



ADMINISTRATIVE COMMITTEE AGENDA

Date and Time: Monday, February 4, 2019 at 12:00PM CST
Location: City Hall, 101 South Boulevard, Baraboo, WI 53913
Room: C205 *Dennis O Thurrow* Committee Room

Notices:

Full Paper to Members:	Alderspersons: John Alt, John Ellington & Michael Zolper
Full Paper to Others:	Mayor, Mike Palm
Paper excluding Closed Session:	Library for subsequent posting
E-mail:	Clerks and Donna Munz
Outlook Meeting Calendar:	Administrator, Ed Geick; City Attorney, Emily Truman; Police Chief, Mark Schauf; Finance Director, Cynthia Haggard; City Engineer, Tom Pinion

Citizens' notices:

1. Call to Order:

- a. Roll call of members.
- b. Note Compliance with Open Meeting Law.
- c. Approve minutes – December 10, 2018.
- d. Approve agenda.

2. Action Items:

- a. Review and recommendation to City Council to change the City Code to allow for the consumption of wine in certain parks, in addition to already permitted fermented malt beverages. **See the following attachment:**
 - i. Proposed Ordinance for Consumption of Beer and Wine in Parks
- b. Review and recommendation to the Common Council to approve the proposed amendments to §9.10(3)(b), Baraboo Municipal Code, pertaining to raising chickens in the City of Baraboo. **See the following attachment:**
 - i. Memorandum from City Attorney, "Amendments to Baraboo's Chicken Ordinance."

3. Information Items:

- a. Date and time of next meeting: March 4, 2019 at 12:00PM CST

4. Adjournment:

John Alt, Chairman

For more information about the City of Baraboo, visit our website at www.cityofbaraboo.com.

Agenda prepared by Cynthia Haggard, (608) 355-2700
Agenda posted by Donna Munz on February 1, 2019

Any person, who has a qualifying disability as defined by the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Baraboo City Clerk at 101 South Boulevard, Baraboo, Wisconsin or by phone (608) 355-2700 during regular business hours at least 48 hours before the meeting to ensure reasonable arrangements are made to accommodate each request.

Present: Alderpersons John Alt and John Ellington
Absent: Alderperson Michael Zolper
Also Present: Mayor, Mike Palm; City Administrator, Edward Geick; Police Chief, Mark Schauf, Emily Truman, City Attorney and Finance Director, Cynthia Haggard

The meeting was called to order by Chairman John Alt at 12:00PM CST., with roll call and noting compliance with the Open Meetings Law.

Moved by Ellington to approve the minutes of November 5, 2018, seconded by Alt and unanimously carried.

Motion by Ellington to approve agenda, seconded by Alt and unanimously carried.

Consider Request for Excessive Household Animals – Juergen Beyer.

Chief Schauf began with stating the Code allows the Administrative Committee to grant exceptions to the number of animals in certain circumstances. One of those circumstances is where there is a significant change in household that would cause the temporary action, which appears to be the case here. We have parents that live at 727 Walnut Street who have a dog of their own, then daughter moves in with 2 additional dogs.

The Police Department became aware of the situation when they responded to a call on the 1st of November referenced to barking and number of dogs at residence. The residents with excessive dogs was informed that the 2 dog rule existed and were told about the steps they needed to do to seek an exemption of the Code.

Proper documentation has been provided to show that the Veterinary needs have been met. The Police Officer involved believes the situation is temporary as the daughter is trying to find her own place.

Alt mentioned that one of the dogs was seriously ill. Chief Schauf affirmed and stated there would eventually be a natural reduction and also mentioned the problem could remedy itself before then. Since the initial complaint of barking dogs, there have been no more complaints.

Truman informed the Committee that the motion would be a recommendation to approve or deny to Council.

Motion to recommend the Council to consider request for Excessive Household Animals by Ellington, seconded by Alt and unanimously carried.

Member comments

The next meeting will be January 7, 2018 at 12:00PM CST. Meeting location will be 101 South Boulevard. Moved by Ellington to adjourn, seconded by Alt and unanimously carried. Meeting adjourned at 12:06PM CST.

Respectfully submitted,
Cynthia Haggard, Finance Director

Action Item 2.a. Attachments

NBO-
The City of Baraboo, Wisconsin

Background: The City's Municipal Code currently allows for the consumption of fermented malt beverages, such as beer, in City parks except as otherwise prohibited by Chapter 19, Park Regulations, of the Municipal Code. Chapter 19 of the City Code was recently reviewed by the Parks and Recreation Committee with a recommendation made to allow the consumption of both fermented malt beverages and wine in City parks, except as otherwise prohibited in Chapter 19. Should the Common Council agree to accept the Parks and Recreation Committee's recommendation, §9.08(4)(b) of the Code will also need to be amended to remain consistent with Chapter 19. It is therefore recommended that §9.08(4)(b) of the City Code be amended contingent upon the corresponding change also be made to Chapter 19 of the City Code.

Fiscal Note: (check one) [x] Not Required [] Budgeted Expenditure [] Not Budgeted

Comments:

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. Section 9.08(4) of the Baraboo Municipal Code is amended as follows:

(4) EXCEPTIONS.

- (a) The prohibitions in subs. (2) and (3) above shall not apply to those events or activities that are otherwise permitted or licensed pursuant to Chs. 12 and 19 of this Code.
- (b) The prohibitions in sub. (2) above shall not apply to the consumption of fermented malt beverages **or wine** in City parks, except as otherwise prohibited in Ch. 19 of this Code.
- (c) The prohibitions in subs. (2) and (3) above shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of §346.93 or 125.09(2), Wis. Stats.

2. This Ordinance shall take effect upon passage and publication as provided by law.

Mayor's Approval: _____
Clerk's Certification: _____

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the _____ day of _____, 20____, and is recorded on page _____ of volume _____.

City Clerk: _____

Action Item 2.b. Attachments

MEMO

City Attorney



To: Administrative Committee
Police Chief Mark Schauf
City Clerk Brenda Zeman
From: City Attorney Emily Truman
Subject: Amendments to Baraboo's Chicken Ordinance

Residents of the City of Baraboo are allowed to keep up to six chickens in certain zoned areas of the City, contingent upon them being issued a permit by the City Clerk. Some confusion has arisen regarding how long permits are valid for, the ways in which a permit can be revoked, and the basis on which a permit can be issued. As such, some minor changes are being suggested to make the Code simpler and easier to follow. These changes should result in time saved by both residents who wish to keep chickens and City staff and elected officials.

Suggested Updated Ordinance

Chickens. Chickens may be raised in the R-1, R-1A, R-2, R-3, and MH-S Residential Zoning Districts provided the following conditions are met: (2458 08/27/17)

1. Permit Required. The keeping of chickens shall require a permit issued by the City Clerk.
 - a. Application and Review. Upon receipt of a completed permit application, other than a renewal application pursuant to Subs. (1)(c), below, the City Clerk shall notify by regular mail all property owners contiguous with the parcel proposed for the chicken coop. These property owners shall have 10 business days from the date of the letter to file with the City Clerk a written objection, signed by the objector, to the permit being issued.
 - i. If an objection is received, the City Clerk shall place the permit application on the next regularly scheduled Administrative Committee meeting agenda, and at the meeting the objection will either be read into the record or the objector will have an opportunity to be heard on the objection. The Administrative Committee shall approve the application so long as the following are satisfied:
 1. The basis for the objection is not reasonable, is not relevant to the facts presented, and/or the benefit to the applicant outweighs the reasons for the objection made by the objector.
 2. The applicant does not have a history of non-compliance with this ordinance, or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
 3. The coop and run have been inspected by the City Humane Officer or designee to ensure that they are adequate and in compliance with the requirements this ordinance.
 4. The applicant has no prior convictions for animal cruelty or related offenses.
 5. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any ordinance of the City.

- ii. If an objection is not received, the Chief of Police or designee shall approve the City Clerk's issuance of the permit so long as the following are satisfied:
 - 1. The applicant does not have a history of non-compliance with this ordinance or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
 - 2. The coop and run have been inspected by the City Humane Officer or designee to ensure that they are adequate and in accordance with the requirements of this ordinance.
 - 3. The applicant has no prior convictions for animal cruelty or similar offenses.
 - 4. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any Ordinance of the City.
 - b. Expiration. All permits shall expire on June 30 of every odd numbered year.
 - c. Renewal. Current permit holders may apply for a renewal license at any time, but no sooner than three months prior to the permit expiration date and no later than five days prior to the expiration date. Prior to the issuance of a renewal permit, the City Humane Officer or designee shall inspect the coop and run to ensure continued compliance with this code; failure to be in compliance with this code at the time of inspection shall result in the renewal license not being issued and the permit holder needing to apply for a new license pursuant to Subs. (1)(a), above.
 - d. Revocation. In the event that a permit holder accumulates three violations of this section within any 12-month period, or five violations within any 36-month period, or if the permit holder is convicted of an offense under Ch. 951, Wis. Stats., or any comparable statute in another jurisdiction, the permit shall be revoked 10 business days after the service of a Notice of Revocation on the permit holder by the City Clerk. Notice of Revocation is deemed served upon the day of mailing if sent by certified mail to the permit holder at the address as listed upon the application for the permit. If, during those ten business days the permit holder files a request for an appeal with the City Clerk, the revocation will be stayed pending the outcome of the appeal. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting and make a determination on the revocation based on whether there are validated complaints investigated by the Baraboo Police Department.
 - e. Denials and Non-Renewals. The denial, non-renewal or revocation of a permit shall not preclude an applicant from applying for a permit at any time in the future.
 - f. Non-Transferrable. Permits are non-transferrable from person to person or place to place. In the event a permit holder moves, the permit holder must notify the City Clerk within ten calendar days of said move and the permit shall then be voided by the City Clerk.
 - g. Fees. The application fee for a permit shall be \$25.00., except the application fee for a renewal permit pursuant to Subs. (1)(c), above, shall be \$10.00. All fees are non-refundable, cannot be non-prorated, and due in full prior to the processing of the application by the City Clerk.
2. Parcel, Coop and Run Requirements.
- a. Chicken coops and runs shall not be located closer than ten feet to any lot line, and may not be located closer to a neighboring residence than to the residence located upon the coop's parcel.
 - b. The lot upon which the chickens are raised shall have a minimum width of fifty feet, and contain only a single-family dwelling. In addition, all contiguous properties to the lot upon which the chickens are raised shall contain only a single-family or two-family dwelling. A zero lot line duplex is not qualified to have chickens.
 - c. No more than six chickens may be maintained on any parcel.
 - d. The chickens shall be provided with a covered coop with not less than two nor more than four square feet of area per chicken. The coop shall be constructed of sturdy, predator-proof material and shall provide adequate shade from the sun and warmth in cold weather. The floor of the coop shall be covered with wood or cedar chips and be regularly cleaned and otherwise maintained. The coop may be built as part of a yard shed or garage, but cannot be placed on top of a building.
 - e. Chickens shall be provided with a run attached to or surrounding the coop. The run shall be made of strong, predator-proof wire fencing. To prevent chickens from flying out of the run, fencing shall be of sufficient height, be covered, or the chickens shall have their wings clipped.

- f. Chickens shall be kept in the covered coop or in the fenced run at all times.
- 3. Miscellaneous Provisions.
 - a. Chickens shall not be allowed inside of a residence.
 - b. Chickens may only be raised on the property of the owner, or if a tenant, with the written consent of the owner.
 - c. Roosters and crowing cockerels shall not be kept.
 - d. The slaughtering of chickens in the Residential Zoning Districts is prohibited.
 - e. The standards and requirements of §12.13(16) & (17)(b), Baraboo Municipal Code, shall fully apply to the keeping of chickens.

Redlined Version of the Current Ordinance – Showing Proposed Changes

Chickens. Chickens may be raised in the R-1, R-1A, R-2, R-3, and MH-S Residential Zoning Districts provided the following conditions are met: (2458 08/27/17)

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 - 1. The basis for the objection is not reasonable, is not relevant to the facts presented, and/or the benefit to the applicant outweighs the reasons for the objection made by the objector.
 - 2. The applicant does not have a history of non-compliance with this ordinance, or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
 - 3. The coop and run have been inspected by the City Humane Officer or designee to ensure that they are adequate and in compliance with the requirements this ordinance.
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