

**VILLAGE OF PARDEEVILLE
PUBLIC PROTECTION COMMITTEE
MEETING AGENDA
Village Hall – 114 Lake Street, Pardeeville
Thursday, August 25, 2022 at 4:00 p.m.**

- I. Call to Order
- II. Roll Call
- III. Verification of the Posting of Agenda
- IV. Agenda Approval
- V. Minutes Approval
- VI. Comments from the Floor

- VII. OLD BUSINESS
 - A. None

- VIII. NEW BUSINESS
 - A. Ord. 08-25; Keeping of Cats
 - B. Ord. 1-14; General Penalty & 1-15; Use of Citations for Enforcement
 - C. Chapter 32, Art. III - ATV/UTV; Hours of Operation

- IX. Adjourn

Kayla Lindert, Clerk/Treasurer
Posted: 08/24/2022

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The Village Hall is accessible to the handicapped. If you require additional assistance, please contact the village office no later than 48 hours prior to the meeting date. Phone 608-429-3121. If members are present from other recognized Boards, Commissions or Committees which may constitute a quorum, the meeting is presumed to be for the above-stated agenda/purpose. An updated agenda may be posted 24 hours before meeting time.

**VILLAGE OF PARDEEVILLE
PUBLIC PROTECTION COMMITTEE
MEETING MINUTES
Village Hall – 114 Lake Street, Pardeeville
July 27, 2022, at 2:00 PM
DRAFT NOT APPROVED**

- I. Call to Order by Possehl at 2:02 PM
- II. Roll Call, all present. Also in attendance were Erin Salmon; DPW/Village Administrator, Kayla Lindert; Clerk/Treasurer, and Joel Burkhardt.
- III. Verification of the Posting of Agenda, All 3 public locations, and the village website.
- IV. Agenda Approval, amended to move Rocky Run Snowmobile Riders to A. under NEW BUSINESS. **Holtan/Balsiger**, motion carries
- V. Minutes Approval, **Balsiger/Holtan**, motion carries
- VI. Comments from the Floor, none

- VII. OLD BUSINESS
 - A. Ord. 56-32, Review and Acceptance Fees
 - 1. Salmon opened with the need from attorney Paul JohnsonMotion to recommend to the board as presented **Possehl/Balsiger**. Motion carries

- VIII. NEW BUSINESS
 - A. Rocky Run Snowmobile Riders' route
 - 1. Joel Burkhardt opened with the need for the route
 - 2. Possehl asked about an additional option
 - 3. Curling on ice discussion
 - 4. Signage discussionMotion to approve updated route to the board **Balsiger/Holtan**. Motion carries

 - B. Ord. 6-25, Animal feces
 - 1. Salmon opened with the need from attorney Paul Johnson
 - 2. Balsiger brought up the county docking stationMotion to remove "or other public places" and "or to horses" from ordinance 6-25 **Holtan/Balsiger**, motion carries

 - C. Bond amounts for violations
 - 1. Salmon opened up the need from Deputy Jones
 - 2. Discussion on understanding missing charges
 - 3. Balsiger, for bond amounts refer to the county and recommend a complete bond table to the board**Balsiger/Holtan**, motion carries

D. Ord. 30-56, (sidewalk) Specifications / Ord. 56-82 Required Improvements, and Maple Street sidewalks

Motion to recommend to the board for:

- a 4-foot standard for all sidewalks, except in business districts (30-56_4)
- sidewalks to be installed on both sides of the streets (56-82_11)
- Maple St. reconstruction to have sidewalks on both sides

Possehl/Balsiger, motion carries

E. Ord. 4-34, Restrictions on special Class “B” fermented malt beverage license

1. Salmon opened up about questions from the 4th of July committee
2. Discussion on minors in the “beer tent” area and drinking in the park

Possehl to recommend to the board to allow minors into the tent with a parent/guardian, with the use of wristbands as identifiers, **Balsiger seconds**. Motion carries

Balsiger to recommend to the board to edit 9 PM time and trafficking of alcohol must stay at the point of sale, **Holtan seconds**. Motion carries

Holtan to recommend to the board to change the ordinance to say “half-hour by special event end, and no later than 11 PM”, **Balsiger seconds**. Motion carries.

F. Cat Population

1. Discussion on email from attorney Paul Johnson
2. Salmon discussed avenues we now use for feral cats and kittens
3. Ordinance violation letter and plan going forward with Erin, Humane Society, and Deputy/Sheriff Department.

IX. Adjourn at 3:46 by Possehl

Jody Hardwick Deputy Clerk/Administrative Assistant

Approved _____

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Sec. 6-58. - Keeping nuisance dogs and cats prohibited.

It is unlawful and a public nuisance for any person within the village to own, harbor or keep any dog or cat that:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the village;
- (2) Assaults or attacks any person or destroys property;
- (3) Is at large within the limits of the village;
- (4) Habitually barks or howls to the annoyance of any person;
- (5) Kills, wounds or worries any domestic animal;
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(Code 1986, § 7-1-6(a))

Erin Salmon

From: Erin Salmon
Sent: Wednesday, August 24, 2022 11:00 AM
To: Paul A. Johnson
Cc: Kayla Lindert; Jody Hardwick
Subject: RE: Zoning Violation- no fee?!
Attachments: MX-4071_20220824_110429.pdf

Hi Paul,

Oh my, Ok. Yikes. The Public Protection Committee is going to have a TON of work to do then, in order to list EACH one out. Is there an easier way, like for alcohol related, first offense X dollar, second offense X dollar. Then zoning offense, first offense is X dollar, second offense X dollar?

Attached is our current Permit and Fee schedule.

I think we should work on this right away. Thanks so much Paul.

Erin M. Salmon, P.W.M.

Village Administrator & Director of Public Works
Village of Pardeeville/Pardeeville Public Utilities
114 Lake St.
Pardeeville, WI
P: 608-429-3121
F: 608-429-3714

"A mistake which makes you humble, is much better than an achievement that makes you arrogant."

From: Paul A. Johnson <pjohnson@boardmanclark.com>
Sent: Wednesday, August 24, 2022 8:54 AM
To: Erin Salmon <dpw@villageofpardeeville.net>
Subject: RE: Zoning Violation- no fee?!

Good Morning:

The Sheriff's department is wrong. I have seen them use this argument in other places and it does not fly. Having said that, if they are going to refuse to enforce a provision of the code, then we should try to fix it.

The relevant sections of the Village Code are sections 1-14 and 1-15. 1-14 provides a general penalty for any offense in which a specific penalty is not provided by ordinance. So they do not need a bond schedule as the penalty is set by this section. Section 1-15 does allow the Village to establish a schedule of cash deposits for certain violations, but it is not required and it is not a requirement of enforcing the code.

It is a good idea to have a fee schedule for the Village, but it is a big undertaking. Usually the fee schedule creates a list of all the fees charged by the Village (alcohol licenses, zoning permits, offenses, the whole nine yards). It requires someone to go through the codes and where a fee is mentioned it gets put in the fee schedule. When the schedule is done, the board adopts the schedule by Resolution. Then in the future, when a fee is changed, the resolution is changed instead of the ordinance.

To answer the immediate question, the sheriff does have the authority to issue citations under any section of the Code. The zoning administrator also has the authority to issue citations under the zoning code, but it is preferred that the zoning administrator make a report to the police and the police issue the citation. That way if we end up in court, we have an officer that can testify that a complaint was made, an investigation was done by the police and the findings of the investigation resulted in a citation being issued.

- **Sec. 1-14. - General penalty.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

(a)

Generally. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(1)

First offense, penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, **forfeit not less than \$25.00 nor more than \$500.00 together with the costs of prosecution** and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

(2)

Second offense, penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.

(b)

Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(c)

Other remedies. The village shall have any and all other remedies afforded by state law in addition to the forfeitures and costs of prosecution set forth in subsection (a) of this section.

(Code 1986, § 1-1-6)

- **Sec. 1-15. - Use of citations for enforcement.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

(a)

Authorized. The use of a citation to be issued for violations of ordinances other than those for which a statutory counterpart exists is authorized by the village board. Citations may be issued by law enforcement officers of the village and by designated village officials with respect to sections of this Code that are directly related to the official's area of responsibility. The officials granted authority to issue citations under this section may delegate the authority to other village employees within the designated official's department with the approval of the village board.

(b)

Form. The form of the citation to be issued under this section shall provide:

(1)

The name and address of the alleged violator;

(2)

The factual allegations describing the alleged violation;

(3)

The date and place of the offense;

(4)

The section of the ordinance violated;

(5)

A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;

(6)

The time at which the alleged violator may appear in court;

(7)

A statement which, in essence, informs the alleged violator that:

a.

The alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;

b.

If the alleged violator makes such a deposit, he need not appear in court unless subsequently summoned;

c.

If the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Wis. Stats. § 757.05 and court costs as imposed by Wis. Stats. § 800.10 not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;

d.

If the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Wis. Stats. § 757.05;

e.

A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under this section and shall send the signed statement with the cash deposit;

f.

Such other information as may be deemed necessary.

(c)

Schedule of cash deposits. The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the village board, a copy of which is on file with the clerk-treasurer. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by Wis. Stats. § 757.05 and court costs as imposed by Wis. Stats. § 800.10.

(d)

Receipt of cash deposits. Deposits shall be made in cash, money order or certified check to the county court clerk. Receipts shall be given for all deposits received.

(e)

Procedure. Wis. Stats. § 66.0113(a) relating to violator's options and procedure on default is adopted and incorporated herein by reference.

(f)

Non-exclusivity of section. This section does not preclude the village board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other

matters. The issuance of a citation hereunder shall not preclude the village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.



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From: Erin Salmon <dpw@villageofpardeeville.net>

Sent: Wednesday, August 24, 2022 6:28 AM

To: Paul A. Johnson <pjohnson@boardmanclark.com>

Subject: Zoning Violation- no fee?!

Good morning (I think) Paul,

Too early to tell...anywho....

Sheriff's office is telling me they can't enforce any zoning violation. I.E. 102 Don St., scraping metal & making money in a residential district still...

They say 1. There is no bond fee schedule 2. Zoning Administrator can issue citation.

So, I have no problem with this, but any suggestions on fee? Do I state fee in Ord. Or on our permit & fee schedule?

Public Protection is meeting tomorrow, I'd like to address it, if possible?

Thanks,

Erin

Erin M. Salmon, P.W.M.

Village Administrator &

Director of Public Works

Village of Pardeeville

Sent from my U.S.Cellular© Smartphone

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Sec. 1-14. - General penalty.

- (a) *Generally.* Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
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- (2) *Second offense, penalty.* Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
- (b) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) *Other remedies.* The village shall have any and all other remedies afforded by state law in addition to the forfeitures and costs of prosecution set forth in subsection (a) of this section.

(Code 1986, § 1-1-6)

Sec. 1-15. - Use of citations for enforcement.

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- (b) *Form.* The form of the citation to be issued under this section shall provide:
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 - (4) The section of the ordinance violated;
 - (5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
 - (6) The time at which the alleged violator may appear in court;
 - (7) A statement which, in essence, informs the alleged violator that:
 - a. The alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - b. If the alleged violator makes such a deposit, he need not appear in court unless subsequently summoned;
 - c. If the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Wis. Stats. § 757.05 and court costs as imposed by Wis. Stats. § 800.10 not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;
 - d. If the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Wis. Stats. § 757.05;
 - e. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under this section and shall send the signed statement with the cash deposit;
 - f. Such other information as may be deemed necessary.
- (c) *Schedule of cash deposits.* The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the village board, a

copy of which is on file with the clerk-treasurer. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by Wis. Stats. § 757.05 and court costs as imposed by Wis. Stats. § 800.10.

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- (e) *Procedure.* Wis. Stats. § 66.0113(a) relating to violator's options and procedure on default is adopted and incorporated herein by reference.
- (f) *Non-exclusivity of section.* This section does not preclude the village board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters. The issuance of a citation hereunder shall not preclude the village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

(Code 1986, §§ 1-2-1—1-2-7)

properly adjusted so as to not interfere with the operation of other vehicles on the roadway.

b. Taillights/brake lights shall be red in color and be observable during hours of darkness to a distance of five hundred (500) feet to the rear.

c. If a trailer is towed behind an all-terrain or utility terrain vehicle, the trailer shall conform with all lighting requirements applicable to an all-terrain or utility terrain vehicle.

(8) Unit Noise Limits. No person may manufacture, rent, sell or operate an all-terrain or utility terrain vehicle that is configured in such a manner that noise emitted from the vehicle exceeds 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the Wisconsin Department of Natural Resources. Modifications to the muffler or exhaust systems are prohibited if exceeding authorized decibels. Muffler and exhaust systems shall be consistent with manufacturers specifications functioning to avoid excessive noise.

(9) Radios or Electronic Sound Amplification Devices. No person may operate or park, stop or leave standing an ATV or UTV while using a radio or other electronic sound amplification device emitting sound from the unit that is audible under normal conditions from seventy-five (75) feet or more, unless the electronic sound amplification device is being used to request assistance to warn against an unsafe condition.

(10) Operations Restrictions. Streets, authorized alleys (East alley and West Alley, located in the Business District), public trails in the right-of-way, or portion thereof, designated as an official designated route, all-terrain and utility terrain vehicles operating on such Village of Pardeeville streets, roads, and other public property shall comply with the following:

a. All-terrain and utility terrain vehicles shall be operated on the right side of the driving lane and travel with the flow of traffic when operating with a plow device attached.

b. All-terrain and utility terrain vehicles shall be operated in single-file, with headlights and taillights in operation at all times. No person shall an ATV/UTV on any designated roadway or trail without fully functional headlights, taillights and brake lights.

c. All-terrain and utility terrain vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.

(11) Hours of Operation. ATV/UTV operation is limited to the hours of 6 ~~7~~:00 a.m. to 10:00 p.m.

(12) Operation with an Open Container; Intoxication. It shall be unlawful for any ATV/UTV operator or passenger in or on an ATV/UTV to operate such unit while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these substances, or to possess or have on board any open container containing an alcoholic beverage while operating upon any public street, public way, public alley or public parking lot within the Village of Pardeeville.