

**PLEASE NOTE:** This meeting will be held in person and online. The public can come in person or watch/listen to this meeting online in one of 3 ways:

1) Go to the city's You Tube channel, "<https://www.youtube.com/NewLondonAccess>" and click on the "live" feed video link to watch the meeting. **-OR-**

2) You can watch the meeting via the zoom app. Go to the following link to download and watch via the zoom app:

<https://us02web.zoom.us/j/85097759467?pwd=M0wwbVpqWk85Q3lhZHhuMjNvOUR2UT09>

You will be asked to download and install the zoom app on your computer or phone and provide your name and email address. **-OR-**

3) You can listen to the meeting over the phone by calling one of the following numbers:

1-929-205-6099, 1-301-715-8592, 1-253-215-8782, 1-346-248-7799, 1-699-900-6833

You will be asked to enter in a meeting ID of: **850 9775 9467**, then push #

You may be asked for a participate ID, do not put in a number, just hit #

You will be asked to enter in a password of **468499**, then #

Unless specifically noticed otherwise, this meeting and all other meetings of this body are open to the public. Proper notice has been posted and given to the media in accordance with Wisconsin Statutes so that citizens may be aware of the time, place and purpose of the meeting.

## **MEETING NOTICE**

**Planning Commission Agenda**

**Thursday, July 28<sup>th</sup>, 2022– 5:15 PM**

**Council Chambers – New London Municipal Building**

1. Call to Order
2. Pledge of Allegiance
3. Adopt Agenda, Memorandum
4. Approval of the June 23, 2022 meeting minutes
5. Mukwa detachment
6. *C.S.M. for First State Bank*
7. Well-Head Protection Plan
8. Living Waters: 401 W. North Water St. Facade Improvement Proposal
9. Discuss updates to the Municipal Code regulating chickens on residential properties
10. Code Enforcement continued discussion
11. Discuss upcoming agenda items
12. Review next meeting date: Tentative, August 25, 2022
13. Adjourn

**Bob Besaw, Chairman:** Planning Commission Chairman

\*Agenda items are listed so as to accurately describe the actions or issue being considered instead of simply the document listing title or the parties to a contract. This is done as such titles or a list of parties to a contract conveys insufficient information to the public on whether a topic or project they are interested in is being considered. It is the policy of the City of New London to comply in good faith with all applicable regulations, guidelines, etc. put forth in the Americans with Disabilities Act (ADA). To that end, it is the City's intent to provide equal opportunity for everyone to participate in all programs and/or services offered, to attend every public meeting scheduled, and to utilize all public facilities available. Any person(s) in need of an alternative format (i.e. larger print, audio tapes, Braille, readers, interpreters, amplifiers, transcription) regarding information disseminated by the City of New London should notify the City 48 hours prior to a meeting, etc., or allow 48 hours after a request for a copy of brochures, notices, etc. for delivery of that alternative format. Contact ADA Coordinator Chad Hoerth by telephone through: (Relay Wisconsin) – 920/ 982-8500 or (Voice) – 920/982-8500 and in person/letter at 215 N. Shawano Street, New London, WI 54961.



## Memorandum

TO: Planning Commission  
FROM: Dave Vincent-Zoning Administrator  
RE: April 28, 2022 Planning Commission Meeting  
DATE: April 20, 2022

The Mukwa annexation is to revert this property (former Police Chief's residence) at 1905 Starlight Drive back to Mukwa. This was originally annexed to New London to meet the requirement that the Chief of Police live within the city limits. This parcel is surrounded on all 3 sides by properties all currently in the Town of Mukwa.

Consideration of a C.S.M. The proposal is from First State Bank. The proposal would combine 4 lots currently identified as 308 Lincoln Court, 210 W. Waupaca Street, a vacant lot directly east of 210 W. Waupaca Street (parcel 33-12-77-40), and 214 Lincoln Court. The proposal would also parcel off a section (approximately 50') of the entire south end of 214 Lincoln Court and would not be included in the footprint of the proposed Bank property.

The Well-Head Protection Plan proposal is being proposed to update our current ordinance in Code 13.082 of Chapter 13 Municipal Utilities. We would then move the Well-Head Protection portion of the Municipal Utilities Ordinance to the Zoning Ordinance, Chapter 17 if the amendment is approved.

We have a proposal from Living Waters Assembly for a facade improvement located on the old Bank Building at 401 W. North Water St. The church has provided a proposal to remove the failing glass panels with a more permanent covering.

Respectfully submitted by Dave Vincent: Zoning Administrator.

**City of New London  
Planning Commission Minutes  
Thursday, June 23, 2022**

**Roll Call**

Meeting was called to order at 05:15 p.m. Those in attendance were Chairman Bob Besaw, Jason Bessette, Dona Gabert, Mayor Mark Herter (started out in zoom and joined group at 05:28 p.m.) and Jamie Walbruck

Others in attendance: Mapping and Electronic Media Specialist Missy Kempen, Building Inspector/Zoning Administrator David Vincent, Balynda Croy, John Haas, Mike Barrington and from the public; Kim Young (owner 715 W. Millard) and Vicki Chambers (1201 Neenah), Eric Fowle (representing Cedar Corporation).

The meeting was called to order by Chairman Besaw at 5:15 pm.

Group participated in the Pledge of Allegiance.

A motion was made by Mayor Herter to “Adopt the Agenda” and seconded by Gabert, carried by all.

The April 28, 2022 meeting minutes were reviewed. A motion to accept the minutes was made by Gabert and seconded by Walbruck, carried by all.

The Special May 17, 2022 meeting minutes were reviewed. One correction was made which listed Mike Barrington as a Planning Commission member which was not accurate (he did attend the meeting, however). The change was corrected and a motion was made to accept the minutes by Bessette and seconded by Gabert, carried by all.

The C.S.M. (Certified Survey Map) for the Montgomery street properties was presented by Dave Vincent. There was dialogue and questions which were addressed. Dave Vincent made a recommendation to approve the proposed C.S.M. based on our current Zoning Ordinance. The proposed change will result in a non-conforming lot (currently there are two non-conforming lots). A motion was made by Bessette to approve the C.S.M. and seconded by Walbruck, carried by all.

A zoning request for a fence to be located in a front yard at 327 N. Shawano St. Jay Bessette recalled that a picket fence in the front yard was approved in October 2021. The new proposal would be to allow for chain link fence to run along the south and north property lines in the front yard. No action was taken to approve the proposal.

A zoning request for a fence to be located in a front yard at 715 W. Millard St. The fence would extend past the front of the dwelling approximately 15 feet into the front yard area. The proposed fence would not limit visibility for pedestrian or vehicular traffic and would be located several feet inside the right of way. A motion was made by Walbruck to approve the front yard fence and seconded by Mayor Herter, carried by all.

The next item on the agenda was an update on the Comprehensive Plan which was moderated by Eric Fowle with Cedar Corporation. The results of the S.W.O.T. (Strength, Weaknesses, Opportunities and Threats) was reviewed from the previous exercise. Eric also went over Draft #3 Transportation, Draft #5 Agriculture, Natural & Cultural Resources and a draft for the Citizen Survey Questionnaire.

Dave Vincent explained the process to designate the city of New London as the entity to perform Commercial Electrical Inspections. Currently the state is designated to perform this function. Mr. Vincent wants to bring this function in house to allow us to be a full service inspection department. This will financially be better for our citizens as our fees are significantly less than the state of Wisconsin. Kunkel Engineering will be performing these inspections along with inspections they are currently performing including Commercial Building inspections, Plumbing for both commercial and residential and electrical inspections for residential. After some discussion a motion was made by Mayor Herter to notify the state of our intention to designate ourselves for Commercial Electrical Inspection, it was seconded by Bessette and carried by all.

Future agenda items are continuance of Comprehensive Plan project, Code Enforcement activities, Zoning ordinance amendments and a proposal for adopting a new Well-head Protection Plan

A motion was made to adjourn by Mayor Herter, seconded by Gabert, carried by all. Meeting adjourned by Chairman Besaw at approximately 07:02 p.m.

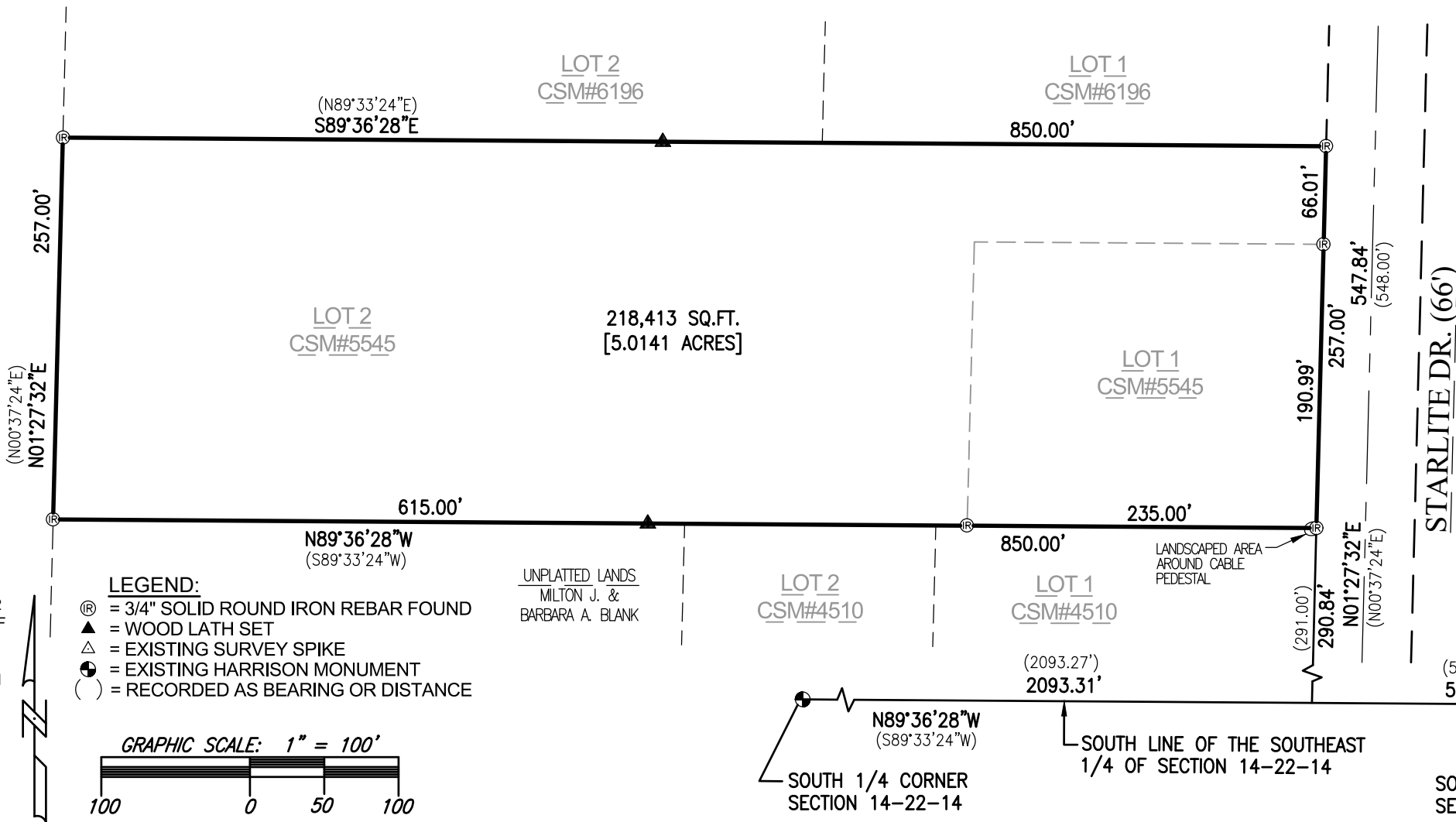
Respectively submitted by David Vincent-Zoning Administrator

"PLAT OF SURVEY"

BEING ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 5545 AS RECORDED  
IN DOCUMENT NO. 624870, SECTION 14, TOWNSHIP 22 NORTH, RANGE 14 EAST,  
TOWN OF MUKWA, WAUPACA COUNTY, WISCONSIN.

CLIENT:  
JUSTIN DIEM  
1905 STARLITE DR.  
NEW LONDON, WI 54961  
  
PARCEL NO:  
15 14 71152

UNPLATTED LANDS  
CITY OF NEW LONDON



NORTH IS REFERENCED TO THE  
SOUTH LINE OF THE SOUTHEAST  
1/4 OF SECTION 14, TOWNSHIP 22  
NORTH, RANGE 14 EAST, TOWN OF  
MUKWA, WAUPACA COUNTY,  
WISCONSIN, WHICH BEARS  
N89°36'28"W PER THE WISCONSIN  
COUNTY COORDINATE SYSTEM  
(WAUPACA COUNTY)

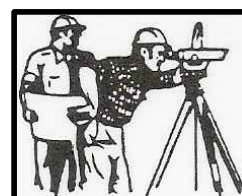
- LEGEND:**
- Ⓡ = 3/4" SOLID ROUND IRON REBAR FOUND
  - ▲ = WOOD LATH SET
  - △ = EXISTING SURVEY SPIKE
  - = EXISTING HARRISON MONUMENT
  - ( ) = RECORDED AS BEARING OR DISTANCE

UNPLATTED LANDS  
MILTON J. &  
BARBARA A. BLANK

- NOTES:**
- NOT ALL IMPROVEMENTS HAVE BEEN SHOWN.
  - PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE  
ACTIVITY, ALL BUILDING SETBACKS AND OTHER LAND  
USE REQUIREMENTS SHOULD BE VERIFIED WITH THE  
TOWN OF MUKWA AND WAUPACA COUNTY.
  - FIELD SURVEY DATE: 3-25-2022



I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED  
AND MAPPED IN ACCORDANCE WITH AE-7 OF THE WISCONSIN ADMINISTRATIVE  
CODE AND IS CORRECT REPRESENTATION OF SAID SURVEY TO THE BEST OF  
[REDACTED]  
[REDACTED]  
CHRISTOPHER E. PERREAULT, PLS-2249 DATED [REDACTED]



**CAROW LAND SURVEYING CO., INC.**  
615 N. LYNNDAL DRIVE, P.O. BOX 1297  
APPLETON, WISCONSIN 54912-1297  
PHONE: (920)731-4168 FAX: (920)731-5673

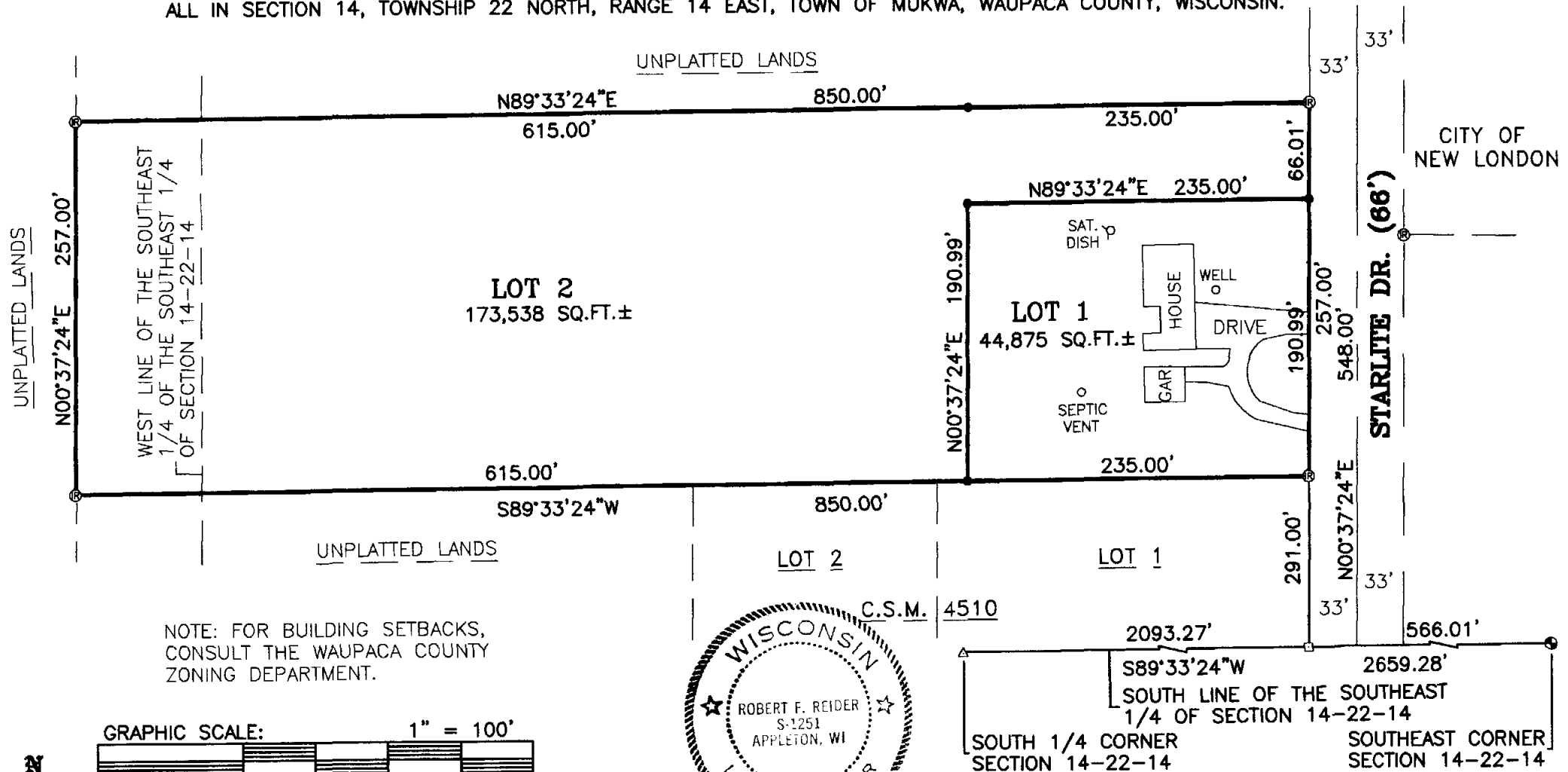
SCALE	1" = 100'
DRAWN BY	jdb-bme MRH
PROJECT NO.	A2203.34

624870



# CERTIFIED SURVEY MAP NO. 5545

BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4,  
ALL IN SECTION 14, TOWNSHIP 22 NORTH, RANGE 14 EAST, TOWN OF MUKWA, WAUPACA COUNTY, WISCONSIN.



NORTH IS REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 14 EAST, TOWN OF MUKWA, WAUPACA COUNTY, WISCONSIN, WHICH IS ASSUMED TO BEAR S89°33'24"W.

## LEGEND:

- = 3/4" X 24" SOLID ROUND IRON REBAR SET, WEIGHING 1.502 LBS. PER LIN. FT.
- ⊙ = 3/4" SOLID ROUND IRON REBAR FOUND
- = P.K. NAIL FOUND
- △ = RAILROAD SPIKE
- ⊕ = HARRISON MONUMENT

SHEET 1 OF 2 SHEETS

OWNERS OF RECORD:  
KEVIN & KARLA  
WILKINSON

ROBERT F. REIDER, RLS-1251 DATED 5-24-01  
CAROW LAND SURVEYING CO., INC.  
1837 W. WISCONSIN AVE., P.O. BOX 1297  
APPLETON, WISCONSIN 54912-1297  
PHONE 920-731-4168  
A2709-01 (rr-ac DGV) 5-23-01



## CERTIFIED SURVEY MAP NO. 5545

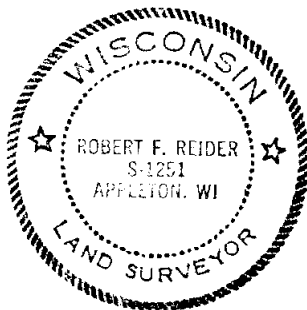
### SURVEYOR'S CERTIFICATE:

I, ROBERT F. REIDER, REGISTERED WISCONSIN LAND SURVEYOR, CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED PART OF THE SOUTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  AND PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$ , ALL IN SECTION 14, TOWNSHIP 22 NORTH, RANGE 14 EAST, TOWN OF MUKWA, WAUPACA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE S89°33'24"W, 566.01 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 14 TO THE SOUTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF STARLITE DRIVE; THENCE N00°37'24"E, 291.00 FEET ALONG SAID EXTENSION AND ALONG THE WEST RIGHT-OF-WAY LINE OF STARLITE DRIVE TO THE POINT OF BEGINNING; THENCE S89°33'24"W, 850.00 FEET ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 4510 AND ITS EXTENSION TO THE WEST TO THE WEST LINE OF LANDS DESCRIBED IN VOLUME 985, PAGE 348; THENCE N00°37'24"E, 257.00 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SAID DESCRIBED LANDS; THENCE N89°33'24"E, 850.00 FEET ALONG SAID NORTH LINE TO THE WEST RIGHT-OF-WAY LINE OF STARLITE DRIVE; THENCE S00°37'24"W, 257.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY UNDER THE DIRECTION OF KEVIN WILKINSON, N3727 STARLITE DRIVE, NEW LONDON, WISCONSIN 54961.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCE OF WAUPACA COUNTY AND THE TOWN OF MUKWA.



*Robert F. Reider* 5-24-01  
 ROBERT F. REIDER, RLS-1251 DATED  
 CAROW LAND SURVEYING CO., INC.  
 P.O. BOX 1297, 1837 W. WISCONSIN AVE.  
 APPLETON, WISCONSIN 54912-1297  
 A2709-01 (rr ac RFR) 5-9-01

### WAUPACA COUNTY PLANNING COMMISSION APPROVAL:

THIS CERTIFIED SURVEY MAP WAS APPROVED BY THE WAUPACA COUNTY PLANNING COMMISSION ON THE 31<sup>st</sup> DAY OF May, 2001.

CHAIRPERSON

5/31/01  
 DATED

SHEET 2 OF 2 SHEETS

REGISTER'S OFFICE  
 WAUPACA COUNTY WI  
 RECEIVED FOR RECORD

MAY 31 2001

At 1:00 o'clock P in and recorded  
 in Vol. 18 of CSM on Page 364  
 -                      Register

## Petition For Detachment From the City of New London, Wisconsin

PLEASE TAKE NOTICE, that the owners of the property are petitioning the City of New London and the Town of Mukwa for an order to detach the real estate on the property that resides currently in the City of New London for it to become a part of the Town of Mukwa.

The property in question is located at:

*1905 Starlight Dr, New London WI, 54961*

The property is owned in its entirety by Justin and Abigail Diem. The property sits on LOT 1 (parcel no. 33 14 71151) on certified survey with three (3) persons of current population. The certified survey map showing the property in question, is attached.

Dated this 13th day of June, 2022

Justin Diem

Justin Diem

Abigail Diem

Abigail Diem



AN ORDINANCE TO DETACH PROPERTY  
(Diem property)

ORDINANCE NO. \_\_\_\_\_

The Common Council of the City of New London, Waupaca - Outagamie Counties, Wisconsin, do ordain as follows:

**PURPOSE:**     **The purpose of this Ordinance is for detachment of a portion of the City of New London to the Town of Mukwa**

WHEREAS, the City of New London has received a petition for detachment of land from the City of New London, Wisconsin to the Town of Mukwa, Wisconsin for the subject property and whereas the Common Council by at least a three-fourths majority has approved the detachment petition. It is hereby ordained that the following Property is detached from the City in New London and is therefore attached to the Town of Mukwa.

SECTION 14 T22N R14E PRT SESE DAF LOT1 CSM V18P364 (WAUPACA COUNTY)

Said territory contains approximately 1.03 acres. The property is owned in its entirety by Justin and Abigail Diem. The property sits on LOT 1 (parcel no. 33 14 71151) on certified survey with three (3) persons of current population. The property is zone R-1 Single Family Residential. The certified survey map showing the property in question, is attached.

WHEREAS, it appears that all requirements of Section 66.0227 of the Wisconsin Statutes have been fully complied with; and

WHEREAS, it appears in the best interests of the City of New London and the Town of Mukwa that the afore described City of New London territory be detached from the City of New London.

NOW, THEREFORE, the Common Council of the City of New London, Wisconsin does ordain as follows:

THAT the afore described City of New London territory be and the same is hereby detached and attached to the Town of Mukwa, Wisconsin.

THAT the City Clerk is hereby directed to provide the Ordinance to the Town of Mukwa so that the Town of Mukwa can act upon the Ordinance within the time period set forth by Section 66.0227 of the Wisconsin Statutes.

BY: \_\_\_\_\_  
Mark Herter, Mayor

Attest: \_\_\_\_\_  
Nicole Lemke, City Clerk

1<sup>st</sup> Reading: \_\_\_\_\_, 2022

2<sup>nd</sup> Reading: \_\_\_\_\_

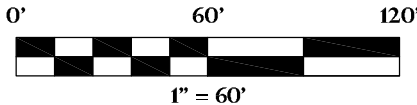
Published: \_\_\_\_\_

# CERTIFIED SURVEY MAP

BEING ALL OF LOTS 3 AND 4, A PART OF LOT 5, ALL OF LOTS 9, 10, 11, 12, 13, 14 AND A PART OF LOTS 15, 16, 17 AND 18, ALL IN BLOCK 5 OF REEDER SMITH'S PLAT TO THE CITY OF NEW LONDON, LOCATED IN PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 14 EAST, CITY OF NEW LONDON, WAUPACA COUNTY, WISCONSIN.

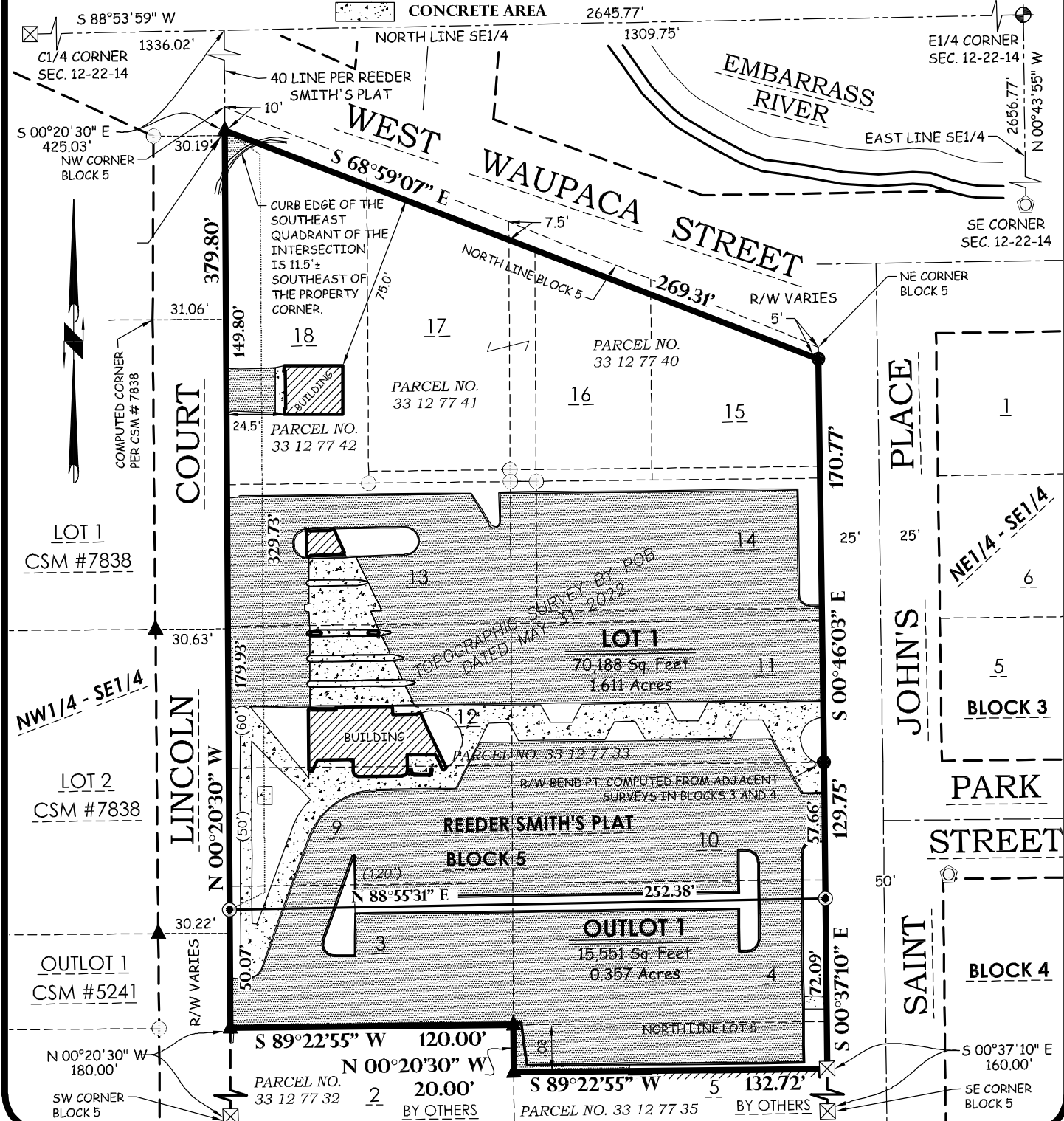
## LEGEND

- 3/4" O.D. X 18" IRON BAR SET WEIGHING 1.50 LBS/LIN. FT.
- 1" O.D. IRON PIPE FOUND
- 3/4" O.D. IRON BAR FOUND
- MAG NAIL FOUND
- RAILROAD SPIKE FOUND
- HARRISON MONUMENT FOUND
- CHISELED "X" FOUND
- RECORDED AS
- ASPHALT AREA
- CONCRETE AREA



## BASIS OF BEARINGS

THE NORTH LINE OF THE SE 1/4 OF SEC. 12, T.22N, R.14E, BEARS S 88°53'59"W AS REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NAD83 (2011).



Point of Beginning

Land Surveying  
Civil Engineering  
Landscape Architecture  
**Jordan G. Brost, PLS #3009**

4941 Kirschling Court  
Stevens Point, WI 54481  
715.344.9999 (PH) 715.344.9922 (FX)

FIELDWORK COMPLETED: 05/06/22  
DRAWN: CAG CHECKED: JGB

FIELD BOOK: 84 PAGE: 4-5

JOB NO: 22.039

## CLIENT:

KELLER INC  
224575 LILAC AVENUE  
WAUSAU, WI 54401

SHEET 1 OF 3

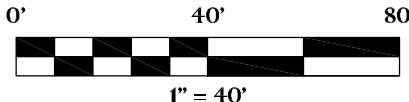
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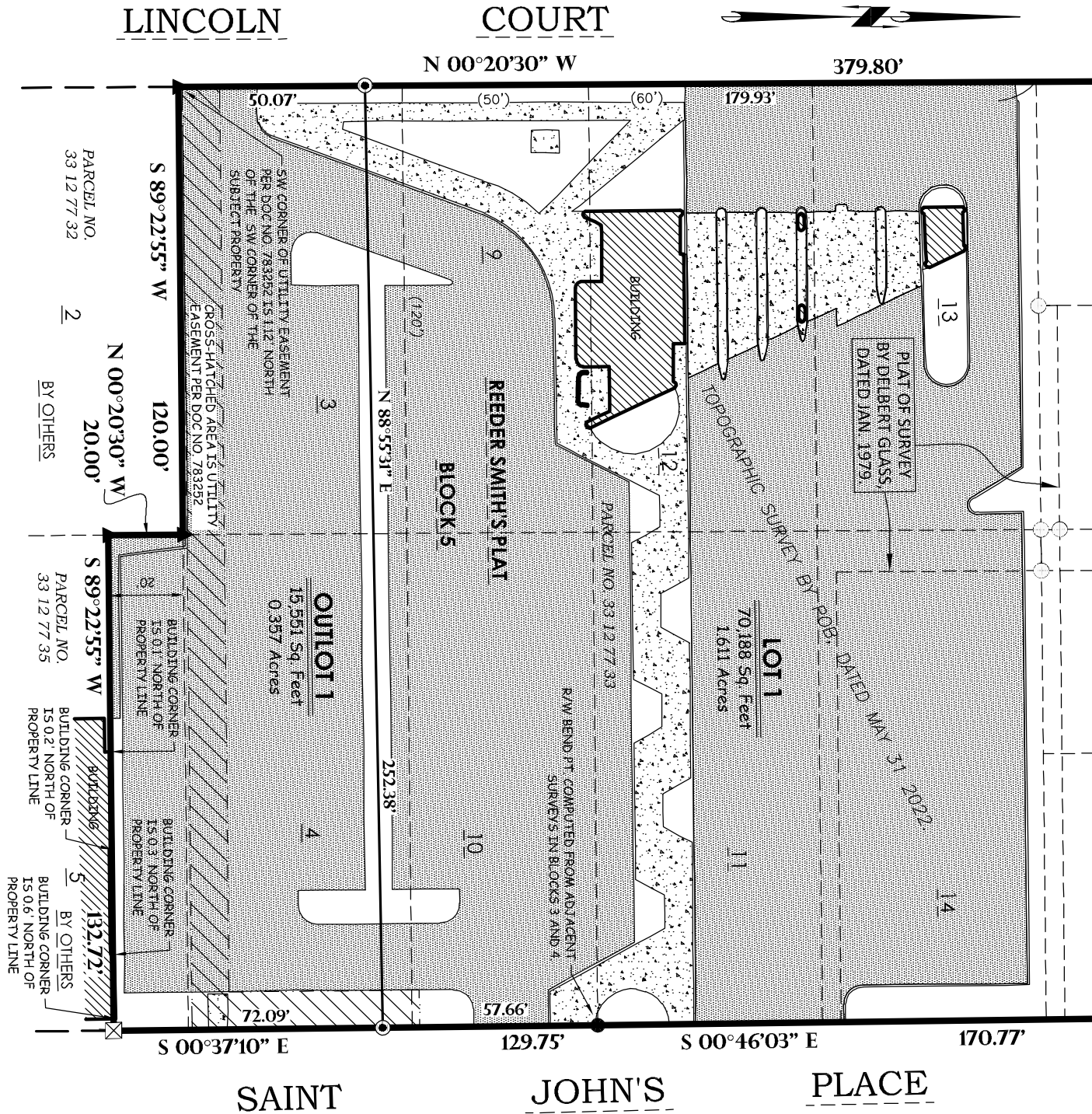
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Point of Beginning

Land Surveying  
Civil Engineering  
Landscape Architecture  
**Jordan G. Brost, PLS #3009**

4941 Kirschling Court  
Stevens Point, WI 54481  
715.344.9999 (PH) 715.344.9922 (FX)

FIELDWORK COMPLETED: 05/06/22  
DRAWN: CAG CHECKED: JGB

FIELD BOOK: 84 PAGE: 4-5

JOB NO: 22.039

CLIENT:

KELLER INC  
224575 LILAC AVENUE  
WAUSAU, WI 54401

SHEET 2 OF 3

# CERTIFIED SURVEY MAP

BEING ALL OF LOTS 3 AND 4, A PART OF LOT 5, ALL OF LOTS 9, 10, 11, 12, 13, 14 AND A PART OF LOTS 15, 16, 17 AND 18, ALL IN BLOCK 5 OF REEDER SMITH'S PLAT TO THE CITY OF NEW LONDON, LOCATED IN PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 14 EAST, CITY OF NEW LONDON, WAUPACA COUNTY, WISCONSIN.

### Surveyor's Certificate

I, Jordan G. Brost, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped all of Lots 3 and 4, a part of Lot 5, all of Lots 9, 10, 11, 12, 13, 14 and a part of Lots 15, 16, 17 and 18, all in Block 5 of Reeder Smith's Plat to the City of New London, located in part of the Northeast ¼ of the Southeast ¼ of Section 12, Township 22 North, Range 14 East, City of New London, Waupaca County, Wisconsin, described as follows;

Commencing at the East ¼ corner of Section 12, Township 22 North, Range 14 East;  
Thence S 88°53'59"W along the North line of the Southeast ¼ of said Section 12, 1309.75 feet;  
Thence S 00°20'30"E, 425.03 feet to the intersection of the East right-of-way line of Lincoln Court and the South right-of-way line of West Waupaca Street, said point being the point of beginning (POB) of the parcel to be described;  
Thence S 68°59'07"E along the South right-of-way line of West Waupaca Street, 269.31 feet to the intersection of said South right-of-way line and the West right-of-way line of Saint John's Place, said point also being on the East line of Block 5 of Reeder Smith's Plat to the City of New London;  
Thence S 00°46'03"E along said West right-of-way line and the East line of said Block 5, 170.77 feet;  
Thence S 00°37'10"E along said West right-of-way line and the East line of said Block 5, 129.75 feet;  
Thence S 89°22'55"W, 132.72 feet to a point on the West line of Lot 5 of said Block 5, Reeder Smith's Plat to the City of New London;  
Thence N 00°20'30"W along the West line of said Lot 5, 20.00 feet to the Northwest corner thereof, said point also known as the Southeast corner of Lot 3 of said Block 5;  
Thence S 89°22'55"W along the South line of said Lot 3, 120.00 feet to the Southwest corner thereof, said point being on the East right-of-way line of Lincoln Court;  
Thence N 00°20'30"W along said East right-of-way line of Lincoln Court and the West line of said Block 5, 379.80 feet to the point of beginning.

Containing: 85,739 Square Feet - 1.968 Acres.

Subject to (if any) covenants, conditions, restrictions, right-of-ways and easements of record.

That I have made such survey, land division and plat by the direction of Keller Inc.  
That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.  
That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Subdivision Ordinance of the City of New London in surveying, dividing and mapping the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Jordan G. Brost  
PLS No. S-3009

### *Subdivision Administrator's Certificate*

I, Robert Garske, director of Public Services and subdivision code administrator for the City of New London, do hereby certify that the certified survey map as shown above is in complete compliance with chapter 18, subdivision and platting code of the New London municipal code and thereby grant approval of the lot layout as shown hereon.

Robert Garske - Director of Public Services

Date \_\_\_\_\_

**OWNER:**

FIRST STATE BANK  
PO BOX 268  
NEW LONDON, WI 54961



### Point of Beginning

Land Surveying  
Civil Engineering  
Landscape Architecture  
**Jordan G. Brost, PLS #3009**

4941 Kirschling Court  
Stevens Point, WI 54481  
715.344.9999 (PH) 715.344.9922 (FX)

FIELDWORK COMPLETED: 05/06/22

**DRAWN: CAG CHECKED: JGB**

FIELD BOOK: 84 PAGE: 4-5

**JOB NO:** 22.039

**CLIENT:**

KELLER INC  
224575 LILAC AVENUE  
WAUSAU, WI 54401

**SHEET 3 OF 3**



## **CURRENT ORDINANCE FOR WELL-HEAD PROTECTION**

### **MUNICIPAL UTILITIES CODE CHAPTER 13.**

#### **SUB-CHAPTER 13.08 (2)**

#### **13.082 WELL HEAD PROTECTION**

(Created by Ord. # 1389)

- (a) Title. This section shall be known, cited, and referred to as the "Well Head Protection Ordinance" (hereinafter, the "WHP Ordinance").
- (b) Purpose and Authority.
  - (1) The residents of the City of New London and certain residents in the surrounding town depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities seriously threaten or degrade groundwater quality. The purpose of the WHP Ordinance is to protect the City's municipal water supply and areas from which the City wells draw water, and to promote the public health, safety, and general welfare of the residents of the City and the surrounding town.
  - (2) These regulations are established pursuant to the authority granted by 42 U.S.C. § 300h-7 and Wis. Stat. §§ 62.23, 66.0415 and 281.62(2)(a)5., and pursuant to the authority granted by the Wisconsin Legislature in 1983 Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety, and welfare. Areas appropriate for protection in the WHP Ordinance are established in the Well Head Protection Plan for the City of New London, Wisconsin prepared by AECOM (the "Plan"). The Plan, including the Well Head Protection Map shown as Figure 3-3 in the Plan (the "Map"), is incorporated herein by reference, and a copy is on file in the City Clerk's office.
- (c) Permitting of New Wells within Municipal Boundaries. All individuals and properties in the City of New London shall use a City of New London Water Utility potable water source for all uses. No new wells for residential, commercial or industrial use may be approved.

- (d) Applicability. The regulations contained in the WHP Ordinance shall apply to land that (a) is located within the City of New London corporate limits, and (b) is located within a Well Head Protection Area for Well Nos. 1, 2, 3, 5, 6, 7, and 8 as shown on the Map.
- (e) Well Head Protection Area.
  - (1) Definition. A Well Head Protection Area is the surface or subsurface area surrounding wells or well fields that supply the New London public water system through which contaminants are reasonably likely to move forward or reach a particular municipal well.
  - (2) Establishment. Well Head Protection Areas are hereby established consisting of well head protection zones in which land uses are regulated. The Well Head Protection Areas for Well Nos. 1, 2, 3, 5, 6, 7, and 8 are shown on the Map. The regulations of this WHP Ordinance overlay the regulations for the underlying zoning district designated for the area. Whenever the regulations in the Well Head Protection Area and the underlying zoning district conflict, the more restrictive regulation shall apply.
- (f) Uses within a Well Head Protection Area.
  - (1) Prohibited Uses. Well heads shall be adequately separated from potential sources of contamination and, therefore, the following uses are prohibited in the Well Head Protection Areas for Well Nos. 1, 2, 3, 5, 6, 7, and 8:
    - a. Any use that violates the minimum separation distances identified in Wis. Admin. Code NR § 811.12(5)(d). Any future amendments, revisions or modifications to Wis. Admin. Code NR § 811.12(5)(d) are intended to be made part of and adopted in this Article VI.
    - b. All other uses prohibited in a Well Head Protection Area by federal or state laws or regulations.
  - (2) Permitted Uses. Any use of property that does not constitute a prohibited use under subsection (1) is permitted in the Well Head Protection Areas for Well Nos. 1, 2, 3, 5, 6, 7, and 8, so long as the use complies with the regulations applicable to the underlying zoning district of the New London Zoning Code, as amended from time-to-time by the New London Common Council. (3) Non-conforming Uses. The continued lawful use of a building, premises, structure or fixture existing at the time of the adoption of the WHP Ordinance shall not be prohibited although the use does not conform to the WHP Ordinance.

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Non-conforming uses shall be governed by Wis. Stat. § 62.23, as amended from time to time. Costs incurred for improvements made to a non-conforming use that facilitate or enhance groundwater protection shall not be considered when determining whether the total structural repairs or alterations in a nonconforming building, premises, structure or fixture during its life exceed 50 percent of the assessed value of the building, premises, structure or fixture. The City, in its sole discretion, shall determine which improvements facilitate or enhance groundwater protection and identify the costs for said improvements. In addition, the following requirements apply to the owner of the property on which there is a nonconforming use:

- a. The owner shall provide copies of all federal, state, and local facility operation approvals or certificates to the City Director of Public Works.
- b. The owner shall provide all ongoing environmental monitoring results to the City Director of Public Works.
- c. The owner shall provide additional environmental or safety structures or monitoring as deemed necessary by the City, which may include, but is not limited to, storm water runoff management and monitoring.
- d. The owner shall replace or expand equipment in a manner that improves the existing environmental and safety technologies already in existence.
- e. The owner shall prepare and file with the City a contingency plan satisfactory to the City Director of Public Works for the immediate notification of City officials in the event of an unauthorized release of a contaminant to the ground, groundwater, or surface water within a Well Head Protection Area.

(g) Variances.

A request for a variance to the WHP Ordinance may be made.

(h) Enforcement.

- (1) If any contaminants that endanger the Well Head Protection Area are released, the owner of the property causing the release, or the person or entity causing the release if the person or entity does not own property within the Well Head Protection Area, shall immediately halt

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the activity that caused the release and shall commence a cleanup satisfactory to the City. The owner, person or entity shall be responsible for all costs of cleanup, including, but not limited to:

- a. The cost of City employees' time associated in any way with the cleanup. The cost shall be the employees' hourly rate multiplied by a factor determined by the City to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits provided to the employee.
  - b. City consultant fees associated in any way with the cleanup, including attorney and engineering fees.
  - c. The cost of City equipment employed.
  - d. The cost of mileage reimbursed to City employees attributed to the cleanup.
- (2) Following any unauthorized discharge within a Well Head Protection Area, the City may require additional test monitoring and/or bonds or sureties as it deems necessary and reasonable.
- (3) Penalties for noncompliance with the WHP Ordinance shall be as provided the City Code.
- (i) Severability.  
The invalidity of one or more of the phrases, sentences, clauses, or sections contained in the WHP Ordinance shall not affect the validity of the remaining portions of the ordinance. The Common Council hereby declares that it would have enacted the remainder of the WHP Ordinance even without any such phrase, sentence, clause, or section.

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13.09 PENALTY. Any person who shall violate any provision of the rules and regulations of the Utility adopted pursuant to this subchapter shall be subject to the penalty as provided in sec. 25.04 of this Code.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING SEC 13.082 WELL HEAD PROTECTION AND REPLACING WITH SEC 17.11-7 WELLHEAD PROTECTION OVERLAY DISTRICT, OF THE MUNICIPAL CODE OF THE CITY OF NEW LONDON, RELATING TO THE PROTECTION OF THE MUNICIPAL WATER SUPPLY.**

THE COMMON COUNCIL OF THE CITY OF NEW LONDON, OUTAGAMIE & WAUPACA COUNTIES, WISCONSIN DO ORDAIN AS FOLLOWS:

**SECTION 1. WELLHEAD PROTECTION OVERLAY DISTRICT:** CHAPTER 13 MUNICIPAL UTILITIES SEC. 13.082 WELL HEAD PROTECTION, of the code of ordinances, City of New London, Wisconsin is hereby repealed and re-created as CHAPTER 17 ZONING ORDINANCE (AMENDED ORD. 883) SEC 17.11-7 WELLHEAD PROTECTION OVERLAY DISTRICT, to read as follows:

**17.11-7 WELLHEAD PROTECTION OVERLAY DISTRICT.**

- (1) **PURPOSE.** The residents of the City of New London depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Ordinance is to establish a Wellhead Protection Overlay District to institute land use regulations and restrictions within a defined area which contributes water directly to the municipal water supply providing protection for the aquifer and municipal water supply of the City of New London and promoting the public health, safety and general welfare of City residents.
- (2) **AUTHORITY.** Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection, in §59.97(1) {which has since been renumbered as §59.69(1)} and §62.23(7)(c), Wis. Stats., to the statutory authorization for county and municipal planning and zoning to protect the public health, safety and welfare. In addition, §61.35, Wis. Stats., the City has the authority to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.
- (3) **APPLICATION.** The regulations specified in this Wellhead Protection Ordinance shall apply within the area surrounding each municipal water supply well that has been designated as a “Wellhead Protection Area” by the City in the most recent & up to date wellhead protection plan, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this chapter and the zoning ordinance, the more restrictive provision shall apply.
- (4) **WELLHEAD PROTECTION OVERLAY DISTRICT BOUNDARIES.** The location and boundaries of the zoning districts established by this chapter are set forth in the City of New London’s most recent and up to date wellhead protection plan on the map titled “Wellhead Protection Area” [on file in the City of New London office or the New London Utilities Office] incorporated herein and hereby made a part of this ordinance. Said figures, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein. This ordinance and thus promotes public health, safety, and welfare. The Wellhead Protection Overlay District is intended to protect the groundwater recharge area for the water supply from contamination.
  - A) *Note:* Wellhead protection areas are derived from hydrologic studies and are based on the area surrounding a well where groundwater takes 5-years or less to travel from the land surface to the pumping well
- (5) **PRINCIPAL USES.** The following uses are permitted in the Wellhead Protection Overlay District subject to the separation distances in Section (8) SEPARATION DISTANCES.

- A) Parks, playgrounds or wildlife areas, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
- B) Non-motorized trails, such as bike, skiing, nature and fitness trails.
- C) Residential, commercial and industrial establishments that are municipally sewered and whose use, *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production may not exceed 20 gallons or 160 pounds at any time, with the exception for those uses listed as “conditional” or “prohibited” in Sections 4 or 5 (Hazardous chemicals are identified by OSHA under 29 CFR 1910.1200(c) and by OSHA under 40 CFR Part 370.).
- D) Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.

(6) **CONDITIONAL USES.** following uses may be conditionally permitted in the Wellhead Protection Overlay District under *Sec. 17.06* **CONDITIONAL USES**, and subject to the separation distances in Section (8) **SEPARATION DISTANCES** of this chapter.

- A) Hydrocarbon, petroleum or hazardous chemical storage tanks.
- B) Motor vehicle services, including filling and service stations, repair, renovation and body work.
- C) Residential, commercial and industrial establishments that are municipally sewered and whose use, *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production exceeds 20 gallons or 160 pounds at any time.
- D) Stormwater infiltration basins
- E) Geothermal wells, also known as ground source heat pump along with any associated piping and/or ground loop component installations.

(7) **PROHIBITED USES.** The following uses are prohibited in the Wellhead Protection Overlay District.

- A) Animal waste storage areas and facilities.
- B) Application of fertilizer to manicured lawns or grasses in excess of the nutrient requirements of the grass.
- C) Asphalt product manufacturing plants.
- D) Dry cleaning establishments.
- E) Fertilizer manufacturing or storage facilities.
- F) Foundries and forge plants.
- G) Hazardous chemical processing or manufacturing facilities.
- H) Industrial liquid waste storage areas.
- I) Landfills or other areas for dumping, disposal or transferring of garbage, refuse, recycling, trash, or demolition material, including auto salvage operations.
- J) Metal reduction or refinement facilities.
- K) Mining operations, including metallic, gravel pits, industrial or frac-sand mining.
- L) Motor freight terminals.
- M) Petroleum or hazardous chemical storage greater than 110 gallons in any single wall petroleum storage tank (double wall storage tanks installations shall meet the requirements of s. ATPC 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATPC 93.110).
- N) Road salt or de-icing materials storage areas.

(8) **SEPARATION DISTANCES.** The following separation distances as specified in s. NR 811.12(5), Wis. Adm. Code, shall be maintained within the Wellhead Protection Overlay District.

- A) Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110.
- B) Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
- C) Two hundred feet between a well field and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
- D) Three hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- E) Three hundred feet between a well field and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- F) Four hundred feet between a well field and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
- G) Six hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- H) One thousand feet between a well field and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil

regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

- I) Twelve hundred feet between a well field and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

- (9) EXISTING NON-CONFORMING USES. In accordance with Sec. 12.12 NONCONFORMING LOTS, BUILDINGS AND USES, the lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

**SECTION 2. CONFLICT AND SEVERABILITY.** If any section, subsection, sentence, clause, paragraph or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect upon passage and posting as provided by law.

BY: \_\_\_\_\_  
Mark Herter, Mayor

Attest: \_\_\_\_\_  
Nicole Lemke, City Clerk

1<sup>st</sup> Reading: August 16, 2022

2<sup>nd</sup> Reading: September 20, 2022

Published: September 29, 2022



(5) EXTERIOR WALLS AND MURALS.

- (a) The architectural design should reflect a unified design, which is in character and proper relationship with the surrounding area.
- (b) Any additions to exterior walls or the installation of new exterior walls within the Central Business District shall be constructed in a manner that coincides with the surrounding architecture. approved by the Planning Commission prior to construction.
- (c) Plans regarding murals on business exterior walls shall be approved by the Planning Commission prior to the mural installation, placement or painting. Mural size, color scheme and theme shall be approved by the Planning Commission on a case-by-case basis.

(6) EXTERIOR MATERIALS AND COLOR. Exterior building materials for facades in the Central Business District shall be complimentary to a building's original materials as well as to those of adjacent buildings.

- (a) Brick, stone and decorative concrete block are preferred and recommended for all exterior façade repair and rehabilitation. When repairing brick exterior; care shall be taken to match appropriate size, color and texture to existing brick exterior.
- (b) Colors that are considered earth tone, natural and terra cotta are the preferred choices for brick or stone exteriors. All other materials for prospective projects shall be approved the Planning Commission prior to construction.
- (c) Use of vinyl or aluminum siding is prohibited on the ground level and may only be used for improvements on the second story and above with prior approval from the Planning Commission. Other materials made to either to imitate exterior finish materials or used to cover original architectural features are also prohibited unless approved by the Planning Commission.
- (d) Paint shall be used only on surfaces intended for paint application, including wood, etc. Paint shall compliment the colors of existing materials on the facade such as brick and stone.







