



LEGISLATIVE/LICENSING COMMITTEE MEETING

**Monday, February 14, 2022, at 8:15 a.m.
Caledonia Village Hall – 5043 Chester Lane**

1. Call to Order
2. Approval of Minutes
3. Dog Fancier's Application /Jennifer Laughman 12525 Adams Rd, Franksville
4. Clerk Authority for Various Permits (Special Events)
5. Ordinance 2022-XX - An Ordinance To Amend Section 11-2-1(B)(1); Section 11-2-1(B)(2); Section 11-2-1(B)(3); And Section 11-2-1(C)(1) Of The Code Of Ordinances For The Village Of Caledonia Relating To Weapon Discharge
6. Adjournment

Dated February 11, 2022

Joslyn Hoeffert
Village Clerk

Only committee members are expected to attend. However, attendance by all Board members (including non-members of the committee) is permitted. If additional (non-committee) Board members attend, three or more Board members may be in attendance. Section 19.82(2), Wisconsin Statutes, states as follows:

If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purposes of exercising the responsibilities, authority, power or duties delegated to or vested in the body.

To the extent that three or more members of the Caledonia Village Board actually attend, this meeting may be rebuttably presumed to be a "meeting" within the meaning of Wisconsin's open meeting law. Nevertheless, only the committee's agenda will be discussed. Only committee members will vote. Board members who attend the committee meeting do so for the purpose of gathering information and possible discussion regarding the agenda. No votes or other action will be taken by the Village Board at this meeting.

**LEGISLATIVE/LICENSING COMMITTEE MEETING
CALEDONIA VILLAGE HALL
5043 CHESTER LANE, RACINE, WI 53402
Monday, January 17, 2022**

1. Call to Order

Trustee Wanggaard called the meeting to order at 4:30 p.m. In attendance were:

Committee Members: Trustee Wanggaard and Trustee Stillman. President Dobbs was also present.

Absent: None.

Staff/Others Present: Public Services Director Tony Bunkelman, Police Chief Christopher Botsch, HR Manager Michelle Tucker, and Village Administrator Kathy Kasper.

2. Approval of minutes

Trustee Stillman motioned to approve the minutes as printed from January 11, 2022. Seconded by Trustee Wanggaard. Motion carried unanimously.

3. Resolution 2021-93 – A Resolution Of The Village Board Of The Village Of Caledonia Amending A Village Of Caledonia Teleconference And Videoconference Policy For The Board Of Trustees And Village Committees And Village Commissions

The committee gave direction to staff at the January 11th meeting on changes they wanted for the Virtual Meeting Policy. Those changes were made and reflected in the packet. Additional changes were introduced by Administrator Kasper:

- Add to the end of section 1: The Village will always provide an in-person component to each Village Board meeting for any board member or public person who wishes to attend.
- Add to Section 3 after the second sentence: Village Trustees are not able to utilize this policy for convenience or travel but are limited to community or individual health concerns.
- Add to Section 4 before the phrase “in advance” 48 hours.
- Add to Section 4 at the end of the 1st sentence “for Village Board meetings or by approval of the Committee/Commission Chairperson.”

These changes were made to give flexibility to the committees and to the Board.

Motion by Trustee Stillman to send Resolution 2021-93 and the policy, as revised in the committee meeting, to the Village Board meeting for approval. Seconded by Trustee Wanggaard. Motion carried unanimously.

**LEGISLATIVE/LICENSING COMMITTEE MEETING
CALEDONIA VILLAGE HALL
5043 CHESTER LANE, RACINE, WI 53402
Monday, January 17, 2022**

4. Ordinance 2022-01 – An Ordinance To Create Section 10-1-12(O) Of The Code Of Ordinances For The Village Of Caledonia, Racine County, Wisconsin Relating To A Prohibited Parking Zone On The Circle Of Packer Drive

This item was forwarded from the Public Works Committee. Public Services Director Bunkelman explained that the Highway Department has requested this change because parking of cars on both side of Packer Drive makes it difficult to plow snow because there isn't enough for the trucks to maneuver.

Motion by Trustee Stillman to send Ordinance 2022-01 to the Village Board meeting for approval. Seconded by Trustee Wanggaard. Motion carried unanimously.

5. Adjournment

There being no further business, Motion by Trustee Stillman to adjourn the meeting at 4:50 p.m. Trustee Wanggaard seconded. Motion carried unanimously.

Respectfully submitted,
Michelle Tucker
HR Manager

Permit No: _____
 Permit Dates: _____
 Receipt # for fee: \$50.00

VILLAGE OF CALEDONIA, WI
 DOG FANCIER'S PERMIT APPLICATION
 Section 7-1-3(c) of the Village's Code of Ordinances

New ☒
 Renewal ☐
 Application Fee \$50.00

OWNER/RESIDENCE INFORMATION: (Please Print in Spaces Below)

Last Name:	First Name:	Middle Initial:
LAUGHMAN	JENNIFER	D
Address Where Dogs Will Be Kept:	Telephone:	Date of Birth:
12525 Adams Rd		
Franksville, WI 53126		

PROPERTY INFORMATION:

Parcel I.D. No.: 104-04-22-30-066-000 Acreage of Residential Lot: 18.91
 Do you live at this address: Yes ☒ No ☐ Is this a multiple-family dwelling? Yes ☐ No ☒
 Is there a residence on this property? Yes ☒ No ☐

DOG INFORMATION (Applicant must apply to amend the application if the below list of animals changes):

Name of Animal	Age	Male or Female	Spay/Neutered (Yes or No)	Breed	Color	License #
1. Heidi	6	F	Yes	Greyhound	red fawn	
2. Franklin	4	M	Yes	Greyhound	brindle	
3. Rider	3	M	Yes	Greyhound	Wt + Blk	
4. Shaggy	6	M	Yes	Greyhound	brindle	
5. William	6	M	Yes	Greyhound	brindle	
6. Tux	7	M	Yes	Greyhound	black	
7.						

Needs to pay for once approved

I hereby certify that I am not in violation of any State Statutes or Village of Caledonia ordinances relating to animals. I have not been convicted of cruelty, neglect, or mistreatment of any animal. I understand that this permit may be revoked if any of the supplied information on this application is found to be false or if conditions on the property warrant revocation. The Village, without any advance notification, is authorized to enter upon the land covered by this permit to investigate complaints and inspect the premises.

Signature of Applicant Jennifer Laughman Date 12-30-21

Village Use Only

Legislative/Licensing Committee Review Date (New Permit): 2/14
 Village Board Approval Date (New Permit): 2/21 or Clerk's Review Date (Renewal): _____
 Number of Dogs Authorized: _____
 Date Permit Issued: _____ Permit Expiration Date: _____
 Acreage per Assessor: _____ Zoning: _____
 Individual License verified (circle) 1 2 3 4 5 6 7
 Amended on: _____
 Reason for Amendment: _____
 Completed by: CJ (Initials) JH - Took in
 Amendment Completed by: _____ (Initials)

Pass inspection
 2-3-22 22-1454

IMAGE
WILL
APPEAR
AFTER
APPROVAL

Caledonia Police Department (CAPD) Incident Report

Incident:

Administrative

Incident Report Number:

22-001954

Between: Date - Time

And/At: Date/Time

2/3/22

12:42

Incident Location:

12525 Adams Rd, Franksville, WI, 53126

CFS Code-1:

9001

CFS Code-2:

CFS Code-3:

CFS Code-4:

CFS Code-5:

CFS Code-6:

CFS Code-7:

CFS Code-8:

Name (Last, First, Middle)

DOB:

Race/Sex

Address: (Address, City, State, Zip)

Phone 1

Employer

Phone 2

Employer Address

Work Phone #

Name (Last, First, Middle)

DOB:

Race/Sex

Address: (Address, City, State, Zip)

Phone 1

Employer

Phone 2

Employer Address

Work Phone #

SUMMARY

On Thursday, February 3, 2022, I, Det Zoltak, conducted a Dog Fancier's Application inspection at 12525 Adams Rd. See Report.

Det Zoltak #9800

Vehicle Information: (Year, Make, Model, Style, Color)

License Number:

State:

Expiration Year:

Vin:

Insurance Company:

Other Vehicle Information:

NCIC#

Reporting Officer(s):

Zoltak, Chad M.

Payroll Number :

9800

Report Date:

02/03/2022

Time Received:

12:42:23

Time Cleared:

13:12:34

Unit(s) Assigned:

211, 213

Pages:

1 of 2

Reviewed by:

Payroll Number :

Copy To

Date:

02/03/2022

CFS Code-1: 9001

Incident Report Number:

22-001954

Caledonia Police Department (CAPD)**Continuation**

Incident Report Number

22-001954

Incident Location:

12525 Adams Rd, Franksville, WI, 53126

Incident Date:

02/03/2022

NAMES**Owner**

Laughman, Jennifer Doreen W/F-51 of 12525 Adams Rd, Franksville, WI, 53126

DOB: 09/19/1970

HT: 507 WT: 155 Hair: Blond/strawberry

Eyes: Hazel

Phone 1: (847) 224-3731

Law Enforcement Personnel

Zoltak CAPD, Chad DETECTIVE U/M of 6900 Nicholson Rd, Caledonia, WI, 53108

Phone 1: (262) 835-4423

NARRATIVE

On Thursday, February 3, 2022, I, Det Zoltak, conducted a Dog Fancier's Application inspection at 12525 Adams Rd.

Before I conducted my inspection I conducted residence checks in RIMS and observed there have been no animal complaints that have occurred at this residence. I also looked over the application and observed the property has 18.91 acres and the application was for six dogs. Further in the application I observed all dogs were up to date on rabies vaccinations.

Upon arrival at the residence I met with the owner Jennifer Laughman who invited me inside. I observed the home was in pristine condition and all of the dogs were extremely friendly. Jennifer showed me the back yard area where the dogs are let outside, and it was fenced in and clean. I observed all of the dogs were well fed, happy, and clearly loved and cared for. I then spent a few minutes speaking with Jennifer before leaving.

At the conclusion of this inspection I believe this property clearly passes inspection and I am not expecting any issues to arise from this address.

Det Zoltak #9800

Reporting Officer(s):

Zoltak, Chad M.

Payroll Number :

9800

Pages:

2 of 2

CHAPTER 20

Special Event Permit

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
7-20-1	Special Event Permit	2013-01	02/18/2013
		2013-06	04/16/2013
		2014-08	02/06/2014
		2014-15	12/01/2014

SEC. 7-20-1 SPECIAL EVENT PERMIT.

(a) **Definitions.**

(1) **Outdoor Event.** The use of live music, loudspeakers or amplifying devices outside of an enclosed building on parcels which have obtained a license, whether for a temporary or on a yearly basis, under Chapter 2 of Title 7 of this Code of Ordinances.

(b) **Permit Required.** An Outdoor Event in the Village is prohibited unless a permit under this Chapter is approved; to increase efficiency and flexibility, the Board delegates limited power to the Village Clerk to issue the permit after review and recommendation. by the Village Board, after review and recommendation by the Legislative and Licensing Committee. Permits shall be applied for annually and are effective for one year from the date of issuance.

(c) **Exception.** Speakers located on a patio or deck and wired or streamed to jukeboxes, stereos, ~~or~~ radios, music streaming services, or Bluetooth devices located inside of a premises shall not require a permit under this section. The intent of this exception is to allow patrons of an establishment to enjoy background music while congregating on a deck or patio immediately adjacent to the building. [JH1]

(d) **Application.** Application for a special event permit shall be made in writing on a form prescribed by the Village Clerk not less than thirty (30) days prior to the granting of such Permit. The application shall include a written description, including a site plan drawn to scale of the premises and the planned Outdoor Event area. The Application should note whether the premises is an establishment licensed under Chapter 2 of Title 7 and whether the area planned for the Outdoor Event matches the area licensed for the serving and consumption of alcohol. The application shall include a schedule of events, includes dates and times. If the property owner is not the applicant, then the applicant shall attach a notarized letter of agency authorizing the applicant to apply for a special event permit under this Section.

(e) **Requirements and Restrictions.**

(1) Outdoor Events shall be held within the area encompassed by the physical description and diagram that is submitted with the application under Sec. 7-2-6 of this Code of Ordinances and approved as a part of the license process under Chapter 2 of Title 7.

- (2) Outdoor Event areas shall not be closer than ten (10) feet to the public right-of-way boundary (Note: May not be the same as the road pavement).
- (3) No open flames, inclusive of uncontained candles, table decorations, fire pits, or any other type of objects emitting an open flame, are allowed in Outdoor Event areas unless approved by the Fire Chief or designated fire prevention staff thereof as part of the permit approval. Any such approval shall be noted upon the permit issued and the Village's file.
- (4) All live music, loud speakers and amplified music in the Outdoor Event area, inclusive of food and beverage service, shall begin no earlier than 10:00 a.m. daily and cease no later than 10:00 p.m. on Sunday through Thursday and 12:00 a.m. (midnight) on Friday and Saturday, except as provided herein. Applicants that hold a temporary beer or wine permit under Section 7-2-4(e) (1) or 7-2-4(f)(1) of this Code of Ordinance, may be allowed to have live music, loud speakers and amplified music until 12:00 a.m. (midnight) on Sunday through Thursday for good and sufficient cause as determined by the Village ~~Board~~Clerk, based upon the special circumstances of the particular case. In addition, applicants shall obtain approvals from the Parks Commission in accordance with Section 12-1-6(g)(4) and the Chief of Police in accordance with Sec. 11-1-8(c), if such sections are applicable to the proposed special event. Applicants that desire to extend the hours as provided herein, shall indicate the reasons why the extension is necessary^[JH2].
- (5) The permittee shall be responsible for cleaning litter, including cigarette butts, from adjacent and abutting properties that was deposited by patrons of the premises or resulted from the business activities on the premises. Decorative garbage receptacles and ash trays shall be installed and such receptacles shall be emptied into the main dumpster as needed and at the end of every business day. All dumpsters shall be screened from public view by landscaping or enclosed within fencing. No trash, garbage or debris shall be allowed to accumulate on the premises and all trash generated by the activities on the premises shall be placed in the dumpsters by the end of each event day.
- (6) The permittee shall submit a security plan as part of the application and be responsible for policing the outdoor premises, extension or area at all times to ensure compliance with Village ordinances.
- (7) No person under the legal drinking age shall be permitted upon the premises, when the presence is contrary to state law or local ordinance.
- (8) No loud, profane or lewd music shall be broadcast directly away from the Outdoor Event area by means of amplified devices, outdoor speakers or Bluetooth devices, jukeboxes, unless written permission is granted in advance for a special event by the Village ~~Board~~Clerk.
- (9) All Outdoor Event areas shall be sufficiently lighted to ensure the safety of patrons at all times when any patrons shall be therein, and at all times when the outdoor area is open to the public. Lighting of the area shall be down-cast and shielded and shall not be of an intensity or brilliance to create glare that is distracting to adjoining property owners or which can become a hazard or danger to vehicular traffic.
- (10) No overnight camping at Outdoor Events shall be allowed upon the permitted premises.

- (f) **Permit Fee and Number of Events.** The application fee shall be set by Resolution of the Village Board from time-to-time. Such application fee shall include the cost of a background check, if needed. The fee shall be paid at the time of application. The Village ~~Board~~Clerk, or its designee as indicated under this ordinance, at its discretion, may grant a permit on an event by event basis or for multiple events with a set schedule. Upon approval and prior to receiving the permit, the applicant shall pay a permit fee which shall include a base permit fee plus a per event fee in amounts set by Resolution of the Village Board from time-to-time. These fees are intended to cover the cost incurred by the Village for the administration and enforcement of this ordinance and are nonrefundable.

(g) **Approval.**

- (1) **New Applications.** All “new” applications shall be reviewed by the ~~Legislative and Licensing Committee and such committee shall make a recommendation to the Village Board~~Village Clerk. The Village ~~Board~~Clerk may approve or ~~deny such application if it complies with this Section under the same criteria under subsection (1) above, or may, at his or her discretion, refer the application for review and action by the Legislative and Licensing Committee.~~ Upon referral, the Legislative and Licensing Committee may approve or deny the application utilizing the same criteria ~~under this Subsection~~deny the application. Applications shall not be approved if the Village ~~Board~~Clerk determines that a proposed event(s) will cause a disturbance to residences or other businesses nearby or adversely affect the peace and quiet of the surrounding neighborhood. A “new” application under this Section shall mean an application by a person or entity that has not previously received a permit under this Section for the applied for location or, if there is new ownership for the applied for location.

- (2) **Previously Permitted Applicants.** An application by a person or entity that has previously received a permit under this Section shall be reviewed by the Village Clerk. The Village Clerk, as the Village Board designee under this Section, may approve or deny such application if it complies with this Section under the same criteria ~~as the Village Board~~under subsection (1) above, or may, at his or her discretion, refer the application for review and action by the Legislative and Licensing Committee. Upon referral, the Legislative and Licensing Committee may approve or deny the application utilizing the same criteria under this Subsection.

~~(2)~~(3) In this Subsection, the term "Clerk" consistently includes the Deputy Clerk office, if one exists, in the Clerk's absence, unavailability, or because the Deputy is so authorized by the Clerk.

- (h) **Amending the Application.** Whenever anything occurs to change any fact set forth in the permit application, including a change in schedule of events, such permittee shall file with the Village Clerk a request to amend the application in writing. In the case of the change of events to add additional event dates or modify an approved schedule of events, the request to amend shall be submitted to the Clerk at least five (5) business days before the date of the additional event or changed event.. Amendments shall be reviewed by the Village Clerk and may be approved by the Village Clerk or, at the Village Clerk’s discretion, may be submitted for review and approval by the Legislative and Licensing Committee. If an amendment includes additional events, the additional event fees shall be paid prior to the effective date of the amendment.

- (i) **Nuisances.** This section shall not be construed to limit the authority of the Village Police Department to respond to nuisance noise complaints and to take appropriate action in response thereto. Any violation of this ordinance or permits issued hereunder are declared a public nuisance and the Village shall have the right to abate the nuisance in accordance with applicable ordinance and/or Wisconsin Statute.
- (j) **Suspension.** The Chief of Police shall have the authority to suspend an event under a permit issued under this section when he or she believes such live music, loudspeaker or amplifying device has become a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated. Any such suspension, shall bring the permit for review, within fifteen (15) days, before the Legislative and Licensing Committee prior to any additional Outdoor Events occurring at the establishment.

Ordinance No. 2022-XX

AN ORDINANCE TO AMEND SECTION 11-2-1(b)(1); SECTION 11-2-1(b)(2); SECTION 11-2-1(b)(3); AND SECTION 11-2-1(c)(1) OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CALEDONIA RELATING TO WEAPON DISCHARGE

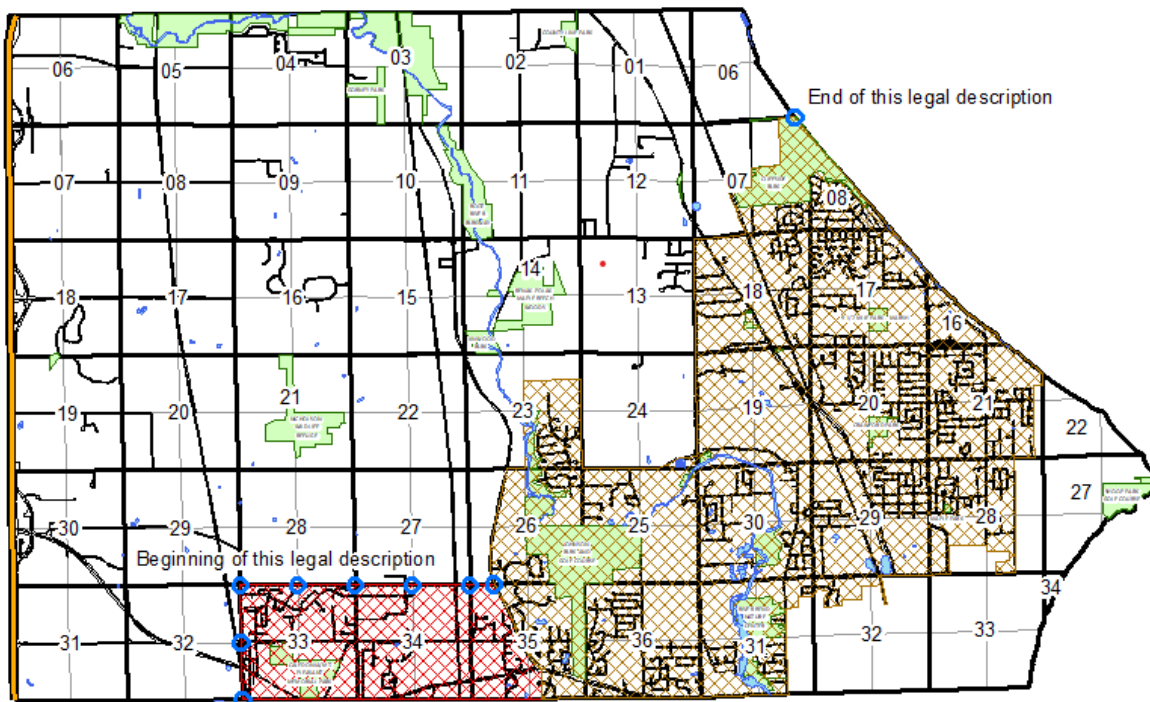
The Village Board of the Village of Caledonia, Racine County, do ordain as follows:

1. That Section 11-2-1(b)(1) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

Firearms. No person shall discharge a Firearm using a ball, bullet or slug in the following locations within the Village of Caledonia: All those areas within the Village of Caledonia lying east and south of a line described as follows:

Commencing at the SW $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N, in the Village of Caledonia, Racine County, Wisconsin; thence N $1^{\circ}15'59''$ W 2,643.54 feet to the W $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N; thence N $1^{\circ}7'19''$ W 2,641.82 feet to the NW $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N; thence N $89^{\circ}44'23''$ E 2,656.20 feet to the N $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N; thence N $89^{\circ}44'27''$ E 2,656.08 feet to the NE $\frac{1}{4}$ corner of Section 33, Range 22E, Town 4N, point also being the NW $\frac{1}{4}$ corner of Section 34, Range 22E, Town 4N; thence N $89^{\circ}54'29''$ E 2631.75 feet to the N $\frac{1}{4}$ corner of Section 34, Range 22E, Town 4N; thence N $89^{\circ}42'03''$ E 2,633.94 feet to the NE $\frac{1}{4}$ corner of Section 34, Range 22E, Town 4N, point also being the NW $\frac{1}{4}$ corner of Section 35, Range 22E, Town 4N; thence N $89^{\circ}32'43''$ E approximately 1,134 feet to the centerline of State Trunk Highway 38; thence northerly along the centerline of State Trunk Highway 38 to the centerline of Four Mile Road, thence easterly on the centerline of Four Mile Road to the S $\frac{1}{4}$ corner of Section 23, Range 22E, Town 4N; thence N $1^{\circ}22'31''$ W 2,652.42 feet to the section center of Section 23, Range 22E, Town 4N; thence N $0^{\circ}27'2''$ W 824.58 feet to a point, point also being the Southwest corner of Lot 2 of CSM 2761; thence N $89^{\circ}14'32''$ E along the South line of CSM 2761 to a point on the East line of Section 23, Range 22E, Town 4N; thence S $0^{\circ}25'46''$ E 835.32 feet to the E $\frac{1}{4}$ corner of Section 23, Range 22E, Town 4N; thence continuing Easterly along the centerline of Four Mile Road to the centerline of State Trunk Highway 31, thence northerly on the centerline on State Trunk Highway 31 to the centerline of Six Mile Road; thence N $85^{\circ}41'8''$ E 2,396.13 feet along the centerline of Six Mile Road to a point on the West Right of Way line of the Chicago Northwestern Railway Company/Union Pacific Railroad; thence N $21^{\circ}16'27''$ W 2,249.92 feet along the West Right of Way line of the Chicago Northwestern Railway Company/Union Pacific Railroad to a point; thence N $85^{\circ}30'35''$ E 1,071.75 feet parallel to the North line of the SW $\frac{1}{4}$ of Section 7, Range 23E, Town 4N to a point on the East line of the SW $\frac{1}{4}$ of Section 7, Range 23E, Town 4N; thence N $0^{\circ}36'25''$ W 472.56 feet along the East line of the SW $\frac{1}{4}$ of Section 7, Range 23E, Town 4N to the section center of Section 7, Range 23E, Town 4N; thence N $1^{\circ}10'4''$ W

454.06 feet along the West line of the NE ¼ of Section 7, Range 23E, Town 4N to a point; thence N 85°36'59" E 1,328.70 feet along the North boundary of the Racine County Park (Cliffside Park) to a point; thence N 1°10'4" E 2,180.30 feet parallel to the West line of the NE ¼ of Section 7, Range 23E, Town 4N to a point on the North line of said NE ¼ Section 7; thence N 85°36'59" E approximately 700.00 feet along the North line of the NE ¼ of Section 7, Range 23E, Town 4N to the Western shore of Lake Michigan.



2. That Section 11-2-1(b)(3) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

(3) "No Discharge Near Buildings. No person shall discharge a Firearm, within three hundred (500) feet of any Building within the Village of Caledonia. This restriction shall not apply if the person who owns the land on which the building is located allows the discharge of the Firearm within the specified distance of the building.

3. That Section 11-2-1(c)(1) of the Code of Ordinances for the Village of Caledonia be,

and hereby is, amended to read as follows:

- (1) "No Discharge Near Buildings. No person shall discharge a Firearm, within three hundred (500) feet of any Building within the Village of Caledonia. This restriction shall not apply if the person who owns the land on which the building is located allows the discharge of the Firearm within the specified distance of the building.

4. That this ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this _____ day of _____, 2022.

VILLAGE OF CALEDONIA

By: _____
James R. Dobbs
Village President

Attest: _____
Joslyn Hoeffert
Village Clerk

Megan O'Brien

From: Joslyn Hoeffert
Sent: Thursday, February 10, 2022 2:26 PM
To: Megan O'Brien
Subject: FW: Hunting Map and Shooting Restrictions

Put this email in the L&L packet

Joslyn Hoeffert
Village Clerk



5043 Chester Lane, Racine, WI 53402
Village Hall: 262-835-4451 | Direct 262-835-6414
Email: jhoeffert@caledonia-wi.gov
Website: Caledonia-wi.gov



Elected Officials and Members of Village Committees: In order to comply with Open Meetings requirements, please limit any reply to only the sender of this electronic communication. Please be aware that written communication, emails and faxes are generally considered open public records.

From: Christopher Botsch <cbotsch@caledonia-wi.gov>
Sent: Tuesday, January 18, 2022 1:10 PM
Subject: Hunting Map and Shooting Restrictions

Dale, Kevin, Kathy, Joslyn, and Michelle,

At a prior meeting we discussed changes to our hunting map and expanded our restricted zone from 300 ft to 500 ft from a structure. With prompting from Trustee Stillman, the group requested we do some digging into the idea of possibly restricting firearm or ammunition type. We reached out to the DNR for any suggestions, guidance, or direction they could provide. .

Our DNR Warden indicated that this topic is guided by WI statute 29.038, which states the following:

29.038 Local regulation of wild animals.

29.038(1)(1) In this section:

29.038(1)(a) **(a)** "Local governmental unit" has the meaning given in s. 16.97 (7).

29.038(1)(b) **(b)** "Political subdivision" means a city, village, town or county.

29.038(2) (2) No local governmental unit may enact any ordinance or adopt any regulation, resolution or other restriction for the purpose of regulating the hunting, fishing, trapping or management of wild animals, except as follows:

29.038(2)(a) **(a)** A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that is authorized under this chapter.

29.038(2)(b) **(b)** A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that restricts or prohibits access for hunting, fishing or trapping in any portion of land that it owns or leases.

29.038(3) (3)

29.038(3)(a)(a) Except as provided in par. (b), a local governmental unit may enact an ordinance or adopt a regulation, resolution or other restriction that has an incidental effect on hunting, fishing or trapping, but only if the primary purpose is to further public health or safety.

29.038(4) (4) If the department determines that an ordinance, regulation, resolution or other restriction enacted or adopted by a local governmental unit exceeds the authority granted to local governmental units in this section, the department may issue a notice to the local governmental unit of the department's intent to issue an order under this subsection. The department shall hold an informal hearing on the matter if a hearing is requested by the local governmental unit within 30 days after it receives the notice. The informal hearing is not a contested case under ch. 227. Following the hearing or following the failure of the local governmental unit to request a hearing within 30 days after it receives the notice, the department may issue an order declaring the ordinance, regulation, resolution or other restriction void.

The DNR Warden further stated the following:

"The need for additional firearm restrictions are required by statute to be rooted in safety related concerns. Some factors in determining if these ordinances meet the statutes requirement to restrict hunting opportunities would be;

- do you have any documented hunting accidents*
- any public safety complaints that are rooted in safety, not hyperbole or annoyance*
- any reports of homes/garages/sheds struck with projectiles*
- any injured or killed livestock or domestic*
- any reported cases of reckless use of a firearm from the hunting public.*

To restrict hunting opportunities, those above types of documented complaints would be necessary in justifying these hunting restrictions. It is also reasonable to craft some firearm discharge restrictions in areas with housing or geographic configurations that would make hunting impractical, unproductive or inherently unsafe (i.e. around apartment buildings, in small subdivisions or commercial areas).

In regard to other municipal ordinances, there are several town and villages that will restrict Single shotgun slugs and single rifle projectiles larger than a .22 caliber rimfire. This type of restriction addresses their public safety concern while still permitting some hunting and allowing home owners the ability to dispatch nuisance critters with a .22 or with fine-shot shotgun loads, without violating your local ordinance.

As we know, we have the statutory tools already available to us in dealing with reckless or dangerous use of a firearm. We should always keep in perspective the relatively safe sport of hunting, as the data suggests we have well over 1.5 million licenses sold and for example; we had 12 hunting incidents last year. Of those 12, all but 2, were either self-inflicted or from other hunters in the same hunting party. Only 1 of these incidents were fatal."

With all of that said, from a public safety perspective, I am comfortable with our revised hunting map and our restricted zones of 500 feet from a structure. Given the criteria listed above, I do not believe there is a verified public safety concern that would require us to limit the ammunition or firearm type. If you have any questions or concerns, please let me know.

Respectfully,
Chris

Christopher Botsch - Chief of Police

Caledonia Police Department
6900 Nicholson Road
Caledonia, WI 53108
Dept: (262) 835-4423
Fax: (262) 835-4799