

VILLAGE OF COTTAGE GROVE

NOTICE OF PUBLIC MEETING

ORDINANCE REVIEW COMMITTEE

Wednesday, May 26, 2021

Time: 5:45 p.m.

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/96084589653?pwd=b3EvdVh2OGhOQ3ZiMEkyY2QzaGJGdz09> You can also participate via phone by dialing 1-312-636-6799 and use Meeting ID: 960 8458 9653#. When asked for your Participant ID, just press #. When asked for the Passcode, enter 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 March 31, 2021 Meeting.

Documents:

[ITEM 4 MINUTES ORDINANCEREVIEWCOMMITTEE20210331.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 And Consider Chapter 130 Building Construction And Fire Prevention.
 - a. Draft Chapter 130
 - b. Resolution for Knox to be used for Emergency Services Key Repository

Documents:

[ITEM 7-1 UPDATES FOR CH 130 EMERGENCY KEY REPOSITORY.PDF](#)

[ITEM 7-2 KNOX EMERGENCY SERVICES KEY REPOSITORY RESOLUTION.PDF](#)

8. Discuss And Consider Recommendation For Chapter 173 Firearms And Weapons.
 - a. Draft Chapter 173

Documents:

[ITEM 8 CHAPTER 173 FIREARMS AND WEAPONS.PDF](#)

9. Discuss Chapter 325-88: Fences
 - a. memo Chapter 325-88: Fences

Documents:

[ITEM 9 FENCE PERMIT MEMO.PDF](#)

10. Discuss Chapter 270-2: Streets And Sidewalks: Construction And Repair.
 - a. Memo Chapter 270-2
 - b. Memo from Public Works Committee

Documents:

[ITEM 10-1 SIDEWALKS.PDF](#)

[ITEM 10-2 PUBLIC WORKS MEMO ON SIDEWALKS.PDF](#)

11. Status Update On In-Progress Ordinance Changes.
 - a. RBO and ROW-Public Works and Utility
 - b. Mobile Food Vendor-Legal
 - c. Pool fences-Changes were not approved-Plan and Village Board
12. Future Agenda Items.
13. Set Next Meeting Date.
14. 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.

VILLAGE OF COTTAGE GROVE

ORDINANCE REVIEW COMMITTEE

Wednesday, March 31, 2021

Time: 5:45 p.m.

Draft Minutes

1. Call to Order.

- a. Heidi Murphy called the meeting to order 5:53PM

2. Determination of quorum and that the agenda was properly posted.

Attendance: Alex Jushchyshyn, Heidi Murphy, Jess Robinson, Cara Music

Absent: Paul Van der velde

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 February 24, 2021 meeting

- a. Motion to approve as presented Alex, 2nd Heidi Vote: 4 -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 Chapter 325-93: Swimming Pools

Heidi Murphy reviewed the staff Memo and a draft fence revision.

Question from Alex, does this change create any risk for the Village?

Alex Jushchyshyn Motion to continue this process and move the ordinance edits to Plan

Commission and public hearing. 2nd Jess. Vote: 4 - 0 - 0

8. Discuss and consider update to Chapter 94-3: Special Meetings of the Village Board

Heidi Murphy reviewed the staff Memo.

Alex motion to move this ordinance to Village board with the recommend edits from Heidi to create this Gender neutral: 2nd Heidi Murphy. 4-0-0

9. Discuss Chapter 173-1: Use of Firearms and Weapons

Alex Jushchyshyn reviewed the latest edits.
Jess provided comments. Heidi Murphy will see if the latest edit needs to be reviewed the law enforcement committee

10. Discuss Responsible Bidder Ordinance and Right-of-way work

Heidi reviewed the staff Memo and agenda attached documents.
Committee discussed value of the trigger to require Responsible Bidder forms documented. The committee feels the number is high. Jess Robinson recommends checking with village staff for average cost of projects. that could be a better starting point for the limit of when this ordinance would apply.
Heidi too have Responsible Bidder Ordinance added to Public works and Utility comities agendas for discussion for project value limit.
Heidi Murphy to review with staff if ROW needs review by other committees

11. Status update on in-progress ordinance changes

- a. none

12. Future agenda items

- a. Emergence service repository
- b. Responsible Bidder Ordinance and ROW
- c. mobile food vendor.

13. Set next meeting date

- a. April 28, 2021, 5:45pm

14. Adjournment

- a. Motion: Alex Jushchyshyn 2nd Cara Jushchyshyn

Vote: 4 -0-0

Chapter 130. Building Construction and Fire Prevention

§ 130-26. Fire protection within building.

E. Emergency services repository unit required.

[Added 8-5-2002 by Ord. No. 05-2002; amended 9-6-2005 by Ord. No. 10-2005]

(1) The owner or person in control of the following types of buildings shall install and maintain an approved emergency services repository unit:

(a) Any apartment building or other building containing four or more residential living units and in which access to a building or to common areas or mechanical or electrical rooms within the building is are doors that are capable of being locked.

(b) Any nonresidential building with an alarm or fire detection or suppression system that is monitored by a third party or that has an audible alarm that can be heard from outside of the building.

(c) Any facility at which hazardous materials may be stored or used.

(d) Governmental buildings, schools, nursing care/assisted living centers, and daycare facilities.

(e) All buildings with a footprint of over twenty-five thousand (25,000) square feet.

(f) Any building equipped with a standpipe.

(2) Installation requirements.

(a) Upon notification, the property owner has five months from the date of the notice to install a repository unit. Penalties for violation of this requirement are provided in Chapter 1, General Provisions, § 1-19, of the Municipal Code.

(b) The repository unit shall be located at a height of not less than four feet and not more than six feet above grade, or as approved by the Fire Chief or the Fire Chief's designee.

(c) The repository unit shall be located at the recognized public entrance, on the exterior of the structure. If there are more than one recognized public entrance, then a repository unit shall be located at each such entrance. If the building is surrounded by a locked fence or gate the location of the repository unit shall be installed in a location approved by the Fire Chief or the Fire Chief's designee.

(d) The property owner shall provide the Fire Chief with a direct contact phone number for the property owner or a designated property manager at the time of

Commented [LK1]: Question for committee – Who should approve emergency services repository units? Fire chief? Building inspector? How will building owners be informed of what types of units are “approved”?

Commented [JR2R1]: IMO the Board should approve it/them as one (1) core allow access by all emergency services.

Commented [JR3]: We may need to define what hazardous materials are. I can see this being an issue and coming into question.

Commented [LK4]: Questions for committee – should this be removed, so that all nonconforming buildings must come into compliance? Maybe within a specified period of time? If not, who provides the notification, and when? Building permit process? Fire inspection?

Commented [JR5R4]: Notice can be provided by the Fire Chief's designee (Fire Inspector). That is what happens at this time. Inspections occur, in most cases, 2x per year. The time frame will be at the discretion of the Board. I'd recommend no longer than 6 mos.

installation of the repository unit, and shall update that contact information immediately if it changes.

(3) Repository contents. Keys shall be placed in every repository unit that are capable of opening or controlling all of the following:

- (a) The main entrance door at the location of the repository unit.
- (b) The room that contains the alarm controls. Instructions for disarming the alarm system must be posted on or near the alarm controls with a zone map, if appropriate.
- (c) Mechanical rooms and sprinkler control rooms.
- (d) Rooms that contain electrical panels or controls.
- (e) Resting pull station alarms or other fire protection devices.
- (f) Elevator keys, if required for emergency use and control of an elevator on the property.
- (g) All other rooms as specified during plan review process or during a fire inspection.

[2] Every key shall be labeled to correspond to a number placed on the door or system to be controlled by the key. Such numbers shall be a minimum of eight inches tall, made of reflective material, and for a color that contrasts with the color of the door. The building owner shall provide a floor plan of the building with locations of doors and control systems if required by the Fire Chief.

[4] Right of appeal. Any property owner required to install a repository unit or otherwise take action under this ordinance may appeal that determination before the Joint Fire Department Committee. The Joint Fire Department Committee shall have discretion to waive the requirements of this ordinance, after consultation with the Fire Chief, and subject to any conditions it determines to be necessary for such waiver.

RESOLUTION NO. 2021-XX
VILLAGE OF COTTAGE GROVE
A RESOLUTION FOR ADOPTION OF KNOX® TO BE THE EMERGENCY SERVICES KEY
REPOSITORY VENDOR FOR THE VILLAGE OF COTTAGE

WHEREAS, the Board of Trustees is enacting updates to ordinance 130-26 (E) regarding emergency services repository units, and

WHEREAS, the Fire Chief or designee shall recommend the type of emergency services repository unit required, and

NOW, THEREFORE, BE IT RESOLVED, the Village shall use Knox® for the uses and purposes set forth in Chapter 130-26(E) for the Village of Cottage Grove.

Adopted this xxth day of xxxxx 2021.

VILLAGE OF COTTAGE GROVE

John Williams, Village President

Attest:

Lisa Kalata, Clerk

March 23, 2021 . edits

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

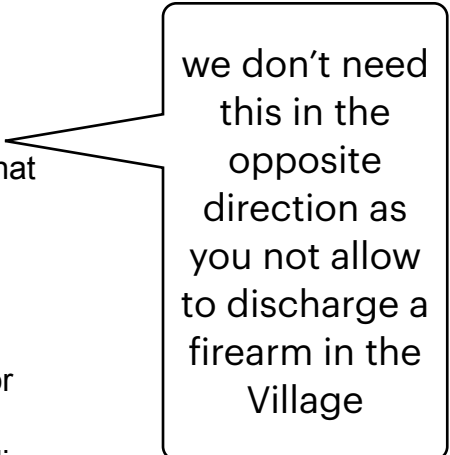
A. Discharge and Possession of Firearms Regulated. No person, unless acting in self-defense pursuant to Section 939.48, Wisconsin Statutes, except a sheriff, police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun,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

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.

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:



we don't need this in the opposite direction as you not allow to discharge a firearm in the Village

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.



MEMO

MEMO DATE: May 20, 2021
TO: Ordinance Review Committee
FROM: Heidi Murphy
RE: Discuss Chapter 325- 88: Fences

Staff recommended review of items in Chapter 325-88 regarding fence permits . The permit process for fences does not provide a significant benefit and can mislead residents on the role of the Village staff in determining if the fence is compliant with various local and state requirements.

K.

Fences not requiring permits. Garden fences two feet or less in height, snow fences placed seasonally, arbors, trellises, and similar structures shall not require a permit. The Building Inspector may order the removal of any fence or structure subject to this section not kept in a neat, sightly, and safe manner.

[Amended 3-15-2021 by Ord. No. 02-2021]

L.

Fence permit required. No fence shall be erected in the Village until the Building Inspector has granted a permit for the same. An application must be filed along with the required fee, fence location on site map and design specifications. Fee is \$25 for a permanent fence and \$5 for a temporary fence.^[1] **Note:** Penalties are in **§ 325-26** of this chapter.

[1]

Editor's Note: Fees are now set by resolution of the Village Board. The current fee resolution is on file in the office of the Village Clerk.





MEMO

MEMO DATE: April 21, 2021
TO: Ordinance Review Committee
FROM: Heidi Murphy
RE: Discuss Chapter 270-2 Sidewalks and Streets: Construction and Repair

Currently, costs for new sidewalks in existing areas and sidewalk repairs that the Village deems necessary fall 50% on the property owner of the abutting property and 50% on the Village. I would like to review this ordinance and consider repairs and new sidewalks in existing neighborhoods to be 100% paid for by the Village. This change would create equity and improve safety of our pedestrian infrastructure for all residents without an extra burden being placed on the individual property owner. In addition, this will reduce the workload on staff coordinating with property owners for payments leaving additional time for other tasks. My intent of this change would not remove the requirements of developers/builders to repair sidewalk damages due to construction. In addition, a public meeting would still be in the best interest of the village if a new sidewalk is recommended in an existing neighborhood, but cost would not be a barrier for this infrastructure improvement. Perhaps a survey could gather information from residents on where we may want focus our limited resources on improving the pedestrian infrastructure system. We would likely need budgetary impact figures and may want to consider a phased in approach.

Please see the current ordinance below:

A. Sidewalks and curb ramps. Assessments will be determined by taking the front footage times the width, times the square foot cost.

(1) The Public Works Director, foreman and/or Village Engineer, following the Sidewalk Policy, will determine which sidewalks will be added, repaired and/or replaced staying within the budget.

(2) In the case of new sidewalk the cost shall be borne 50% by the abutting property owner and 50% by the Village. The cost of curb ramps shall be borne 100% by the Village.

(3) In the case of replacement or repair to existing sidewalk the cost shall be borne at 50% to the abutting property owner and 50% to the Village. The cost of curb ramps shall be borne 100% by the Village. Allowable repairs, at the discretion of the Public Works Director or his or her designee, include:

[Amended 5-9-2007 by Ord. No. 06-2007]



- (a) Grinding.
- (b) Mud jacking.
- (c) Removal and replacement.



PUBLIC WORKS STAFF REPORT

MEMO DATE:	May 4, 2021
MTG. DATE:	May 11, 2021
TO:	Public Works & Properties Committee
FROM:	JJ Larson – Village Director of Public Works & Utilities
RE:	Sidewalk Ordinance

BACKGROUND

When I first proposed the Village implement a Sidewalk Maintenance Plan back in 2015, I was charged by this committee with researching how other area communities handle their sidewalk installation and repair financial responsibility. If you recall, responses varied across area communities, with roughly 1/3 of communities putting all the responsibility on the adjacent property owners, 1/3 of communities funding repairs and installations entirely, and 1/3 sharing the cost 50/50 with the adjacent property owners. This last one, 50/50 shared responsibility, is codified in Village ordinance §270-2.

The Village is nearing the end of our first time through the Village with sidewalk assessments and repairs; given the relative age of the last two areas set for assessment in 2021 and 2022, the budget may even allow us to complete both in 2021.

In reading through old documents, and in one instance I was here for (Seldal Plat reconstruction), the biggest hurdle to completing missing sidewalk connections is the significant cost burden it puts onto individual property owners through the ordinance-required 50% assessment.

OVERVIEW

Given the Village's commitment to responsible financial planning, put in place with the approval, continuous review and annual re-approval of the Financial Management Plan a number of years ago; transportation system improvements are now planned and budgeted years in advance and efficiently funded utilizing the Village's expert financial consultants. Our sidewalk network is no less important than our streets and bike paths and serves all of our residents and visitors, not just those immediately adjacent to them.

Given that the Sidewalk Maintenance and Repair Policy is nearing one "full lap" through the Village, meaning every property will have been assessed one time, I wanted to discuss with this Committee the possibility of an ordinance language change that would impact how we finance our annual repairs. This proposed change would positively affect and make politically-viable expanding and filling the gaps in our sidewalk network by removing the required 50% assessment to property owners and having sidewalk work be financed entirely by the general fund.

I am confident that we could maintain the level of service in the Annual Maintenance & Repair Plan with the same modest, inflationary increases in operating dollars that have been approved annually. And, changing this language would mean that we could plan and implement larger projects that fill in the missing links in our network without arousing the anger of entire neighborhoods and making it politically awkward (or nearly impossible) to complete these connections.

RECOMMENDATION

I would like to see a recommendation to the Ordinance Review Committee that this language is changed in §270-2.