

VILLAGE OF COTTAGE GROVE

NOTICE OF PUBLIC MEETING

ORDINANCE REVIEW COMMITTEE

Wednesday, February 24,
2021

Note New Time: 5:45 p.m.

Agenda

Due to the COVID-19 pandemic, this meeting will take place virtually via Zoom. Please join the meeting from your computer, tablet or smartphone by visiting <https://zoom.us/j/97671055071?pwd=T1NaUFg2U1l6d0RLL2RITzFBam1lUT09>

You can also participate via phone by dialing 1-312-636-6799 and use Meeting ID: 976 7105 5071#. When asked for your Participant ID, just press 221.

You may also choose to participate by providing public comment prior to the meeting via email to the Committee Chairperson, Heidi Murphy at hmurphy@village.cottage-grove.wi.us

1. Call To Order
2. Determination Of Quorum And That The Agenda Was Properly Posted
3. PUBLIC APPEARANCES-Public's Opportunity To Speak About Any Subject That Is Not A Specific Agenda Item
4. Discuss And Consider The Minutes From The January 27, 2021 Meeting.

Documents:

[01-27-2021 ORDINANCE MINUTES.PDF](#)

5. Discuss Any Ordinance Edits And Changes Recommended For The Purpose Of Compiling A Prioritized List Of Recommended Ordinance Changes To Submit To The Village Board.
6. Discuss Any Ordinance Request Forms Received.
7. Discuss Chapter 325-88(J): Pool Fences.

Documents:

[ITEM 7 POOL FENCE ORDINANCE FORM.PDF](#)
[ITEM 7 POOL FENCE MEMO.PDF](#)

8. Discuss And Consider Update To Chapter 94-3: Special Meetings Of The Village Board.

Documents:

[ITEM 8 SPECIAL MEETINGS OF THE VILLAGE BOARD.PDF](#)

9. Discuss Chapter 173-1: Use Of Firearms And Weapons.

Documents:

[ITEM 9 ORDINANCE 173 RE-WRITE OPEN.PDF](#)

10. Status Update On In-Progress Ordinance Changes.
11. Future Agenda Items.
12. Set Next Meeting Date.
13. Adjournment

Any item on the agenda is subject to final action. Notice: Persons needing special accommodations should call 608-839-4704 at least 24 hours prior to the meeting. It is possible that members of and possibly a quorum of members of other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

ORDINANCE REVIEW COMMITTEE

Wednesday, January 27, 2021

5:30 p.m.

Draft Minutes

1. Call to Order.
 - a. Heidi called the meeting to order 5:36PM
2. Determination of quorum and that the agenda was properly posted.

Attendance: Alex Jushchyshyn, Heidi Murphy, Jess Robinson
Absent: Paul Van der velde, Cara Musick
3. Public Appearances – Public’s opportunity to speak about any subject that is not a specific agenda item.
 - a. None
4. Approve the minutes of the December 16, 2020 Meeting.
 - a. Motion to approve as presented Heidi Murphy, 2nd Jess Robinson
Vote: 3 -0-0
5. Discuss any Ordinance edits and changes recommended for the purpose of compiling a prioritized list of recommended Ordinance changes to submit to the Village Board.
 - a. None
6. Discuss any Ordinance Request Forms received.
 - a. None
7. Discuss And Consider Recommendation For Update To Chapter 325-88(K): Fences
 - a. Heidi Murphy reviewed memo in our packet
 - i. recommend text update to add clarity for usage of snow fences. Added enforcement method to building inspector.
 - b. Jess Robinson makes a motion to approve ordinance updates as presented in the memo, 2nd Heidi Murphy
Vote: 3-0-0

8. Discuss And Consider Recommendation For Update To Chapter 239: Peddlers, Canvassers And Transient Merchants

- a. Heidi Murphy reviewed memo in our packet
- b. Jess Robinson Motions to proceed with direction to staff as presented in the memo to create Mobile Food Vendor Host Permit form and investigate Chapter 239 updates. 2nd Heidi Murphy

Vote: 3-0-0

9. Discuss Chapter 173-1: Use Of Firearms And Weapons

- a. Heidi reviewed memo in our packet
- b. Alex Jushchyshyn to draft ordinance recommendation to be reviewed at the next meeting.

10. Update On Chapter 116-3: Keeping Of Animals – Specifically Regarding Chickens

- a. Heidi Murphy reviewed next steps of the process for adding this to our Ordinances. This is progressing and no action is needed at this time from this committee

11. Update On Chapter 130: Building Construction And Fire Prevention

- a. No update at this time. Jess Robinson's comments are in legal review

12. Future Agenda Items.

- a. Chapter 239: Peddlers, Canvassers And Transient Merchants
- b. Chapter 116-3: Keeping Of Animals: as needed
- c. Chapter 173-1: Use Of Firearms And Weapons

13. Set Next Meeting Date.

- a. February 24, 2021 5:45 PM (note time change)

14. Adjournment Motion to adjourn by Alex Jushchyshyn, 2nd Heidi Murphy

Vote: 3 - 0 - 0

Village of Cottage Grove, Wisconsin Ordinance Request Form

NAME OF REQUESTER: Tyler and Ashley Inda

ADDRESS OF REQUESTER: 804 Stoney Hill Lane Cottage Grove, WI 53527

The Village of Cottage Grove Ordinance Review Committee (Committee) reviews requests to revise current or create new Ordinances for the Village.

The Committee must analyze the “Who, What, When , Where, Why and How” when deciding whether to pursue a request. This involves a variety of factors including (but not limited to) whether this is a matter affecting the entire Village, number(s) of individuals affected, how the proposal solves the problem, time and expense related to drafting the proposed language, the cost/benefit involved with the enforcement of the Ordinance.

To assist the Committee, please provide as much background as possible:

WHO (is affected by the proposal): The affected parties are those residents in the village of Cottage Grove, Wisconsin who have recently or will soon begin construction on an in-ground pool with automatic pool cover.

WHAT (is the actual issue involved, specific sections you want revised, proposed language?) Currently the village of Cottage Grove, Wisconsin requires the following of in-ground pools per City Ordinance 325-88 Fences and hedges:

J. Pool fences.

(1) In-ground pools. All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be nonclimbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be equipped with self-closing hinges and a latch that is intended to discourage unauthorized entry by small children.

In recent years automatic pool covers have become the gold standard in protecting unwanted person(s) from gaining entry into an in-ground pool. Given the effectiveness of many automatic pool covers over

that of a fence, it is requested the the village of Cottage Grove change their ordinance to state the following: All outdoor, in-ground swimming pools shall have ***an automatic pool cover OR*** a fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be nonclimbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be equipped with self-closing hinges and a latch that is intended to discourage unauthorized entry by small children.

Automatic pool covers must meet the following criteria: lockable, use of keypad to gain entry, must be custom-fit to the pool, must be able to hold at least 250 pounds, must meet safety standards set by the American Society for Testing and Materials (ASTM).

WHEN (has this been a problem?) Currently, homeowners in Cottage Grove, Wisconsin who have an in-ground pool must also install a fence around the pool even if they have the gold standard automatic pool cover which protects those both inside and outside the property who try to gain entry.

WHERE (have problems occurred?) Currently, homeowners in Cottage Grove, Wisconsin have accrued unnecessary costs to install both an automatic pool cover AND the fence. The fence around the pool does NOT keep out young children and pets who live and reside inside the residence whereas the automatic pool cover keeps out EVERYONE.

WHY (are there existing ordinances, state statutes that could be used as an alternative?) The current City Ordinance 325-88 Fences and hedges needs to be amended to allow for ***automatic pool cover OR fence*** around an in-ground pool. No such ordinance currently exists for the village of Cottage Grove.

HOW (does this proposal solve the issue? How have other municipalities dealt with this issue (examples of ordinances from other local jurisdictions are helpful.) Several municipalities in and around Dane County have amended their city ordinances to allow for an automatic pool cover to be installed in place of a fence to protect unwanted person(s) and pet(s) from gaining entry into an in-ground pool.

The town of Bristol, City of Middleton and City of Monona are local areas that have recently changed their city ordinances to allow for automatic pool covers to be installed in place of a fence around an in-ground pool. The City of Monona's ordinance is as follows:

Monona City Ordinance 175-25 Swimming pools and in-ground hot tubs

G. Fence requirement.

(1) Pools within the scope of this section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such a design and material that the

same can be securely fastened in place and when in place shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use.

The next meeting of the Village Ordinance Committee is scheduled for: TBD

Thank you for your interest in the Village of Cottage Grove.



MEMO

MEMO DATE: February 17, 2021

TO: Ordinance Review Committee

FROM: Heidi Murphy

RE: Discuss Chapter 325-88(J) Pool fences

Some surrounding communities have modified their fence ordinances so that a fence is not required around an in ground swimming pool when there is a safety or automatic cover installed on the pool. The committee should discuss if we would like to recommend pursuing this change as a resident has requested review of this ordinance.

Cottage Grove Current Ordinance

Pool fences.

(1) In-ground pools. All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be nonclimbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be equipped with self-closing hinges and a latch that is intended to discourage unauthorized entry by small children.

(2) Aboveground pools.

(a) An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend not less than three feet above the level of the ground immediately adjacent to the pool. Such solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

(b) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 48 inches high on the top.



Monona Example – protective cover exempt from fence requirement

Fence requirement.

(1) Pools within the scope of this section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use.

(2) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing which complies with the International Building Code requirements as adopted by the state.

(3) All swimming pools existing as of the effective date of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section or when water is placed in the pool.

Sun Prairie Example – does not have exemption

Private Outdoor Swimming Pool. No permit shall be issued for an outdoor pool unless the following requirements are met:

1. An enclosure at least forty-eight (48) inches high and a minimum of three feet from the pool of such construction as will make access difficult shall completely enclose the pool. Access shall be through self-closing and latching gates with a locking device and shall be kept locked when pool is not in use;
2. The enclosure may be omitted where above ground pool are installed and have a raised deck around the entire pool perimeter with an attached railing on the top outer edge of the raised deck or where the sidewalls of an above ground pool are extended by an enclosure (fence) to a minimum of six feet above grade. Access shall be through self-closing and latching gates with a locking device and shall be kept locked when pool is not in use. Where pool ladders are provided they shall be a type that can be removed when pool is not in use.

McFarland Example – protective cover exempt from fence requirement

(a) Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use.

Building Inspector Information from General Engineering



The McFarland ordinance requires a support of 250 pounds. During inspection process, the inspector asks for manufacturer instructions showing that it meets this requirement. It was noted that while the cover provides safety when it is in place, it offers no safety factor at all if not in place. Changing the ordinance would require that the cover is in place at all times when the pool is not in use, which would rely solely on a judgement call as to when the pool is in use. As an example, if an owner goes inside for lunch for an hour and leaves the cover off because they will be right back out, a child could still wander over during that time period when the cover is off. A fence is in place at all times.



MEMO

MEMO DATE: February 17, 2021

TO: Ordinance Review Committee

FROM: Heidi Murphy

RE: Discuss Chapter 94-3 Meetings of the Village Board

A special meeting of the Village Board was called recently and it was recommended that the procedures should be reviewed.

Current Ordinance

Special meetings. Special meetings of the Village Board may be called by the Village President or any two Trustees in writing filed with the Clerk at least 48 hours prior to the time specified for such meeting. The Clerk shall immediately notify each Trustee of the time and purpose of such meeting by causing a written notice thereof to be delivered to each Trustee via electronic transmission, personally, if he or she can be found, or, if he or she cannot be found, then by leaving a copy of such notice at the home of such Trustee. The Clerk shall cause an affidavit showing service of such notice as herein provided to be filed in his or her office prior to the time fixed for such special meeting. Special meetings may be held without such notice when all members of the Village Board are present in person or consent in writing to the holding of such meeting, such written consent to be filed with the Clerk prior to the beginning of the meeting. Any special meeting attended by all the Trustees shall be a regular meeting for the transaction of any business that may come before such meeting.

Proposed Changes

Special meetings. Special meetings of the Village Board may be called by the Village President or any two Trustees in writing filed with the Clerk at least ~~48~~ 24 hours prior to the time specified for such meeting. The Clerk shall immediately notify each Trustee of the time and purpose of such meeting a *minimum of 24 hours prior to the meeting time*. ~~The notice shall by causing a written notice thereof to~~ be delivered to each Trustee via electronic transmission, ~~personally, if he or she can be found, or, if he or she cannot be found, then by leaving a copy of such notice at the home of such Trustee. The Clerk shall cause an affidavit showing service of such notice as herein provided to be filed in his or her office prior to the time fixed for such special meeting.~~ *Special meetings may be held without such notice when all members of the Village Board are present in person or consent in writing to the holding of such meeting, such written consent to be filed with the Clerk prior to the beginning of the meeting.* *If any Trustee cannot be personally notified via electronic transmission, then the Village Clerk shall deliver or have delivered a copy of the written notice at the home of any such Trustee.* Any special meeting attended by all the Trustees shall be a regular meeting for the transaction of any business that may come before such meeting.

February 17, 2021

Proposed edits for 173.-1 Use of firearms and weapons

A. Discharge and Possession of Firearms Regulated. No person, unless acting in self-defense pursuant to Section 939.48, Wisconsin Statutes, except a sheriff, police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, or bow and arrow unless engaged in permitted activity as explained in subsection

removed
gender

F. of this section in their possession or under their control unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to state law. Children's toys that discharge or fire foam or plastic projectiles are exempt from this ordinance. This subsection shall not apply to the discharge of a firearm if the actor's conduct is justified or had it been subject to criminal penalty, would have been subject to a defense described in Section 939.45, Wisconsin Statutes.

address air
soft

B. Shooting Into Village Limits. No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village.

C. Shooting Ranges. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the chief of police and Village Board, after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.

Do we need
this?
167 is
explosives and
also out of
date

D. Explosive Devices. No person shall discharge or detonate any dynamite, nitroglycerine or other explosive within the Village without first obtaining a permit to do so from the chief of police.

E. Hunting Prohibited. Hunting is generally prohibited within the corporate limits of the Village.

F. Shooting or discharging a bow and arrow or crossbow or spring gun, air gun or pneumatic pellet gun within Village limits is allowed with the following provisions:

1. Except as provided in subsection A, it shall be unlawful for a person to hunt with a bow and arrow or crossbow within a distance of one hundred (100) yards from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building.

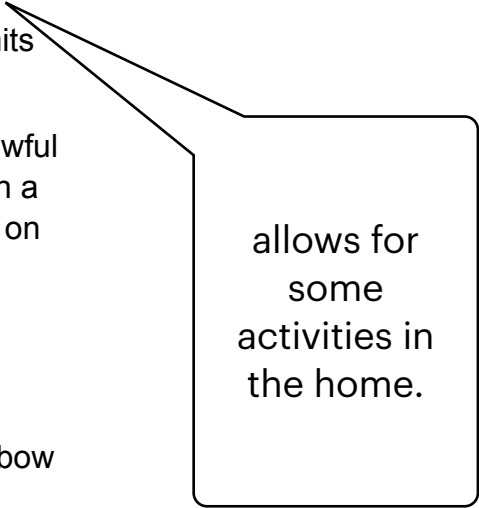
2. A person who hunts with a bow and arrow or crossbow shall discharge the projectile from the weapon toward the ground.

3. No person shall discharge or spring gun, air gun or pneumatic pellet gun or an arrow with any bow or similar device where the projectile may endanger the life, limb or property of another or will traverse any part of any street, alley, public grounds or parks.

4. The Parks and Recreation department and the Monona Grove School District may conduct supervised archery or spring gun, air gun or pneumatic pellet gun activities in areas under their jurisdiction when authorized by the chief of police.

5. It shall be unlawful for a person to hunt or trap on any portion of land owned or leased by the Village of Cottage Grove.

G. Definition. For the purposes of this section, a "firearm" means a weapon that acts by force of gunpowder.



allows for
some
activities in
the home.