

1987 Senate Bill 517

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1987 Wisconsin Act 282

AN ACT to repeal and recreate 87.01 (intro.); and to create 87.305 of the statutes, relating to directing the department of natural resources to approve sewer and water connections for the railroad depot and the Dousman hotel and occupancy of the Dousman hotel on St. Feriole island in the city of Prairie du Chien.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Legislative findings and intent. The legislature reaffirms the importance of section 87.30 of the statutes and the rules promulgated, orders issued and ordinances adopted under that section, for the protection of public health, safety and welfare by reducing the hazards associated with floods. The legislature recognizes that the railroad depot and Dousman hotel on St. Feriole island in the city of Prairie du Chien are historically significant buildings located in a potential historic district and are integral to the future development and public use of St. Feriole island. The legislature finds, through preparation of a St. Feriole island reuse plan by the city of Prairie du Chien, that the risks to public health, safety and welfare which may result from the continued use of the railroad depot and the Dousman hotel on St. Feriole island can be minimized through floodproofing, the installation of a flood warning system and preparation and periodic testing of an evacuation plan. The legislature finds that the authority in this act for the department of natural resources to waive the applicability of section 87.30 of the statutes is justified by the unique circumstances connected with the proposed restoration of the railroad depot and the Dousman hotel. The legislature intends that this exemption not be used by the department of natural resources or by any other person as precedent to support efforts to create other exceptions to section 87.30 of the statutes.

SECTION 2. 87.01 (intro.) of the statutes is repealed and recreated to read:

87.01 Definitions. (intro.) In this chapter:

SECTION 3. 87.305 of the statutes is created to read:

87.305 Use of certain facilities on St. Feriole island.

(1) **DEPARTMENT APPROVAL.** Notwithstanding s. 87.30 or any rule promulgated, order issued or ordinance adopted under that section, the department shall authorize the connection of a sanitary sewer line from the sewerage treatment plant in the city of Prairie du Chien and connection of the public water supply of the city of Prairie du Chien to the railroad depot and the Dousman hotel on St. Feriole island and shall authorize historic use of the Dousman hotel as a hotel, as defined under s. 50.50 (3), if all of the following conditions are met:

(a) The department approves the developer's plans and specifications for floodproofing the railroad depot and the Dousman hotel.

(b) The department approves the city of Prairie du Chien's flood warning system and emergency evacuation plan and the city of Prairie du Chien agrees to test the evacuation plan at least once each year.

(c) The department informs the U.S. army corps of engineers, the department of transportation, the division of emergency government and the state historical society of its intention to authorize connection of sewer service and a water supply to the railroad depot and the Dousman hotel and occupancy of the hotel and either:

1. Those agencies do not object within 30 days after receiving a copy of the notice; or

2. Any objections of those agencies are resolved in negotiations between those agencies, the city of Prairie du Chien and the developer.

(d) The state historic preservation officer reviews the developer's plans for preservation or rehabilitation of the Dousman hotel and certifies that the preservation or rehabilitation will be consistent with the standards used by the U.S. secretary of the interior to certify rehabilitations under 26 USC 48 (g) (2) (C).

(2) REVOCATION OF APPROVAL. The department may revoke the approval granted under sub. (1) if any of the following occur:

(a) A floodproofing and flood warning system are not constructed substantially as designed in the plans and specifications approved by the department under sub. (1) (a).

(b) The owner or operator of the railroad depot and the Dousman hotel fails to maintain the floodproofing system substantially as designed in the plans and specifications approved by the department under sub. (1) (a).

(c) The city of Prairie du Chien fails to maintain the flood warning system and to test the emergency evacuation plan at least once each year.

(d) The state historic preservation officer determines that the preservation or rehabilitation of the Dousman hotel is not consistent with the standards used by the U.S. secretary of the interior to certify rehabilitations under 26 USC 48 (g) (2) (C).
