distichum</i>	Baldcypress	‘Shawnee Brave’
<i>Ulmus x</i>	Hybrid Elm	Accolade', 'New Horizon', 'Regal', ‘Triumph’
<i>Ulmus parvifolia</i>	Lacebark Elm	

EVERGREENS TREES – Do not plant on streets, evergreens obstruct visibility making them hazardous on street locations. Acceptable trees for parks and non-street tree locations.

Scientific Name	Common Name	Cultivars
<i>Abies concolor</i>	White Fir	
<i>Xanthocyparis nootkatensis</i>	Nootka Cypress	
<i>Juniperus chinensis</i>	Chinese Juniper	Iowa', 'Mounntbatten'
<i>Juniperus x</i>	Star Power Juniper	JN Select Blue'
<i>Picea glauca var. densata</i>	Black Hills Spruce	
<i>Picea omorika</i>	Serbian Spruce	
<i>Pinus bungeana</i>	Lacebark Pine	
<i>Pinus flexilis</i>	Limber Pine	Vanderwolf's Pyramid'
<i>Pinus strobus</i>	Eastern White Pine	Fastigiata'
<i>Pinus sylvestris</i>	Scotch Pine	
<i>Pseudotsuga menziesii</i>	Douglasfir	
<i>Thuja occidentalis</i>	Arborvitae	Smaragd', 'Hetz Wintergreen', 'Sunkist', 'Techny'
<i>Thuja plicata</i>	Western White Cedar	
<i>Tsuga canadensis</i>	Canadian Hemlock	

UNACCEPTABLE TREE PLANTING LIST

The following is a list of trees that are considered unacceptable for planting in the road right of way. Species on this list may be planted in park or open space settings in the right location and situation. This list should be evaluated periodically and species may be added or removed as seen fit.

Scientific Name	Common Name	Reason
<i>Acer negundo</i>	Boxelder	Weak wooded, attracts boxelder bug
<i>Acer platanoides</i>	Norway Maple	Over-planted, invasive, girdling roots
<i>Acer rubrum</i>	Red Maple	Intolerant of alkaline soils
<i>Acer saccharinum</i>	Silver Maple	Weak wooded, aggressive roots, heavy seed crop
<i>Ailanthus altissima</i>	Tree-of-Heaven	Weak wooded
<i>Elaeagnus angustifolia</i>	Russian Olive	Disease problems, weak wood
<i>Fraxinus spp.</i>	Ash	Emerald Ash Borer
<i>Gingko biloba (female)</i>	Gingko (female)	Messy and smelly fruit

<i>Juglans spp.</i>	Walnut	Littering fruit
<i>Malus sylvestris</i>	Common Apple	Fruit tree
<i>Morus spp.</i>	Mulberry	Littering fruit
<i>Populus spp.</i>	Poplar, Cottonwood	Weak wooded, aggressive roots, heavy seed crop
<i>Prunus serotina</i>	Black Cherry	Fruit tree
<i>Prunus domestica</i>	Garden Plum	Fruit tree
<i>Pyrus calleryana</i>	Callery Pear	Exhibits invasive traits
<i>Pyrus communis</i>	Common Pear	Fruit tree
<i>Quercus palustris</i>	Pin Oak	Intolerant of alkaline soils
<i>Robinia pseudoacacia</i>	Black Locust	Weak wooded, thorns, invasive
<i>Salix spp.</i>	Willow	Weak wooded, aggressive roots
<i>Sorbus americana</i>	American Mountainash	Susceptible to insects and disease
<i>Sorbus aucuparia</i>	European Mountainash	Susceptible to insects and disease
<i>Ulmus pumila</i>	Siberian Elm	Weak wooded, aggressive roots

City of Pewaukee - New Agenda Item

Agenda Language:

Discussion and possible action regarding changing fees charged for City-owned boat launches

Sub Item Agenda Language:

Background Provided By:

Magdelene Wagner

Background:

The Lakeview Boulevard Boat Launch is a City-owned and maintained facility. Currently, the City charges \$7 per launch or \$50 plus tax for seasonal launch permit, regardless of frequency of use or residency. The Department of Natural Resources (DNR) has recently updated its regulations on launch fees (see attached), allowing for an increase in the minimum fees charged.

The 2026 budget includes funds for reconstruction of the boat launch. The existing launch consists of cable-tied articulated block pads. As you may recall, we have had to repair the current launch multiple times over the years due to boats snagging on the cable ties. In addition, the end of the launch has required regrading because of "power launching" which occurs just beyond the blocks and creates a "hump" and damages boat propellers. The new launch will be extended further into the lake and constructed as a concrete launch. The two public piers will also be replaced. As part of the reconstruction of the launch, we plan to install security cameras and upgrade the payment system to allow for online payments by scanning a QR code. Discussion is ongoing regarding whether to make this the only payment option, with no cash payments accepted at the launch.

Attached you will find launch fee revenues collected since 2010. As shown, the last few years have seen a significant decrease in revenues. We have also experienced a substantial increase in "phantom payments" where an empty envelope is placed in the payment box. The Sheriff has also reported that they need to empty the payment box less frequently than in the past.

The DNR has increased the maximum daily launch fee to \$13. They have also allowed differing charges for different size boats and allowed non-residents to pay up to 150% of the residential rate (see attached summary of fees). As a reminder, all launch fees must be used for the maintenance of the launch per State law.

Based on the change in regulations, staff recommends the following revised fees:

\$13 for boats under 20 feet (resident & non-resident)

\$17 for boats 20 feet to 26 feet (resident)

\$25.50 for boats 20 feet to 26 feet (non-resident)
\$20.75 for boats greater than 26 feet (resident)
\$31.25 for boats greater than 26 feet (non-resident)

Seasonal Launch Permits (max 10 times the daily launch fee):

\$130 for boats under 20 feet (resident & non-resident)
\$170 for boats 20 feet to 26 feet (resident)
\$255 for boats 20 feet to 26 feet (non-resident)
\$207.50 for boats greater than 26 feet (resident)
\$312.50 for boats greater than 26 feet (non-resident)

For your information, the Village of Pewaukee is charging \$10 for their launch fee.

Also, consideration should be given to the new canoe/kayak launch installed on Oak Street last year. As a reminder, there is no parking in this area. Should the City be charging for launching at this new launch? If so, this fee should be less than the Lakeview boat launch due to the size of the launch and since there are no parking facilities available.

Fiscal Impact:

The 2026 budget allocates \$275,000 for replacement of the boat launch and two fishing piers. Staff are also applying for a DNR grant to assist with funding the launch reconstruction.

Recommended Motion:

Committee recommend the proposed launch fee recommendations to the Council for adoption, contingent upon DNR approval of the fees, and make a recommendation, if any, for the Oak Street launch.

*City of Pewaukee, WI
Sunday, October 19, 2025*

Chapter 235. Lake Pewaukee

Article III. Other Regulations

§ 235-30. Elm Street public access.

It shall be unlawful for any person, organization or corporation to use the public right-of-way to Pewaukee Lake located on Elm Street in the City of Pewaukee before the hour of 7:00 a.m. and after the hour of 10:00 p.m. It shall be further unlawful for any person, organization, or corporation to launch watercrafts at this public right-of-way.

§ 235-31. Oak Street restriction.

- A. Unlawful to fish, wade or swim. It shall be unlawful to fish, wade, or swim from, on, or along Oak Street between Chicago Avenue and Woodland Drive within the City of Pewaukee unless such activity is conducted on private property in the vicinity of said location and the City Clerk has received notification from the owner of said private property that such activity may be conducted and that such activity is allowed under the Code and ordinances of the City of Pewaukee.
- B. Signage. The Mayor shall direct that an appropriate sign(s) which stipulates the content of the warning, the Municipal Code number, and that there is a penalty for violation of the Code be prepared, erected and maintained at the locations as set forth in Subsection **A** above.

City of Pewaukee, WI
Sunday, October 19, 2025

Chapter 235. Lake Pewaukee

Article III. Other Regulations

§ 235-32. Lakeview Boulevard watercraft launch.

[Amended by Ord. No. 10-03; Ord. No. 13-23]

- A. Fees. Every person who uses the Lakeview Boulevard watercraft launch in the City of Pewaukee shall pay a fee in an amount to be determined, from time to time, by separate resolution of the Common Council. The Common Council shall establish a daily launch fee and a fee for a seasonal launch permit; the seasonal permit shall be issued by the Clerk of the City of Pewaukee.
- B. Mooring and docking of watercrafts at public accesses. Pursuant to the authority granted in § **235-9C**, no person, firm or corporation shall park, leave standing, tie, moor or dock any watercraft, canoe, launch, skiff, raft, pontoon boat or any vessel used on navigable waters at or adjacent to any public dock or pier between the hours of 11:00 p.m. and 5:00 a.m. without permission of the Chief of the Water Safety Patrol.
- C. Restrictions. The following restrictions are imposed in order to protect the public watercraft launch facility and to prevent watercrafts from impeding traffic at the launch. The public watercraft launch property shall be used only for launching watercraft, other recreational vehicles, and boat lifts into the water, parking in designated areas, and removing watercrafts from the water. Use of power equipment or machinery at the public watercraft launch property to load materials or goods into the watercraft after it has been placed in the water is prohibited. The total weight of the watercraft and launch vehicle shall not exceed 18,000 pounds.
[Amended by Ord. No. 15-06]
- D. Penalty. Any person violating any provisions of this section will be subject to a penalty as provided in § **235-33** of this chapter. Each day that a violation exists shall constitute a separate violation and be punishable as such.^[1]

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]


[1] *Editor's Note: Original § 21.07, which immediately followed this section, was repealed by Ord. No. 12-06.*

NR 1.91 Public boating access standards.

- (1) APPLICABILITY.** Sections NR 1.91 to 1.93 shall apply to department decisions related to acquiring, developing, maintaining and improving public boating access sites, providing natural resources enhancement services and to other department decisions relating to protection and use of navigable waters. Sections NR 1.91 to 1.93 do not allow trespass across private lands, change existing trespass law nor change navigation laws. Sections NR 1.91 to 1.93 would not apply to waterways which are not public navigable waters such as most artificial manmade ponds. The rights of riparian owners for singular access to adjacent waterways would also be unaffected.
- (2) DEFINITIONS.** As used in ss. NR 1.90 to 1.93, the following definitions apply:
- (a)** “Abandon”, “abandonment”, “discontinuance” means a permanent or long-term closure of an access site whether by resolution, ordinance, signing, placement of a physical barrier or by other means that reduces access.
 - (b)** “Access site” means an area of land providing public boat access or carry-in access, which provides parking for vehicles with or without trailers.
 - (c)** “Carry-in access” means access designed only for non-trailer boat launching.
 - (d)** “Natural resources enhancement services” means funding or activities that increase the recreational or environmental values of a waterway. These services include fish stocking, removal or other fish population management, habitat development, financial assistance for aquatic plant harvesting and any other services that increase the recreational or environmental values of a waterway and are supported with a grant awarded under ch. NR 193.
 - (e)** “Open water acres” means the water body surface which appears as water predominantly devoid of emergent vegetation on recent aerial photographs representative of the navigation season. This determination shall be made by the department and shall include open water acres on all contiguous waters connected by a channel or river commonly navigated by motorized craft.
 - (f)** “Plan” means an alternative boating access and waterway protection plan developed by the department or a local unit of government pursuant to sub. (6).
 - (g)** “Public access”, for purposes of s. NR 1.92, means any site providing motor vehicle access to ice-bound waters, public boating access or carry-in access.
 - (h)** “Public boating access” means any site or combination of sites including private sites meeting the provisions of sub. (7) at which the general public may gain legal access to a body of water by the process of launching a boat.
 - (i)** “Reasonable public boating access” means opportunities for public enjoyment and use of navigable waters which:
 1. Allow public rights of navigation and related incidental uses of the water which are equal for all,
 2. Comply with the standards for boating access established in this policy,
 3. Are available free or at a reasonable fee as determined by standards established in this policy, and
 4. Assure that levels and types of waterway use by all users do not interfere with public health, safety and welfare.
 - (j)** “Reduced” means lowering the number of parking units available for public use.
 - (k)** “Resident” means a natural person who permanently resides or owns real property within the unit of government maintaining or operating the access site.
 - (L)** “Resource protection services” include but are not limited to nonpoint pollution control grants, loans for municipal sewage treatment facilities, acquisition grants under the urban green space program, lake planning grants, lake protection grants and funding for municipal boating safety patrols and aids to navigation.
 - (m)** “Season pass” means authorization to use boat access facilities provided by the issuing authority when use of the facilities are available from January 1 to December 31 of each year.
 - (n)** “Services level” means that level of public boating access which meets or exceeds the levels described in sub. (4).
- (3) PRIORITIES.** When acquiring and developing public boating access sites, the following shall have priority, in no prescribed order of importance:
- (a)** Sites on waters without boating access.
 - (b)** Sites on lakes of over 500 open water acres that fail to meet the services level specified in sub. (4).
 - (c)** Sites, statewide, on waters having the greatest boating demands.
 - (d)** Sites which will provide public boating access to rivers and carry-in access to streams failing to meet the services level specified in sub. (4).

(4) MINIMUM PUBLIC BOATING ACCESS TO QUALIFY WATERS FOR RESOURCE ENHANCEMENT SERVICES.


- (a) The department may only provide natural resource enhancement services for a body of water when it determines that the general public has been provided with reasonable public boating access. The department may not provide natural resource enhancement services on waters where public access has been abandoned or reduced without prior approval by the department.
- (b) The department may continue to provide enhancement services to waters that do not meet minimum public boating access development standards where the department determines that existing access facilities are sufficient to meet existing public demand for access.
- (c) The department may provide resource protection services for pollution abatement or prevention, natural resources protection, public safety or public boating access if public boating access is not available on a waterway.
- (d) A waterway has reasonable public boating access and is eligible for natural resource enhancement services when public boating access meets the following standards:

- See PDF for table 

- 2. In addition to these standards, additional parking for handicapped individuals meeting the federal and state standards shall also be met. Lakes greater than 50 open water acres in size shall be provided with facilities capable of launching a trailered boat unless exempted by an approved plan.
- 3. Parking shall be contiguous with the launch site unless the department determines that resource protection, spatial restrictions or other factors require a greater distance. At each site parking for persons with disabilities may be provided at a location different from that for the general public if necessary to comply with federal accessibility standards.
- 4. Public boating access shall be available free or at a fee meeting the requirements of sub. (11).
- 5. Public boating access support facilities such as toilets, waste containers, lights, etc., shall be provided where necessary for public safety, or to protect resources or resolve conflicts with affected property owners.
- 6. Public boating access shall, at a minimum, be open during normal operating hours for outdoor public recreational facilities in the vicinity and year-round unless public safety requires closure. An exception may be made when public boating access is provided through agreement with a private provider. Any boat launched during operating hours may not be denied egress from the water at any time through the public boating access. Any designated parking unit when found unoccupied shall be considered available for use regardless of prior occupancy, except those designated for handicap use.
- 7. Public boating access shall provide for use which is consistent with protection of navigable water and generally enjoyed by all users.

(5) MAXIMUM PUBLIC BOATING ACCESS.

- (a) Local units of government or the department may pursue more public boating access to waters than is required in sub. (4). The department may pursue public boating access to achieve the maximums in par. (b) unless local governments or the department adopt and implement a plan.
- (b) The department has determined that granting permits for boating access on bodies of water where the maximum access standards are exceeded will materially impair navigation and is detrimental to the public interest. The department may not pursue public boating access development nor may it approve permits or provide financial assistance for public boating access beyond the levels described in this subsection unless greater levels are established in a plan.

- See PDF for table 

- (c) Access site development shall meet the criteria in subs. (4) to (7).

(6) ALTERNATIVE PUBLIC BOATING ACCESS AND WATERWAY PROTECTION PLANS.

- (a) Natural resource enhancement services may be provided for waters that have less public boating access than that in sub. (4) (d), and public boating access may be developed that exceeds levels in sub. (5) (b) only if local governments or the department implement a plan. Plans developed by local governments require written approval by the department prior to adoption.
- (b) Plans shall identify and assess the effects of waterway use on natural resources, describe mechanisms to protect public safety and natural resources, and identify public boating access that meets the objectives of s. NR 1.90. Plans may apply to individual waters or groups of similar waters. Plans shall consider environmental as well as social and developmental factors which may include:

1. Environmental sensitivity criteria:
 - a. Lake size and irregularity.
 - b. Lake depth and contour.
 - c. Sensitive areas for fish, wildlife and aquatic plants.
 - d. Nature and composition of fish, wildlife and presence of threatened or endangered resources.
 - e. Lake bottom sediment types.
 - f. Natural shoreline features.
 - g. Sensitivity to exotic species.
 - h. Water quality.
 - i. River or stream characteristics.
 2. Social and developmental criteria:
 - a. Shoreline beauty.
 - b. Shoreland zoning.
 - c. Land use and land cover.
 - d. Traditional, existing and potential water uses.
 - e. Ability of the municipality to regulate land use and development.
 - f. Ability of the municipality to enforce public safety regulations.
 - g. Water use regulations proposed or in effect.
 - h. Proximity to other waters.
 - i. Proximity to population centers.
 - j. Demand for recreational opportunities.
 - k. Impact on public safety.
 - L. Presence of culturally or historically significant features.
 - m. Trespass problems associated with increased access on rivers and streams.
 3. Appropriate levels and types of public access based on a consideration of the issues in subds. 1. and 2.
 4. Ability of the municipality to effectively implement the plan.
- (c) The department shall approve proposed plans and implementing ordinances if it determines that the plans and implementing ordinances are consistent with protection of public health, safety and welfare, the objectives of s. NR 1.90 and include an accurate analysis of the issues in par. (b). Department decisions related to plan approval may be appealed under ch. 227, Stats. The department shall withhold enhancement services until an approved plan is fully implemented. Public boating access site development shall comply with any approved plan. The department may not approve grants and permits if the decision would conflict with an approved plan.
- (d) The sponsor of an approved plan shall publish a summary of the plan as a class I legal notice.
- (e) The department may waive the minimum reasonable access standards or the need for an alternative plan where it finds that this would not serve to protect the public rights and interest in the waterway.
- (7) PRIVATE PROVIDERS. Privately owned public boating access shall be included in any determination of access availability for purposes of compliance with ss. NR 1.91 to 1.93 and provision of resource enhancement services if:
- (a) It is provided free or for a reasonable fee, as defined in sub. (11),
 - (b) The owner furnishes an irrevocable contract with the state, agreeing to provide specified public boating access facilities for not less than 5 years, and
 - (c) Facilities meet the public boating access site development standards under sub. (8).
- (8) PUBLIC BOATING ACCESS SITE DEVELOPMENT STANDARDS. In addition to other state and federal requirements, including but not limited to the uniform federal accessibility standards (UFAS) published by the architectural and transportation barriers compliance board (ATBCB), the Americans with disabilities act (P.L. 101-336) accessibility guidelines (ADAAG) and the state of Wisconsin building codes (chs. SPS 361 to 365), the following standards shall apply to acquisition, development and maintenance of boating access sites for the purpose of determining compliance with ss. NR 1.90 to 1.93:

- (a) Natural shoreline beauty shall be protected by preserving or creating adequate vegetative screening for facilities and parking.
- (b) The sum of all public boating access sites on a water body shall accommodate multiple types of use appropriate for the waterway. Individual access sites shall be designed to minimize conflicts between uses at the site and on the water body.
- (c) The site and support facilities shall be designed and located so as to avoid damage to critical habitat and other environmentally sensitive areas.
- (d) Each site shall be designed to provide barrier-free public boating access for persons with disabilities.
- (e) Each site shall be clearly marked at public roadways. Fees and hours of operation shall be clearly posted.
- (9) **FINANCIAL ASSISTANCE PROGRAMS.** Providing public boating access is a partnership program between state and local units of government. The department may only provide financial assistance for projects which comply with ss. NR 1.90 to 1.93 and other applicable state and federal requirements. The department shall assist municipalities in applying for state financial assistance for renovation, operation or maintenance expenses if the maximum allowable launch fees do not provide enough revenue to pay for these access site expenses.
- (10) **MAINTENANCE AGREEMENTS.** When in the best interests of the state, the department may engage the services of others, by written agreement, with or without compensation, for maintenance of state-owned or funded public boating access sites.
- (11) **BOAT LAUNCHING FEES.** The department encourages free boat launching. A reasonable launch fee may be charged under authority of s. 30.77, Stats., for the purpose of operating and maintaining a boat access site owned or operated by municipalities, lake management districts and other access providers meeting the provisions of sub. (7). Charging excessive, unjustified or unreasonable boat launching fees restricts or prohibits public boating access and use of navigable waters in the state. A reasonable launch fee for the purposes of s. 30.77, Stats., is one that does not exceed the maximum allowable amount under the following criteria:
 - (a) *Base fee.* A base is that fee that is charged a state resident vehicle for entrance to the state parks.
 - (b) *Public boating access surcharges.* Municipalities, lake management districts and other public boating access providers that maintain any of the following services may add to the base fee not more than the following surcharges for vehicles with trailers. No more than the base fee may be charged for non-motorized or non-trailer boats.
 1. Attendant when on duty .20 X Base
 2. On-site toilet facilities .20 X Base
 3. Great Lakes sites .30 X Base
 4. Boats 20 ft. in length or more but less than 26 ft. .30 X Base
 5. Boats 26 ft. or greater in length .60 X Base
 - (c) *Daily launch fee.* The total of base fee and all applicable surcharges, rounded to the nearest quarter of a dollar, shall constitute the daily launch fee. A daily launch fee that is paid shall be valid for all boat access facilities provided by the issuing authority for that day. If different fees are charged by the issuing authority for different access sites, the higher fee shall be allowed for use of all the sites.
 - (d) *Season pass.* If a launch fee is charged, a season pass at a fee not to exceed 10 times the daily launch fee shall be provided for both residents and non-residents. A mechanism to obtain a season pass shall be provided by the public access provider at the launch site.
 - (e) *Prior approval required.* Each public boating access provider charging a launch fee in excess of the resident state park daily entrance fee shall provide its fee schedule to the department for approval prior to its adoption. The fee schedule shall be submitted on department forms available from [the] department's central office. Department approval shall be based solely on demonstration that the provider maintains the facilities or services described in par. (b) that justify charges in excess of the resident state park daily entrance fee and that a season pass is available.

Note: A missing word is shown in brackets.

Note: The department's mailing address is: Department of Natural Resources, P.O. Box 7921, Madison, WI 53707.
 - (f) *Existing approved fee structures.* Reasonable fees under pars. (a) to (e), do not apply to access sites which the department has determined in a written decision to have a reasonable fee prior to the effective date of this rule.

- (g) *Differential fee based on residency.* Local units of government, including lake management districts, which maintain and operate public boating access sites, may charge differential fees on the basis of residency within the unit of government maintaining or operating the access. If a fee is charged, the fees for a nonresident may not exceed 150% of the fee charged a resident and nonresident fees may not exceed the maximum allowable amounts except when par. (b) 4. or 5. are applicable.

Note: For example, with a daily resident entrance fee of \$4.00 for state parks, at an access site on an inland lake with an attendant on duty and toilet facilities, a launch fee for an 18 foot boat may be as high as \$5.50 (4 + 0.2 (4) + 0.2 (4), rounded to nearest 0.25) for both residents and non-residents, and for a 26 foot boat as high as \$8.00 (4 + 0.2 (4) + 0.2 (4) + 0.6 (4), rounded to nearest 0.25) for residents and \$12.00 (8 x 1.5, rounded to nearest 0.25) for non-residents.

History: Cr. Register, October, 1977, No. 262, eff. 11-1-77; r. and recr. Register, March, 1994, No. 459, eff. 4-1-94; am. (2) (d), Register, June, 1995, eff. 7-1-95; correction in (6) (a) and (8) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 525; correction in (8) made under s. 13.93 (2m) (b) 7., Stats., Register September 2004 No. 585; correction in (8) made under s. 13.92 (4) (b) 7., Stats., Register February 2012 No. 674; CR 19-078: am. (2) (d) Register May 2020 No. 773, eff. 6-1-20.

NR 1.92 Abandonment of access.

(1) NOTICE OF INTENT TO ABANDON AN ACCESS.

- (a) Any municipality subject to s. 66.1006, Stats., which proposes to abandon or discontinue any highway, street, alley or right-of-way, which provides public access to a navigable waterway, shall provide a copy of the resolution or ordinance and notify the department at least 10 working days prior to acting on a resolution or ordinance to abandon or discontinue. Within 10 working days of enacting an ordinance or resolution subject to approval under s. 66.1006, Stats., the municipality shall submit a copy of the ordinance or resolution to the department. Upon receipt of the ordinance or resolution, the department shall publish a notice of the proposed abandonment pursuant to the procedures in s. 31.06, Stats. If no hearing is requested, the department shall proceed under sub. (2) to grant or deny the petition.
- (b) If a hearing is requested, the department shall hold the hearing as a class 1 contested case in the county in which the public access is proposed to be abandoned. The department shall make its decision based on the standards in sub. (2).

(2) FINDINGS FOR GRANTING. The department may grant the petition to abandon or discontinue the public access only if:

- (a) Any access sites or part thereof proposed to be abandoned or discontinued is replaced prior to granting the petition; or
- (b) The department finds that the access proposed to be abandoned does not contribute to the quality or quantity of public access on the body of water.

(3) APPROVAL CONDITIONS. The department may order conditions of approval including, but not limited to, a showing of financial capability of the petitioner to provide and maintain an equivalent or superior replacement public access site, and other conditions related to assurance of protection of the interest of the public in the body of water.

(4) ENVIRONMENTAL DEGRADATION. Access sites may also be abandoned where environmental degradation is occurring at the site as a result of existing use, and abandonment of the access will reduce or eliminate the degradation without reducing public interests in access to that body of water.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; renum. from NR 1.32, Register, October, 1977, No. 262, eff. 11-1-77; r. and recr. Register, March, 1994, No. 459, eff. 4-1-94; corrections in (1) (a) made under s. 13.93 (2m) (b) 7., Stats., Register April 2005 No. 592.

NR 1.93 Access in platted subdivisions. Under s. 236.16 (3), Stats., the department has authority to recommend wider access at less frequent intervals than are prescribed in the statutes. The department shall consider waiver of the 60-foot access requirement only where the department determines:

- (1) It will be advantageous to public interests in navigable water;
- (2) Adequate space for access users and adequate buffering for private property is assured by access wider than 60 feet where possible; and
- (3) The access that would result provides an equal or greater opportunity for public access than would be provided by dedication at statutorily prescribed intervals and the 60-foot width.

History: Cr. Register, January, 1980, No. 289, eff. 2-1-80; am. (2) (a) and (2) (b) 7., r. and recr. (3), r. (4) (a) 3., Register, October, 1982, No. 322, eff. 11-1-82; r. and recr. Register, March, 1994, No. 459, eff. 4-1-94.

Boat Launch Collections by Year

2010	\$	9,668.96	
2011	\$	7,363.24	
2012	\$	7,479.33	
2013	\$	6,520.79	
2014	\$	7,337.86	
2015	\$	7,726.60	
2016	\$	15,550.48	
2017	\$	12,485.33	
2018	\$	11,134.59	
2019	\$	10,771.44	
2020	\$	15,382.12	
2021	\$	11,098.10	
2022	\$	10,051.90	
2023	\$	6,492.13	
2024	\$	4,611.43	
2025	\$	3,722.61	*through 7/18/2025
	\$	<u>147,396.91</u>	
	\$	9,578.29	average 2010-2024

COMMERCIAL BOAT LAUNCH FEE ISSUE LEGAL OPINION SUMMARY

If the Department has not provided any grants for acquisition, development, maintenance or improvement to this public boat launch site, the entity owning this launch site does not need to comply with s. NR 1.91, Wis. Admin Code, unless the site is subject to another WDNR decision of the types cited in s. NR 1.91(1), Wis. Admin. Code. If neither a grant nor permit provide a strong enough nexus to argue that ss. NR 1.91 to 1.93, Wis. Admin. Code requirements and restrictions apply here, especially if those requirements and restrictions were not imposed through a grant or permit application or decision document. Closing or reducing the access available at the public boating access site may trigger the need for WDNR approval if the boat ramp area is considered a "highway, street, alley or right-of-way" under s. 66.1006, Wis. Stats., and s. NR 1.92, Wis. Admin. Code. Department funding or a Department decision can be the event that makes s. NR 1.91, Wis. Admin. Code requirements apply to a public boating access site, and if s. NR 1.91, Wis. Admin. Code applies, the site owner may only impose launch fees as allowed under s. NR 1.91(11), Wis. Admin. Code for any parking and access area subject to s. NR 1.91, Wis. Admin. Code. If residents launch for free, everyone must be able to launch for free; if residents pay a launch fee, the launch fee for other recreational and commercial users may not be more than 150% of the resident's fee.

The Department has determined that municipalities owning public boat launches cannot charge higher fees based on whether the person using the public boat ramp is engaging in recreational or commercial uses. Commercial as well as noncommercial use of navigable waters is protected by the Public Trust doctrine. S. 30.77, Stats., and s. NR 1.91(11), Wis Admin. Code, do not distinguish between commercial and non-commercial users or allow surcharges based on commercial use of the launch. S. NR 1.91(11)(e) limits launch fees for all users to the base fee and any Department approved surcharges and differential residency fee specified in S.NR 1.91(11). Whether the person using the launch is engaged in commercial or recreational use is not included in the rule as a consideration for higher fees or a surcharge.

A municipality owning a public boat launch cannot flatly prohibit a member of the public from using the public boat launch for commercial purposes but they may develop policies limiting the time a boat is moored at the launch, use of open rental slips, etc. S. 30.77, Stats., and ss. NR 1.90 and 1.91, Wis. Admin. Code, regulate public access to navigable waters, and apply only to the public access facilities (the boat launch, launch piers, and associated parking and restrooms, etc.). Department authority to regulate public access does not extend to use and operation of the marina (boat slips, piers) and other facilities (marina parking area, etc.). A municipality may also set policy as to whether a person who owns several boats could launch all his or her boats with one season pass or if a season pass would be needed for each boat. S. NR 1.91 does not specifically address this issue, but the Department believes that a "one pass/one boat" (like state park season windshield stickers) requirement is probably simplest to administer. Also, a municipality may not charge extra for parking for users of the boat launch. Parking must be included with the launch fees.

If the commercial use essentially monopolizes the site for a period of time, then the launch owner may want to consider drafting an ordinance that provides for time limits or time-of day restrictions or that charges the user a reasonable fee for rental of the site. We believe that a launch owner may also be able to prohibit use of the boat ramp by boats above a specified weight and/or size if it is clear that those boats would cause damage or excessive wear and tear on the boat ramp. We believe that this is an allowable restriction to prevent damage to the property. Since such restrictions could be challenged, any ordinance imposing limits or rental fees should be supported by facts showing that the regulations are reasonably necessary to address public health or safety concerns or to protect against harm to public property. Launch owners considering such restrictions should consult with their counsel and should consider making the restrictions as least restrictive as possible to alleviate or minimize the impact on the access to navigable waters. The restrictions should not be used as a back-door way of prohibiting users that are entitled to access public waters.

MAXIMUM DAILY BOAT LAUNCHING FEES INLAND WATER FACILITIES

- A. Base Fee = **\$13.00**
- B. Surcharge for facility with restroom **or** attendant = $\$13.00 \times 0.20 =$ **\$2.60**
- C. Surcharge for facility with restroom **and** attendant = $\$13.00 \times 0.40 =$ **\$5.20**
- D. Surcharge for boat length of at least 20 ft but less than 26 ft = .30; $\$13.00 \times 0.30 =$ **\$3.90**
- E. Surcharge for boat length of 26 ft or greater = .60; $\$13.00 \times .60 =$ **\$7.80**

Non-motorized or non-trailerred watercraft (Resident and Non-resident boaters):

Base Fee	\$13.00
Base Fee plus tax*	\$13.75 (A + \$0.72 (tax on \$13.00) = \$13.72, rounded to nearest \$0.25)

Motorized Boats under 20 feet in length (the following fees cover both Resident and Non-resident boaters. Fees for non-residents may not exceed 150% of the fee charged a resident, and non-resident fees may not exceed the maximum allowable amounts for boats under 20 feet):

Base Fee	\$13.00
Base Fee plus tax*	\$13.75 (A + \$0.72 (tax on \$13.00) = \$13.72, rounded to nearest \$0.25)
Facility w/restroom or attendant	\$15.50 (A + B = \$15.60, rounded to nearest \$0.25)
Facility w/restroom or attendant plus tax*	\$16.25 (\$15.50 + \$0.85 (tax on \$15.50) = \$16.35, rounded to nearest \$0.25)
Facility w/restroom and attendant	\$18.25 (A + C = \$18.20, rounded to nearest \$0.25)
Facility w/restrooms and attendant, plus tax*	\$19.25 (\$18.20 + \$1.00 (tax on \$18.25, rounded to nearest \$0.25))

Motorized boats 20 feet in length or more but less than 26 feet (the following fees cover Resident boaters only; non-residents can be charged a differential fee of 150% for this category of boats):

Base Fee plus length surcharge	\$17.00 (A + D = \$16.90, rounded to nearest \$0.25); Non-resident = \$25.50
Base Fee plus length surcharge plus tax*	\$18.00 (\$17.00 + \$0.94 (tax on \$17.00) = \$17.94, rounded to nearest \$0.25); Non-resident = \$27.00
Facility w/restroom or attendant	\$19.50 (A + D + B = \$19.50); Non-resident = \$29.25
Facility w/restroom or attendant plus tax*	\$20.50 (\$19.50 + \$1.07 (tax on \$19.50) = \$20.57, rounded to nearest \$0.25); Non-resident = \$30.75
Facility w/restroom and attendant	\$22.00 (A + D + C = \$22.10, rounded to nearest \$0.25); Non-resident = \$33.00
Facility w/restrooms and attendant, plus tax*	\$23.25 (\$22.00 + \$1.21 (tax on \$22.00) = \$23.21, rounded to nearest \$0.25); Non-resident = \$35.00

Motorized boats 26 feet in length or greater (the following fees cover Resident boaters only; non-residents can be charged a differential fee of 150% for this category of boats)

Base Fee plus length surcharge	\$20.75 (A + E = \$20.80); Non-resident = \$31.25
Base Fee plus length surcharge plus tax*	\$22.00 (\$20.75 + \$1.14 (tax on \$20.75) = \$21.89, rounded to nearest \$0.25); Non-resident = \$33.00
Facility w/restroom or attendant	\$23.50 (A + E + B = \$23.40, rounded to nearest \$0.25); Non-resident = \$35.25
Facility w/restroom or attendant plus tax*	\$24.75 (\$23.50 + \$1.29 (tax on \$23.50) = \$24.79, rounded to nearest \$0.25); Non-resident = \$37.25
Facility w/restroom and attendant	\$26.00 (A + E + C = \$26.00); Non-resident = \$39.00
Facility w/restrooms and attendant, plus tax*	\$27.50 (\$26.00 + \$1.43 (tax on \$26.00) = \$27.43, rounded to nearest \$0.25); Non-resident = \$41.25

Notes about launch fees:

- The governance of launch fees is covered under section NR 1.91(11), Wisconsin Administrative Code.
- All fees listed above use the \$13.00 maximum Base Fee, which is based on the \$13.00 Daily State Park Entrance Fee for residents. You may set a lower Base Fee based upon local needs. Section NR 1.91(11)(e), Wis. Adm. Code, requires that before a local unit of government adopts a launch fee exceeding \$13.00, it must submit the fee schedule to the Department for approval and include information demonstrating: (a) that it maintains facilities or services that justify charges exceeding \$13.00; and (b) that season passes are available.
- Fees collected by the operating authority shall be used only for the operation and maintenance of boat launching facilities.
- Parking is included with launch fees. Segregated fees for parking are not allowed.
- If a launch fee is charged, a season pass at a fee not to exceed 10 times the daily fee shall be provided for both residents and non-residents.
- In no case shall the fee charged a non-resident exceed 150% of the fee charged a resident.

*Tax rate used = 5.5%. An operating authority may incorporate the state sales tax into the Base Fee for ease of collection, but must pay the sales taxes collected to the Wisconsin Department of Revenue.

City of Pewaukee - New Agenda Item

Agenda Language:

Discussion and possible action to create a policy for sidewalk installation, maintenance, and replacement for the City of Pewaukee

Sub Item Agenda Language:

Background Provided By:

Magdelene Wagner

Background:

The City of Pewaukee is considering requiring sidewalk installation in a few new subdivisions. The City currently does not have a policy on sidewalks, and has a limited number of sidewalks in the City.

The City needs to determine the following:

1. Who is responsible for installation of the walk?
2. Who is responsible for snow and ice removal from the sidewalk? In what timeframe must removal occur?
3. Who is responsible for replacement of the sidewalk when it is damaged or reaches the end of its useful life?
4. Will this policy apply to existing sidewalks, or will existing sidewalks be exempt?

The City previously received a legal opinion from the City Attorney regarding Liability for Clearing Snow/Ice from Shared Use Pathways (see attached).

Sample sidewalk policies from adjacent communities are attached. The majority require the property owner to clear the sidewalks; however, two communities (Germantown and Brookfield) place the responsibility on the municipality.

Staff are seeking input to create a policy for further review and consideration.

Fiscal Impact:

Depends on the policy adopted.

Recommended Motion:

Committee provide guidance on policy for further discussion.

surface ditch inverts or otherwise prevent erosion and sedimentation in accordance with plans and City standard specifications approved by the City Engineer and as set forth in § **239-4B** of this chapter and Chapter **180**, Erosion Control and Stormwater Management, and in the adopted City street construction standards.

[Amended by Ord. No. 13-10]

(6) Sidewalks, bicycle paths and other shared use paths.

(a) In all land divisions the Common Council may require the developer to construct a concrete sidewalk on one side of all frontage streets and on both sides of all other through and/or continuous streets within the land division. The Common Council may also require the developer to construct concrete sidewalks on one or both sides of all dead-end or cul-de-sac streets which are in excess of 900 feet in length or on streets which serve uses other than single-family development. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer.

(b) In addition, wider than standard sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage, and the Common Council may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary, in its opinion, for safe and adequate pedestrian circulation. Paved bike/pedestrian trails may be required as a means of linking residential subdivisions to the City park and parkway system and to the County system of parkways and bike/hike paths/trails.

(7) Public sanitary sewerage and private sewage disposal systems. When public sanitary sewerage facilities are available to the land division such facilities shall be designed and constructed in accordance with all applicable rules and regulations in Chapter SPS 382 of the Wisconsin Administrative Code and approved by the City Engineer. When it is proposed to establish a private sanitary sewerage system to serve two or more lots, the developer shall cause sanitary sewerage facilities to be constructed in such a manner as to make adequate sanitary sewerage service available to each lot within the land division. In addition:

[Amended by Ord. No. 13-10]

(a) The Common Council shall require the installation of sewer laterals to the street right-of-way line.

(b) The size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer.

(c) In that area of the City where the Lake Pewaukee Sanitary District has been given jurisdiction of public sanitary sewerage systems (south of Lake Pewaukee, north of I-94, and west of Meadowbrook Road), such plans and specifications shall be further subject to approval by the Lake Pewaukee Sanitary District Board.

(d) The developer shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed land division and their connection to the City sewer mains as stipulated in adopted regulation or policy of the Common Council.

(e) All sanitary sewerage facilities constructed by the developer to serve the proposed subdivision shall be dedicated to the appropriate public agency having jurisdiction upon demand and upon conditions set forth in City codes and ordinances and developers' agreements.

(8) Stormwater drainage/management facilities. The developer shall construct stormwater drainage facilities adequate to serve the land division which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, culverts, open channels, water retention/detention structures, infiltration ponds, swales, rain gardens, settling basins and other measures deemed appropriate by the City Engineer. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow through and

City of Pewaukee, WI
Sunday, October 19, 2025

Chapter 253. Nuisances and Property Maintenance

§ 253-5. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of § **253-2**:

- A. Signs, billboards, etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- B. Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the Code of the City of Pewaukee relating to materials and manner construction of buildings and structures within the City.^[1]
[1] Editor's Note: See Ch. 137, Building Construction.
- C. Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance, or manner of operation interferes with the effectiveness of any such device, sign or signal.
- D. Obstruction of intersection. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- E. Tree limbs. All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than 10 feet above the surface of a public street.
- F. Dangerous trees.^[1] All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and Code of the City of Pewaukee.^[2]
[2] Editor's Note: See Ch. 202, Fireworks.
- H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- I. Wires over streets. All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.
- J. Noisy animals or fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb two or more persons within the City.
- K. Unlawful assembly. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

- L. Snow and ice removal. All ice not removed from public sidewalks and all snow not removed from public streets within 12 hours after it has ceased to fall thereon.
- M. Animals.
[Amended 12-4-2017 by Ord. No. 17-10]
- (1) Keeping, harboring, securing or failing to secure any domestic or wild animal in any manner which promotes or causes a nuisance as defined in § **253-2**.
 - (2) Feeding of wild animals and waterfowl prohibited. No person shall give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting, or enticing wildlife or wild animals, including any animal which is not normally domesticated in this state, including but not limited to bears, coyotes, deer, foxes, rodents, groundhogs, opossums, raccoons, skunks, and the like, or waterfowl, including but not limited to ducks, geese, swans, herons, and egrets. This prohibition shall not include baiting in the legal taking of fish and/or game.

*City of Pewaukee, WI
Sunday, October 19, 2025*

Chapter 303. Streets and Sidewalks

§ 303-1. Minimum street and sidewalk requirements.

- A. Specifications and acceptance. The City Common Council shall establish by separate resolution, from time to time, the minimum requirements in the City for street and sidewalk construction. Before any street or sidewalk is accepted by the City it shall meet those requirements and thereupon will be accepted by the City Common Council by separate resolution. The requirements so adopted are incorporated into this chapter and shall be available from the City Clerk.
- B. Clear title. Before a street shall be accepted by the City, the owner shall furnish to the City evidence of clear title and proof that all costs of construction have been paid.
- C. Additional requirements. Any requirements for City streets that are contained in Chapter **239**, Land Division, of this Code are incorporated herein.
- D. Street signs and posts. Street signs, culvert posts and guardrail, as required by the City Common Council, shall be obtained and placed by the City, the costs of which shall be paid for by the owner making such dedication.

MEMORANDUM

To: HSR
From: RVA
Date: April 8, 2009

Re: Liability for Clearing Snow/Ice from Shared Use Pathways
City of Pewaukee

This issue from the City of Pewaukee Common Council was related via the Public Works Director, Jeff Weigel. Director Weigel advised that the City of Pewaukee does not have traditional sidewalks; however, a “bike path” has been installed along Pewaukee Road (STH 164) and, pursuant to an agreement with the State of Wisconsin Department of Transportation, the City is obligated to maintain the pathway improvement. The “bike path” is officially designated as a “Shared Use Pathway” - open to both pedestrian and bicycle traffic.

During a presentation to the Common Council on March 16, 2009, a representative from the League of Wisconsin Municipalities stated that he believed the shared use pathway should be cleared of snow and ice within a 3-week period of accumulation in order for the City to enjoy the liability protections of Section 893.83(1), Wis. Stats., (previously §81.15, Wis. Stats.). Conversely, Director Weigel advised that the Common Council previously determined the City had no obligation to ever clear the shared use pathway of snow. In light of the conflict between the Council’s “never-clear policy” and the stated belief of the representative from the League, the City desires a legal opinion as to the City’s exposure to liability with respect to snow and ice removal from the shared use pathway.

STATUTES INVOLVED IN ISSUE

Statutory Obligation to Plow Sidewalks

Due to the “shared use” nature of the pathway installed adjacent and parallel to Pewaukee Road or STH 164, allowing pedestrian and bicycle traffic, two statutes are paramount to the analysis as to the extent of the City’s obligation to remove snow and ice from the pathway. Section 893.83(1), Wis. Stats., identifies the City’s obligation to clear snow and ice, but provides a 3-week safe harbor period of time for performance of that work, to-wit:

If damages happen to any person or his or her property by reason of the insufficiency or want of repairs of any highway that any ... city ... is bound to keep in repair, the person sustaining the damages has a right to recover the damages from the ... city The amount recoverable by any person for any damages so sustained shall not exceed \$50,000. The procedures under §893.80 shall apply to the commencement of actions brought under this subsection. No action may be maintained to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless the accumulation existed for 3 weeks.

“Highway” as used in this statute, includes sidewalks. *Webster v. Klug & Smith*, 81 Wis.2d 334, 339, 260 N.W.2d 686, 689 (1978). Given its proximity and parallel location to Pewaukee Road, the shared use pathway can easily be deemed a sidewalk and, therefore, be subject to the provisions of §893.83(1), Wis. Stats. Consequently, such a sidewalk on which snow and ice is allowed by the City to remain for more than 3 weeks could result in the City being liable to a person for injuries or damages suffered as a results of the accumulation of such snow and ice.

Effect of Recreational Immunity Statute

The permitted use of the pathway for bicycle traffic raises the issue as to whether the City may avoid liability for injuries and damages suffered in relation to the pathway under the recreational immunity statute, to-wit: §895.52, Wis. Stats. The following provisions of §895.52, Wis. Stats., are pertinent to this analysis:

Section 895.52(1) contains the following definitions:

(a)(3) "Governmental body" means ... a municipal governing body, agency, board, commission, committee, council, department, district or any other public body corporate and politic created by constitution, statute, ordinance, rule or order.

(d) "Owner" means ... a person, including a governmental body ... that owns, leases or occupies property.

(f) "Property" means real property and buildings, structures and improvements thereon,

Memorandum
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April 8, 2009

(g) "Recreational activity" means any outdoor activity undertaken for the purpose of exercise, relaxation or pleasure, including practice or instruction in any such activity. "Recreational activity" includes hunting, fishing, trapping, camping, picnicking, exploring caves, nature study, bicycling, horseback riding, bird-watching, motorcycling, operating an all-terrain vehicle, ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or removing wood, climbing observation towers, animal training, harvesting the products of nature, sport shooting and any other outdoor sport, game or educational activity. "Recreational activity" does not include any organized team sport activity sponsored by the owner of the property on which the activity takes place.

Section 895.52(2)(b) of the recreational immunity statute, using the above defined terms, provides that "no owner ... is liable for the death of, any injury to, or any death or injury caused by, a person engaging in a recreational activity on the owner's property In this situation, since the City possesses the pathway and, at a minimum, has the obligation to maintain the pathway, under the above definitions the City would constitute an "owner" who occupies structures and improvements on real property. Therefore, under §895.52(2)(b), Wis. Stats., it is possible that the City may not be liable for any injury to a person engaging in a recreational activity on the City's pathway.

However, there have been a considerable number of cases litigated and appealed in Wisconsin that have involved the application of the recreational immunity statute to claims for injuries arising out of government owned sidewalks. In *Bystery v. Village of Sauk City*, 146 Wis.2d 247, 430 N.W.2d 611 (Ct. App. 1988), the Court of Appeals addressed the issue of a party having been injured while riding her bicycle on a public sidewalk she claimed was defective. The Court held that:

... under §895.52, Stats., a municipality is immune from liability for the insufficiency or want of repair of a ... public sidewalk only when the municipality has withdrawn the ... sidewalk from transportation uses, in whole or in part, has devoted the ... sidewalk to recreational activities as defined in §895.52(1)(g), and the claimed damages result from a recreational activity.

Bystery, at 252.

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The three conditions required by the *Bystery* holding were examined in *Kostroski v. County of Marathon*, 158 Wis. 2d 201, 462 N.W.2d 542 (Ct. App. 1990), and the Court of Appeals elaborated on what is meant by the condition “has devoted the sidewalk to recreational activities as defined in §895.52(1)(g):”

We have already observed that Kathryn's damages result from a recreational activity. The portable sidewalk, whose only purpose was to provide access over a racetrack and connect two areas of the county park, was sufficiently withdrawn or withheld from transportation uses and devoted to recreational activities so as to comply with the test set forth in *Bystery*. The location of this sidewalk within the boundaries of a park is not dispositive. *Were this sidewalk available for purposes of general transportation by the public, the mere fact that the injured user was engaged in recreational activity within the park would not provide immunity.* The dispositive feature of this sidewalk is its solitary purpose to serve only those attempting to enter or leave the ball park otherwise surrounded and enclosed by the racetrack. Under these circumstances, the *Bystery* test for immunity is satisfied.

Kostroski, at 204. Emphasis added.

In addition to the emphasized sentence of the opinion of the Court of Appeals set forth above, the Court of Appeals went on to narrow the application of the recreational immunity statute and addressed the situation in which a sidewalk can be used by individuals for recreational activities as well as for simply transportation of individuals. The statement made by the Court is set forth in the only footnote in the opinion, to-wit:

While it is certainly conceivable that persons could use the sidewalk to enter the enclosed area for purposes other than recreational activity, §895.52, Stats., would not apply and no immunity problem is presented.

Id.

Consequently, as indicated by the Court of Appeals, when the general public can make use of the subject sidewalk for general transportation purposes and for recreational purposes, the owner of the subject sidewalk will not be able to enjoy recreational immunity under §895.52, Wis. Stats., when faced with a claim alleging insufficiency or want of repairs including the accumulation of snow or ice which has existed for 3 weeks. In order for recreational immunity to apply, the subject sidewalk must be so situated that its solitary purpose is to serve only those individuals attempting to engage in recreational

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April 8, 2009

activity. See also, *Lasky v. City of Stevens Point*, 220 Wis.2d 1, 12, 582 N.W.2d 64, 68 (Ct. App. 1998).

CONCLUSION

Based on the liability risk identified in §893.83, Wis. Stats., it is recommended the City establish a policy and procedure to cause the removal of snow and ice from the pathway within 3 weeks of accumulation. Given the safe harbor provision allowing 3 weeks for removal, the pathway will not require immediate attention after a snow storm.

Due to its shared use nature and the easy access by the general public to the pathway to either engage in recreational activity or to transport themselves from point A to point B, the City will most likely *not* be able to defeat injury or damage claims on the basis of recreational immunity under §895.52, Wis. Stats. The pathway is not situated in such a fashion that the City can claim the pathway's solitary purpose is to serve only those individuals attempting to engage in recreational activity. Therefore, the recreational immunity statute will not apply to claims related to the pathway.

CITY of BROOKFIELD

Who clears the bike paths & sidewalks?

Bike paths & sidewalks in the City's right of way are cleared by Park, Recreation & Forestry.
Call (262) 796-6675

▼ Highway - Snow Control

[Show All Answers](#)

1. **Why didn't I get a snowplow marker?**

→ 2. **Who clears the bike paths & sidewalks?**

Bike paths & sidewalks in the City's right of way are cleared by Park, Recreation & Forestry.
Call (262) 796-6675

3. **The snowplow damaged my lawn. Who is responsible?**

4. **The snowplow hit my mailbox. Who is responsible?**

5. **What if the snowplow damages my lawn sprinkler head?**

6. **The snowplow left a lot of snow in my driveway, who is going to clean it up?**

7. **Why is my street always plowed last?**


8. **I live on a cul-de-sac, why do the snowplow drivers only make one pass through it?**

9. **Whose responsibility is it to shovel out a fire hydrant or mailbox?**

10. **What to do if snow & ice is blocking my storm inlet?**

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 8.06 - Snow and Ice Removal. (Rep. and Recr. #525)

- (1) Sidewalks to be kept clear. The owner, occupant or person in charge of each and every building, structure, lot or parcel in the City shall clean or cause to be cleaned all public sidewalk fronting or abutting said building, structure, lot or parcel of snow and ice to the width of said sidewalk within 24 hours after each snowfall or occurrence causing the formation of snow and/or ice on the sidewalk, and shall cause the sidewalk to be kept clear from ice and snow, provided that when ice has formed on any sidewalk so that it cannot be immediately removed, the persons referred to in this subsection shall keep the sidewalk sprinkled with salt, sand or other appropriate ice melting products.
- (2) Deposit in streets restricted.
 - (a) Snow and ice removed from private property shall not be deposited onto any public property or right-of-way. All such snow and ice shall be stored on private property or removed therefrom by the property owner.
 - (b) Snow and ice removed from public sidewalks, private driveway approaches or other areas located within public street or alley right-of-way shall not be deposited onto the paved roadway, including any curb and gutter section. No person shall be allowed to generate snow mounds in the public right-of-way causing visual obstructions and no person shall deposit snow past the curb line or edge of the roadway pavement nearest their property.
 - (c) Exceptions to subsections (a) and (b) may be allowed with a permit from the Director of Public Works or the Director's designee, if it is determined to be necessary and appropriate. As part of the permitting process, the Director of Public Works or the Director's designee may require a fee sufficient to reimburse the City for the cost of removing any snow so deposited.
- (3) If the owner, occupant or person in charge fails to comply with any of the snow and ice removal requirements of this Section, the Director of Public Works or the Director's designee may cause snow and ice to be removed or treated as required and the cost thereof shall be billed directly to the person listed as the owner of the property involved. If the bill remains unpaid at the end of 30 days, the charges shall be entered on the assessment role of the general City taxes and collected in the same manner as other City taxes pursuant to § 66.0627, Wis. Stats. (Am. #700.)

New Berlin

Chapter 230: Streets and Sidewalks

[HISTORY: Adopted by the Common Council of the City of New Berlin 10-10-2000 by Ord. No. 2124 as Secs. 8.01 through 8.055, 8.08 through 8.10, 8.15 and 9.03 of the Municipal Code. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. **83**.
 Subdivision of land — See Ch. **235**.
 Vehicles and traffic — See Ch. **261**.

§ 230-1 Street and sidewalk grades.

- A. Establishment. The grade of all streets, alleys and sidewalks shall be established and described by the Council and shall be recorded by the City Clerk in his office. No street, alley or sidewalk shall be worked until the grade thereof is established.
- B. Altering grade prohibited. No person shall alter the grade of any street, alley, sidewalk or public ground, or any part thereof, unless authorized or instructed to do so by the Council.

→ § 230-2 Snow and ice removal.

[Amended 8-26-2008 by Ord. No. 2367]

- A. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the City fronting or abutting any street shall clean or cause to be cleaned the sidewalk/paved sidepath of snow or ice to the width of such sidewalk within 72 hours after snowfall ceases and shall cause the sidewalk/paved sidepath to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk/paved sidepath such that it cannot be immediately removed, such persons shall keep the sidewalk/paved sidepath sprinkled with sand or salt. The City will continue to clear snow and ice from the sidewalk/paved sidepaths that the City had cleared prior to the enactment of Ordinance Number 2367.
 [Amended 1-13-2009 by Ord. No. 2403]
- B. Sidepaths that are not paved shall not be required to have the snow and ice removed from them, as unpaved sidepaths shall be considered recreational trails not subject to sidewalk maintenance requirements.
- C. Failure to remove snow and ice as called for in this section shall subject the owner, occupant or person in charge to a forfeiture as set forth in the schedule of deposits, Chapter 1, General Provisions, § 1-18, and the City shall further be entitled to perform the work itself and charge the abutting property owner for removal as a special charge pursuant to § 66.0627, Wis. Stats.

§ 230-3 Installation of driveways and culverts.

- A. Culvert to be installed. No driveway shall be constructed or maintained connecting with any street or alley unless a suitable culvert is first installed across the gutter of the street or alley where necessary for the public welfare as determined by the Board of Public Works. Such culverts shall be constructed of corrugated metal pipe. The culverts shall have a cross section of not less than that of a twelve-inch pipe minimum. The length of the culverts shall be as required by the City Engineer. All twelve-inch, fifteen-inch, eighteen-inch, twenty-one-inch and twenty-four-inch pipe shall be 16 gauge steel. All concrete sewer pipes must be approved by the City Engineer. All specifications for culvert installations shall be obtained from the City Engineer prior to installation. All culverts shall be equipped with end guards made of masonry and shall be so installed as to not be beyond street height.
- B. Fee. Upon initial installation only, the owner or his agent shall pay a fee as determined by a schedule filed with the City Clerk. This fee is nonrefundable and intended to cover City processing, surveying, and inspection costs. Revisions to the fee schedule shall be made as determined appropriate by the Board of Public Works.

New Berlin

Chapter 230: Streets and Sidewalks

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- B. Fee. Upon initial installation only, the owner or his agent shall pay a fee as determined by a schedule filed with the City Clerk. This fee is nonrefundable and intended to cover City processing, surveying, and inspection costs. Revisions to the fee schedule shall be made as determined appropriate by the Board of Public Works.

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8.08 - SNOW AND ICE REMOVAL.

(1)

SIDEWALKS TO BE KEPT CLEAR. The owner or occupant of any lot or parcel shall promptly each day remove all snow and ice which may have fallen or accumulated upon the sidewalk in front of such lot or parcel; provided when ice has so formed that it cannot be removed, the owner or occupant shall keep the same sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians. If the owner or occupant fails to comply with this section, the Supervisor of Public Works shall cause the snow or ice to be removed or sprinkled as required in this section and the cost thereof to be assessed against the property as a special tax.

(2)

SNOW NOT TO BE DEPOSITED IN STREETS.

(a)

No person shall cause to be deposited snow or ice from his/her private or public driveways or parking lots, or extensions thereof, onto any traveled portion of streets or driveways, private or public, except his/her own private premises.

(b)

Paragraph (a) above shall not apply to the City crews.

- **8.09 - RESERVED. (Rep. #00-0467).**

Chapter 6
Streets and Sidewalks

6.12 Sidewalks; Removal of Snow, Etc.

(1) RESPONSIBILITY OF OWNER OR OCCUPANT. (Am. #12-80) The owner, occupant, or person in charge of each dwelling or building in the City fronting upon or adjoining any street, and the owner or person in charge of any unoccupied building or lot fronting as aforesaid, shall clean the sidewalk in front of or adjoining such dwelling or building, or unoccupied lot or building, as the case may be, of snow and ice to the width of such sidewalk within 12 hours after the snow has ceased to fall, and shall keep the sidewalk free of snow so as to prevent an accumulation of ice.

(2) CLEANING BY CITY: ASSESSMENT OF COSTS. (Am. #12-80)

(a) (Am. #21-08) (Am. #26-99) (Am. #18-10) If the owner, occupant or person in charge of removal of snow as herein provided fails to so remove snow, at the time designated herein, the City may, through its employees and officials of the Department of Public Works, and at its option, cause the snow and ice to be removed from any sidewalk within the City and the cost of such removal shall be at the rate of two dollars (\$2.00) per lineal foot and shall be charged to each lot or parcel of land as a current charge by the City Treasurer and entered into the tax roll as a special tax against such lot or parcel and collected in all respects as other taxes or real estate. In addition, the Director of Public Works shall designate a person from that Department to be authorized by the Common Council to issue citations under §25.08 of this Municipal Code. Such person shall also be responsible for the snow removal program under this section.

(b) If the weather conditions cause ice to accumulate on such sidewalk and it cannot with due diligence be removed, the owner, occupant, or person in charge shall keep the same sprinkled with ashes, salt or sand and shall remove accumulated ice to the width of the sidewalk as soon as weather conditions permit.

(c) (Am. #3-10) For the first offense no citation shall be issued and no fine imposed. A warning citation shall be issued and the cost for the removal of snow as provided in par. (a) shall be charged as provided. For the second offense, to compensate for inspectional and administrative costs, a fee of \$25 may be charged for an inspection to determine compliance with this section, except that no fee shall be charged for the inspection when compliance is recorded. A fee of \$50 may be charged for third and subsequent offenses. Inspection fees shall be charged against the real estate upon which the inspections were made, shall be a lien upon the real estate and shall be assessed and collected as a special charge.

Chapter 6
Streets and Sidewalks

6.12 Sidewalks; Removal of Snow, Etc.

(3) OWNER'S RESPONSIBILITY REGARDING DISCHARGE OF WATER. Every person owning any buildings in the City situated as described in sub. (1) shall cause the pipes conducting the water from the eaves of the building to be constructed as not to spread the water over the sidewalk.

(4) PILING SNOW IN STREETS. No person shall place snow upon any public street after the same has been cleared of snow in such a manner as to obstruct or interfere with the free movement of traffic upon such street or interfere with or obstruct the use of any parking space provided upon the streets.

(5) (Cr. #26-99) In addition to the other requirements imposed in this section, the owner, occupant or person in charge of each building or dwelling is required to remove snow upon any portion of a sidewalk which leads to the street and intersects with the curb at an intersection or corner. The cost of such removal by the City shall be \$25.00 per property.

WAUKESHA MUNICIPAL CODE 01/12/11

Sec. 90-67. - Snow and ice removal.

(a)

Responsibility of owner, occupant or other person in charge. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the village fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot, as the case may be, of snow or ice to the width of such sidewalk within 24 hours after cessation of each snowfall event, and shall cause the sidewalk to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons referred to in this subsection shall keep the sidewalk sprinkled with salt or sand.

(b)

Removal by village. If snow or ice is not removed or sprinkled with salt or sand, etc., as required in subsection (a) of this section, the village manager or designee shall cause the same to be done and the cost entered on the next tax roll as a special charge against the benefited property pursuant to Wis. Stats. § 66.0627.

(c)

Obstructing public ways. No person in the course of removing snow or ice from any private property shall cause or permit such snow or ice to be placed or left on any public way.

(d)

Penalty. In addition to any special charge or assessment which may be imposed under subsection (b) of this section, any person who violates subsection (a) of this section shall be subject to a penalty as provided in [section 1-7](#) of this Code.

(Ord. No. 617-O-15, § 2, 3-2-15)

Village of Monona

Sec. 6-1- 8

Snow and Ice Removed from Sidewalks.

(a)

The owner, occupants, or person in charge of each lot or part of lot shall remove all snow and ice which may have fallen or accumulated on the sidewalk abutting such lot and shall, if necessary, spread sand, salt, ashes, or other material on the sidewalk to keep it clear and prevent it from being or becoming slippery. The person responsible for maintaining the sidewalk as outlined above shall clear the sidewalk of accumulated snow and ice as soon as possible, but in no event later than twenty-four (24) hours after such snow and ice cease to accumulate. Any person violating this Section shall, in addition to being subject to citation and forfeiture, be primarily liable for any damage resulting from the failure to properly maintain the sidewalk in safe condition.

(b)

The Department of Public Works shall cause all sidewalks which shall not have been cleared of snow and ice as above described, to be cleared upon default of the person whose duty it shall be to clear the same. The Department of Public Works shall keep an accurate account of the expenses so incurred in front of each lot or parcel of land in accordance with the Public Works Special Services Fee Schedule. The expenses shall be billed to the owner of record for each lot or parcel of land and payment shall be due within thirty (30) days of the date of the invoice. If the charges are not paid within said period of time they shall be entered in the tax roll by the Clerk as a special tax against the appropriate lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate. Prosecution under Subsection (a) of this Section shall not bar the City from proceeding under Subsection (b) of this Section, nor shall proceeding under Subsection (b) bar prosecution under Subsection (a).

(b)

No person shall deposit snow or ice on another person's property without his consent.

(c)

Any person found to have violated Subsection (a) above shall be subject to the following forfeiture:

First Offense

- \$25.00

Second Offense -

\$50.00

Third Offense -

\$75.00

Fourth and Subsequent Offenses -

\$100.00 for the fourth offense with the forfeiture increasing

\$25.00 for each subsequent offense.

Sec. 78.118. - Snow and ice removal.

(a) All snow and ice shall be removed from sidewalks and public pedestrian ways within 24 hours after snowfall or occurrence causing formation of snow and ice.

(b) If such snow and ice is not removed within such time, the village board may order its agents and employes to effect such removal and impose a special charge against the owner of the property abutting on such sidewalk or pedestrian way.

(c) Such special charges shall not be payable in installments. If not paid within 60 days after receipt of a bill, such delinquent special charges shall become a lien as provided in Wis. Stats. § 66.60(15) as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property; and all proceedings in relation to the collection, return and sale for delinquent real estate taxes shall apply to such special charge.

(d) The charges under subsections (b) and (c) of this section shall not include forfeitures for violation, which upon conviction shall be as provided in [section 1.102](#).

(e) No person shall deposit, place or cause any snow or ice to be deposited on any public sidewalk, street or right-of-way in the village, except hand shoveling within two feet of the curb.

(Code 1967, § 8.05)

Weigel, Jeff

From: Judith Neu <jneu@villagesussex.org>
Sent: Tuesday, October 24, 2017 4:54 PM
To: Weigel, Jeff
Subject: RE: snow removals on sidewalks

Hi Jeff – we don't have a written policy (yet), but what we do is "assist in the removal of snow from sidewalks along arterial streets". Basically, that means one pass through with our machine within 24 hours of the end of the snow event. We tell folks that we may not clear the snow to their standards and that they are welcome to do a more thorough job if they would like. It started when we installed sidewalks along Maple Avenue where there were a significant number of dual frontage lots and the property owners raised concern with the Board that they couldn't easily get to the sidewalks with their snow blowers. If you can avoid having the city do the snow removal, that would be best all around. Your staff will thank you. Most communities require property owners to remove snow from sidewalks along their properties within 24 hours of the end of a snow event. Good luck. Judy

From: Weigel, Jeff [mailto:Weigel@pewaukee.wi.us]
Sent: Tuesday, October 24, 2017 4:15 PM
To: Judith Neu
Subject: snow removals on sidewalks

Judy:
The City of Pewaukee (finally) has its first sidewalk and now we are struggling with developing snow removal policy. Some of our Common Council says that they see Village of Sussex personnel clearing the sidewalks on STH 164. Could you provide me a copy of Sussex's policy on sidewalk snow removals?

Thanks.
Jeff

Jeffrey Weigel, PE
Public Works Director
City of Pewaukee

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