

**VILLAGE OF COTTAGE GROVE
MEETING**

NOTICE OF PUBLIC

ORDINANCE REVIEW COMMITTEE

Wednesday, July 28, 2021
p.m.

Time: 5:45

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://us06web.zoom.us/j/88262825231?pwd=TmxHeVZFL2xLaW5PbW9sTXNDOHNwQT09> You can also participate via phone by dialing 1-312-636-6799 and use Meeting ID: 882 6282 5231#. 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 June 16, 2021 Meeting.

Documents:

[6-16-21 ORDINANCE MINUTES.PDF](#)

5. Discuss And Consider Recommendation For Updates To Chapter 294 Trees And Shrubs
 - a. Recommended Changes to Chapter 294.

Documents:

[ITEM 5 CHAPTER 294 ORDINANCE SUGGESTIONS.PDF](#)

6. Discuss And Consider Recommendation For Chapter 12-15 Library Board

Documents:

[ITEM 6 LIBRARY BOARD MEMO.DOCX](#)

7. Discuss And Consider Updates To Chapter 94 Of The Village Of Cottage Grove Municipal Code Allowing For The Village Board To Set A Policy Governing Procedures For Hybrid & Virtual Meetings

Documents:

[ITEM 7 HYBRID VIRTUAL MEETING MEMO.DOCX](#)

8. Discuss And Consider Update To Chapter 325-88: Fences

Documents:

ITEM 8 FENCE PERMIT MEMO.PDF

9. Discuss New Item: Short Term Rentals

Documents:

ITEM 9 SHORT TERM RENTALS.PDF

10. Progress Update: Chapter 173: Firearms And Weapons

11. Future Agenda Items.

a. meetings requirements, roles & responsibilities of Board, Commission, Committees

b. Firearms and weapons

c. Short-term rentals

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.

VILLAGE OF COTTAGE GROVE

ORDINANCE REVIEW COMMITTEE

Wednesday, June 16, 2021

Draft Minutes

Time: 5:45 p.m.

1. Call to Order.

Heidi Murphy called the meeting to order 5:46PM

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

Attendance: Alex Jushchyshyn, Heidi Murphy, Jess Robinson, Paul Van der Velde, Cara Musick

Special Guest: Larry Konopacki (Village Lawyer)

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 May 26, 2021 meeting

Motion to approve as presented Paul, 2nd Jess Vote: 5-0-0

5. Discuss and consider recommendation for Chapter 130 Building Construction and Fire Prevention

Revisions send to Fire committee, and consult with Village Lawyer. No additional comments from Fire Chief.

Motion to approve as presented and move to the Village Board for Approval:

Jess, 2nd Paul Vote: 5-0-0

6. Discuss and consider recommendation for Chapter 173 Firearms and Weapons with legal review edits

Larry presented comments to the ordinance revision.

Presented how this fits and opportunities for improvements

Larry and Alex discussed how the revision was crafted and proposed updates for clarity and compliance.

Alex proposes working with Larry before the next meeting and create a new draft review.

No Motion was made and the topic will be brought up at the next meeting

7. Discuss Chapter 325-88: Fences

Heidi reviewed the current state in the process

Larry reviewed the process if a Permit should be required. The implication was that Permits were not really necessary and did not add value to the process.

The ordinance can focus on the requirements of the fence. locations disputes should be managed by the neighbors and the permit process does not help in the process.

Heidi to revise the draft to remove permitting for fencing and bring to the next meeting.

8. Future agenda items

- a. Chapter 173 Firearms and Weapons
- b. Chapter 325-88: Fences

9. Set next meeting date

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

10. Adjournment

- a. Paul, Cara

294-3 Village forester

C. Do not leave a clause allowing the homeowner permission to grant access. If this is an emergency situation, you need permission to enter the property, period, to inspect the tree. Consider:

Authority to Enter Private Premises. The Village Forester or his/her authorized representative shall have the authority to enter upon private real estate, excluding any buildings thereon, at reasonable times for the purposes of examining or taking the necessary samples of any suspected nuisance tree or shrub located upon or over such premises, and enforcing the provisions of this ordinance.

Add to Village Forester portion an interference portion. Suggestion:

Interference Prohibited. No person shall interfere with the Village Forester or his/her authorized representative while engaged in the execution or enforcement of this ordinance.

294-5 Subdivision Review

Items A (b) and B (2) do not match. The spacing amounts should be the same throughout the ordinance.

Add a section on guarantee, such as:

The subdivider shall be responsible for replacing trees that die within two years of planting. The owner of a lot shall be responsible for all tree relocation or replacement costs due to their actions or construction.

294-6 Restricted Activities

E. I would extend these dates to March 15 – July 31. There is an option to get permission to prune during this period, but since our winters seem to be shorter, it is best to start the ban earlier and since summers tend to be a bit longer, extend the date as well.

Add a few sections including:

- Tree protection during construction
- Appeal to orders of Village Forester
- Penalties
- Emergencies
- Severability

TREE PROTECTION DURING CONSTRUCTION IN A PUBLIC AREA

(1) Definitions.

(a) For the purposes of this section, “public tree” shall be extended to include any tree located on private property adjacent to a public area with any part of the tree protection zone of such tree extending into the public area

(b) “Tree protection zone” shall mean a zone of protected space surrounding any public tree extending from the topmost branch or leader downward to a distance of thirty-six (36) inches below the surrounding ground surface level. The radial dimension from the center of the tree to the outermost horizontal limit of the zone is determined by the diameter of said tree as measured at four and one half (4 ½) feet above ground surface level.

(c) “Construction” shall mean the installation, alteration, repair, replacement or relocation of any of the following:

1. Any street, curb, sidewalk, pavement, street light, traffic signal or other surface structure.
2. Any underground utility distribution and service facility including water pipe, sanitary and storm sewer, gas pipeline, electric power and communication wire, cable, conduit, duct and associated vaults, manholes, pull boxes; and any irrigation facilities.
3. Any overhead wire, cable and associated support structure.

(2) Permit required. No individual person, firm, partnership, association, corporation or government entity, except as provided in subsection (6) of this section, shall do or cause to be done, any construction as herein defined, in any public area in the Village prior to issuance by the Village forester of a valid Forestry Special Construction Permit.

(3) Permit Application, Plan Review, Approval. Any person proposing to do construction work in a public area shall apply in writing to the Village forester for a permit to do such work. Such application shall specify the location and description of the proposed work, and the estimated start and completion dates. A complete copy of the construction plans shall be provided along with said application. If, upon review of the construction plans and any supplemental information provided by the applicant, the Village forester determines that the work is necessary and can reasonably be expected to progress in compliance with all forestry specifications and conditions, he/she shall issue the permit

(4) Permit Form, Expiration, Compliance, Inspection. Permits shall be issued by the Village forester on the standard form for this purpose. The permit shall

specify the forestry specifications and any special conditions or requirements to be satisfied in connection with the work. Permits issued under this section shall specify an expiration date not to exceed twelve (12) months after the date of issuance. The Village forester shall inspect the work in progress on a regular basis to ensure compliance with the terms of the permit.

(5) Permit Exemption. No permit shall be required for construction proposed by any department or division of Village government; however, all other provisions of this section shall apply. Any contract entered into between any Village department or division and a contractor for hire shall contain the construction specification provisions of this section. Any Village employee performing construction work under this subsection shall also comply with the provisions of this section.

(6) Standing Permit for Repair by Utility Providers. Any agency that routinely completes work related to a utility may request a "Standing Permit for Repair." This permit will allow that agency to complete minor repairs without the need for a separate permit for each repair occurrence. Permits will be valid for a term of one calendar year and must be renewed annually.

(a) Conditions of permit.

1. Notification. Permittee shall notify the Village forester by phone, fax or other means prior to commencing a necessary repair, and shall give the location, date and time of the work. Emergency repairs necessary to protect life and property, and other necessary repairs during non-business hours shall be exempt from pre-notification but shall be reported on the next business day.

2. All work performed in accordance with this subsection shall be subject to the specifications set forth in this section, and any special conditions specified in the permit.

(b) Permit Form, Issuance, Renewal, Compliance, Inspection. Standing Permits shall be issued by the Village forester on the standard form for this purpose. The permit shall specify the forestry specifications and any special conditions or requirements to be satisfied in connection with the work. Permits issued under this section shall be valid from January 1 through December 31 and shall be automatically renewed for a like term. The Village forester shall inspect the work and worksite from time to time to ensure compliance with the terms of the permit.

APPEAL FROM ORDER OF THE VILLAGE FORESTER.

(1) A person who receives an order from the Village Forester and objects to all or part thereof may, within ten(10) days of receipt of order, notify the Village Forester in writing of the nature of the objection and request a conference with the Village Forester and Department of Parks, Recreation and Forestry. The Department of Parks, Recreation and Forestry shall schedule such a conference within ten (10) days of receiving the request. If the person objecting to the order wishes to further appeal the results of the conference, that person may, within ten (10) days of the conference, make a written request to appeal the order by requesting a hearing before the Parks, Recreation and Forestry Committee. The Parks, Recreation and Forestry Committee shall schedule a hearing of the appeal within fifteen (15) days of receiving the appeal. Within ten (10) days of the hearing the Parks, Recreation and Forestry Committee shall notify the appellant of its decision in writing. The Parks, Recreation and Forestry Committee may affirm, cancel, or modify the order, in its discretion, to best conform such order to the intent of this ordinance. The decision of the Parks, Recreation and Forestry Committee shall become final after it is reviewed by the Common Council.

PENALTIES.

(1) Every person convicted of a violation of this section shall suffer a forfeiture not to exceed \$1,000.00 together with costs of prosecution, and in lieu of payment assessed, imprisonment for a period not to exceed thirty (30) days in the county jail. In addition to the forfeiture the Village may require restitution for the fair market value of the tree(s) and /or shrub(s) which were damaged or destroyed as result of violation of this ordinance.

EMERGENCIES

(1) If The Village Forester, in the case of emergencies, such as windstorms, ice storms, insect/disease outbreaks or other disasters, may waive the requirements of this Ordinance so that private or public work to restore order in the Village is in no way hindered.

SEVERABILITY

(1) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision will not affect the validity of any other section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.



MEMO

MEMO DATE: July 21, 2021
TO: Ordinance Review Committee
FROM: Heidi Murphy
RE: Discuss and Consider Recommended Language for Chapter 12-15

On Monday, July 19th, the Village Board approved sending a letter to the Department of Public Instruction Division of Libraries, Technology and Community Learning regarding feasibility and desirability of establishing a public library in the Village of Cottage Grove.

Recommendation: send the language recommendation to Village Board for legal review and final approval if the Village Board decides to form a Library Board as a result of the DPI findings .

Recommended Ordinance Language

DIVISION X. - PUBLIC LIBRARY BOARD

Sec. X. - Board Committed.

The Village has created a board known as the "Village of Cottage Grove Community Library Board", pursuant to Wis. Stats. § 43.54. The purpose of this board is to govern and administer the Village public library.

Sec. X. - Composition and Appointment.

- a) Number of members. The board shall initially consist of seven members. Up to five additional members may be appointed by the county pursuant to Wis. Stats. § 43.60(3).
- b) Organization. The Library Board shall consist of the School District Administrator (or designee) and six citizen members, one of whom shall be a Village Board Trustee, all of whom may vote. A majority of the membership of the Board shall constitute a quorum.
- c) Selection. Seven members of the board shall be appointed by the Village President, subject to confirmation by the Village Board of Trustees.
- d) Composition and Nonresident members. The Village President shall appoint as one of the members a school district administrator (or designee), to represent the public school district in which the library is located (Monona Grove School District). Not more than one member of the Village Board shall be at any one time a member of the board. Members



shall be residents of the Village, except that not more than two members may be residents of other municipalities (towns adjacent to the Village).

- e) Term of office. Upon first appointment, the members shall be divided into three groups, one group of three members and two groups of two members, to serve for two-, three- and four-year terms, respectively. Thereafter each regular appointment shall be for a term of three years. Vacancies shall be filled for unexpired terms in the same manner as regular appointments are made. Any Village Trustee shall be annually appointed by a two-thirds vote at the organizational meeting of the Village Board of Trustees. The Superintendent of the Monona Grove School District or representative shall serve an indefinite term until such representative's successor is appointed and qualified.

Sec. X. - Officers.

The Library Board shall annually choose from its members a president and such other officers as it deems necessary. As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days after the time designated in this Section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other offices that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

Sec. X. - Powers and Duties.

The board shall have all the powers and duties set forth in Wis. Stats. Ch. 43, including, but not limited to, Wis. Stats. § 43.58.

State Law Reference – Composition of municipal public library boards, Wis. Stats. § 43.54 and 43.58.



MEMO

MEMO DATE: July 22, 2021
TO: Ordinance Review Committee
FROM: Heidi Murphy
RE: **Discuss and Consider Updates to Chapter 94 of the Village of Cottage Grove Municipal Code allowing for the Village Board to set a policy governing procedures for Hybrid & Virtual Meetings**

Over the last few months, the Village Board had been preparing to transition to hybrid meetings during this next phase of the pandemic and beyond. The Board has indicated that the hybrid/virtual option for participation in Village meetings is beneficial for increasing community engagement.

Village staff have been working to have the appropriate technology installed to host hybrid meetings. It is anticipated that the technology will be ready for the August 16th Village Board meeting and then roll out to other committees and commissions from there.

After reviewing existing policies and ordinances, the Village will need to update portions of Chapter 94 to accommodate hybrid and virtual meetings. Updates to Chapter 94 will allow the Village Board to adopt a policy that governs the rules of electronic meetings, attending meetings virtually, and in a hybrid environment where some attendees may be in the physical room and some are attending virtually.

By updating the ordinance to allow for a policy, the Village Board will have the ability to address a number of technical and procedural rules that arise from virtual meetings and hybrid/synchronous participation by members, staff, and the public such as:

- Login procedures
- Quorum rules
- Voting procedures
- Technical requirements and malfunctions
- Recognition to address the floor
- Loss of meeting room connection
- Participation by the public
- Procedures for closed session

Recommendation : Recommend approval of updates to Chapter 94 of the Village of Cottage Grove Municipal Code allowing for the Village Board to set a policy governing procedures for Hybrid & Virtual Meetings .





MEMO

MEMO DATE: July 21, 2021
TO: Ordinance Review Committee
FROM: Heidi Murphy
RE: Discuss and Consider Updates to Chapter 325-88 (K) & (L)

The permit process for fences does not provide a significant benefit and can mislead residents on the role of the Village in determining legal disputes between property owners .

On Wednesday, June 16th, the Ordinance Review Committee provided direction to update this ordinance as necessary .

Recommendation: send the following updates through the approval process. Next step: Plan Commission for public hearing and then to Village Board for final approval with legal language modifications as necessary.

Current Ordinance

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.



Proposed Ordinance

K.

Fences not requiring permits. Garden fences two feet or less in height, snow fences placed seasonally, arbors, trellises, and similar structures shall *comply with the provisions in this section*. 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: July 21, 2021
TO: Ordinance Review Committee
FROM: Heidi Murphy
RE: Discuss Short-Term Rentals Regulation

Village staff and elected officials have recently received a number of inquiries regarding short-term rental properties utilizing Airbnb, VRBO or similar service. Currently, the zoning ordinance does not address short-term rentals. The ordinance currently only addresses municipal room tax collection for these types of properties.

Typically, if a land use is not specifically addressed by the ordinance it is deemed not to be allowed. However, Wisconsin Act 59 prohibits local jurisdictions from prohibiting stays between 7 and 29 days and sets parameters for other regulations of short-term rentals.

All Dane County short-term rentals are regulated as “Tourist Rooming Houses” and must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health.

Some Dane County municipalities have enacted laws that strike a balance between the competing rights of property owners. Homeowners or renters can earn extra money renting out space in a home, but reasonable restrictions ensure that neighbors retain the right to control the type of neighborhood they are living in. For example, McFarland and Waunakee have enacted ordinances that require licensing or additional regulations on short-term rentals.

The Cottage Grove Plan Commission considered ordinance amendments in 2018 and decided not to modify the ordinances at that time. It has been requested by at least one resident that the appropriate committee(s) revisit this topic. Here is some additional information staff provided during the discussion in 2018.

McFarland Requirements Summary

- No person shall be allowed to own or operate more than one tourist rooming house
- Every owner must appoint a local agent who will be available if the owner is absent
- The owner must acquire a Village permit in addition to all State permits
- The owner must have a Wisconsin seller’s permit
- Permits are reviewed by the Public Safety committee, and neighbors within 300 feet are notified regarding the meeting at which the permit will be considered
- The owner must have a nuisance response plan
- There are regulations related to occupancy and parking

Additional examples can be provided, such as Union Grove’s, with a minimal approach laying out some regulations but does not appear to actively review or license the facilities at the municipal level.



Considerations for a Village of Cottage Grove Ordinance if we proceed with an update.

There are a number of issues that should be considered prior to drafting specific ordinance language for a Village ordinance. Some of these include:

- Maximum/minimum length of stay (within the 7-29 days)
- Number of days per year
- Neighborhood impacts
 - o Parking
 - o Noise
 - o Use of outdoor amenities (pool, fire pit, grill, etc)
 - o Smoking policy
 - o Display of permit
 - o Additional restrictions for duplex or multi-family units
- Permitting
 - o Process and deadlines for acquiring permit
 - o Application submittal requirements
 - o Renewal procedures
 - o Verification of state licenses
 - o Local inspection? (Fire/building inspector)
 - o Use of local agent; if so, requirements for agent
 - o Enforcement/nuisance management
 - o Fees
 - o Committee review/public input process
 - o Occupancy and parking
 - o Insurance requirements
 - o Transferability, if any
- Room tax - this portion will be addressed with new guidance from legislature and building of hotel will provide the system for room tax use (see Tourism Committee).
 - o Collection
 - o Enforcement
 - o Use of revenue