

COMMITTEE OF THE WHOLE MEETING AGENDA**Tuesday, February 13, 2024****Starting at 6:30 p.m. or immediately following the 6:00 p.m.****Village Board meeting, whichever is later****Caledonia Village Hall - 5043 Chester Lane**

1. **Meeting called to order**
2. **Approval of Minutes** – Committee of the Whole: 01/23/2024
3. **Public Comment** - Provides a two-minute opportunity for citizens to voice opinions to the Committee of the Whole. The Committee of the Whole cannot respond as this may conflict with open meeting requirements.
4. **New Business**
 - A. Discuss on meeting minutes content and procedures to amend the minutes.
 - B. Discussion on the future of waste oil receptacle at Nicholson Road campus
 - C. Discussion on potential revisions to Title 14, Chapter 3, subdivision controls
<https://caledonia-wi.gov/sites/default/files/Title%2014%2C%20Chapter%203.pdf>
 - D. Fire Department requesting permission to apply for AFG grant for radios
 - E. Proposed employee handbook changes
5. **Continuing Business**
 - A. Continuing Discussion - Village 5-10 Year Vision (*CoW 1/9/24, CoW 1/23/24*)
 - B. Discussion on Trustee vacancy process
 - C. Discussion regarding livestock fencing requirements and animals running at large; Reference: Title 7, Ch. 1 Animal control and Title 11, Ch. 6 Nuisances (*CoW 1/23/24, direct staff to review*)
https://caledonia-wi.gov/sites/default/files/Title%207%2C%20Chapter%201_5.pdf
<https://caledonia-wi.gov/sites/default/files/Title%2011%2C%20Chapter%206.pdf>
6. **Closed Session Items:**
 - A. The Committee of the Whole will take up a motion to go into CLOSED SESSION, pursuant to s. 19.85(1)(e), Wis. Stat., deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: specifically to discuss the Caledonia/Raymond Cooperative Boundary Agreement and the Contract Renewal with John's Disposal for Waste and Recycling Collection; and pursuant to s. 19.85(1)(g), Wis. Stat., conferring with legal counsel concerning strategy to be adopted with respect to litigation pertaining to the following: code enforcement as to 6121 STH 31; and subrogation of claims filed against the Village.
 - A. The Village Board reserves the right to go back into OPEN SESSION, and possibly take action on the items discussed during the closed session and to move to the remaining items on the agenda.
7. **Adjournment**

**Committee of the Whole Meeting
January 23, 2024**

1 - Order

President Weatherston called the Committee of the Whole meeting to order at 6:40 p.m. at the Caledonia Village Hall.

Board: President Weatherston, Trustee McManus, Trustee Stillman, Trustee Lambrecht, Trustee Martin, Trustee Pierce.

Absent: Trustee Wishau was excused.

Staff: Administrator Kathryn Kasper, Clerk Jennifer Olsen, Public Services Director Tony Bunkelman, Village Engineer Ryan Schmidt, Finance Director Wayne Krueger, Development Director, Peter Wagner, Planner/Zoning Administrator, Todd Roehl, Police Chief Christopher Botsch, Fire Chief Jeff Henningfeld, Village Attorney/HR Manager Tyler Helsel and Village Attorney Elaine Ekes.

2 – Approval of Minutes

Motion by Trustee Lambrecht to approve the Committee of the Whole minutes of 01/09/24, removing the second sentence of item 4B. Seconded by Trustee McManus. Motion carried.

3 – Public Comment (Provides a two-minute opportunity for citizens to voice opinions to the Village Board. The Village Board cannot respond as this may conflict with open meeting requirements.)

None

4 – New Business

4A. Discussion regarding livestock fencing requirements and animals running at large; Reference: Title 7, Ch. 1 Animal control and Title 11, Ch. 6 Nuisances

Trustee Martin relayed a complaint from a resident regarding loose cattle and other livestock repeatedly breaking out of inadequate fencing and requested a review of the relevant ordinances. Village Attorney Elaine Ekes clarified some state statutes apply but advised that staff review them for possible amendments. Staff was directed to do so. No motion was made.

4B. Accept Buckley Road improvements

Motion to approve and move item to the Village Board agenda made by Trustee McManus. Seconded by Trustee Pierce. Motion carried unanimously.

4C. Accept Caledonia Corporate Park improvements

Motion to approve and move item to the Village Board agenda made by Trustee Stillman. Seconded by Trustee McManus. Motion carried unanimously.

4D. Accept Corona Drive extension improvements

Motion to approve and move item to the Village Board agenda made by Trustee Pierce. Seconded by Trustee Martin. Motion carried unanimously.

4E. 6243 Charles St – Sanitary connections request for variance from Ordinance

Director Bunkelman spoke on the item, clarifying the village ordinances requiring this charge. The resident also spoke on the item and stated that she was not informed of the requirements when she built the addition, and that the cost would have been prohibitive to do the addition. Her argument is the detached garage cannot be rented out as a separate unit, it should be considered an addition to the home and not a separate unit.

Motion to approve variance and move item to the Village Board made by Trustee Pierce. Seconded by Trustee McManus. Motion carried, 4-2. Trustee Stillman and President Weatherston voted nay.

Trustee Martin made a motion to direct staff to prepare appropriate conditions to attach to the variance. Seconded by Trustee Pierce. Motion carried, 5-1. President Weatherston voted nay.

4F. Personnel committee revival for limited role in grievance process

Village Attorney Helsel presented the item, clarifying that this committee would be specific to handling union grievances, as required by the contract language. Reviving this committee would allow the board to satisfy the requirements of the contract without having to renegotiate to remove the language.

Motion to direct staff to draft a resolution to revive the committee and to present it to the Village Board made by Trustee Pierce. Seconded by Trustee McManus. Motion carried unanimously.

4G. Suggested Agenda Items to Be Placed on the Next Meeting Agenda (With No Action)

- Trustee Martin requests discussion on minutes reflect more details of discussions
- Trustee Pierce requests discussion on Trustee vacancy process
- Trustee Pierce request a return to the discussion on litigation complaint and HWY 31 update
- Trustee McManus gave a shout out to Public Works for their excellent work plowing during the recent storms

5 – Old Business**5A. Continuing Discussion - Village 5-10 Year Vision**

Discussion on whether to focus on Strategic planning versus a short mission/vision statement,. It was decided to leave the specifics to each department and their strategic goals. Suggestion was made to have staff present on various plans that municipalities commonly utilize with an description of each type for the board's edification . The board will then decide in which area they would like to move this topic forward. . Administrator Kasper will forward Mt Pleasant's strategic plan to the board via email.

5B. Discussion on Communications Committee Membership, roles and responsibilities

Chair Pierce presented on the current items before the committee and goals for the remainder of the ad hoc term. Topics included village branding and consistency throughout all village departments, including the creation of a Branding Resource

Document. Chair Pierce recommended two additional committee members for consideration, Chief Botsch and Michelle Struck. It was determined that the Police Chief may not serve as a member, but could attend meetings. All new committee members must be approved by the Village Board. The idea that if marketing is a high priority for the Village, that a marketing firm could be budgeted for and hired in 2025.

5C. Discussion - adopted village standard color implementation progress.

The decision was made to insert white background onto logo, and to use the zaffre blue color as recommended by Communication Committee.

Motion to send item to the Village Board for approval made by Trustee Martin. Seconded by Trustee McManus. Motion carried unanimously.

8. Adjournment

President Weatherston adjourned the meeting at 7:59 p.m.

Respectfully prepared and submitted,

Jennifer Olsen, Village Clerk

MEMORANDUM

Date: February 6, 2024

To: Village Board

From: Jennifer Olsen
Village Clerk

Re: Meeting Minutes Content and Procedures to Amend the Minutes

BACKGROUND

Staff conducted a review of meeting minutes best practices to determine an appropriate format for the Village to use going forward. The minutes of several other nearby municipalities were reviewed, including the Village of Mt. Pleasant, the Village of Union Grove, the Village of Somers, and the City of Burlington. Additionally, the following sources were consulted:

- University of Wisconsin Extension Local Government Center
- The Municipal Research and Services Center (MRSC)
- [The U.S. Department of Justice's open meeting handbook \(pp 22-24 "Ballots, Votes, and Records"\)](#)
- [Wisconsin State Statute 19.88\(3\)](#)
- Robert's Rules

Substance of Minutes

The legal requirement for meeting minutes states that the "substance" of proceedings must be included. Substance is defined by statute to be "an intelligible abstract or synopsis of the essential elements of the official action taken by a local governing body, including the subject matter of a motion, the persons making and seconding the motion and the roll call vote on the motion." { 985.01(6) }

From the DOJ Handbook:

Although Wis. Stat. § 19.88(3) does not indicate how detailed the record of motions and votes should be, the general legislative policy of the open meetings law is that "the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business."

In light of that policy, it seems clear that a governmental body's records should provide the public with a reasonably intelligible description of the essential substantive elements of every motion made, who initiated and seconded the motion, the outcome of any vote on the motion, and, if a roll-call vote, how each member voted.

This applies to closed sessions. Also from the DOJ Handbook:

Wisconsin Stat. § 19.88(3) also provides that meeting records created under that statute—whether for an open or a closed session—must be open to public inspection to the extent prescribed in the state public records law.

As long as the reasons for convening in closed session continue to exist, however, the custodian may be able to justify not disclosing any information that requires confidentiality. But the custodian still must separate information that can be made public from that which cannot and must disclose the former, even if the latter can be withheld. In addition, once the underlying purpose for the closed session ceases to exist, all records of the session must then be provided to any person requesting them.

Robert's Rules offers some recommendations of what should and should not be included. The suggestion is that minutes should focus on what the body did, not on what was said. Items to include:

- Kind of meeting
- Name of the organization
- Date, time, and place of the meeting
- Name of the presiding officer and the secretary, or their substitutes
- Members present and establishment of a quorum
- Action on the minutes of the previous meeting
- Exact wording of each motion, the name of the maker, and whether it passed or failed
- Points of order and appeals
- For reports, the name of the committee and the reporting member
- The hour of adjournment

The following items are recommended to NOT be included:

- Opinion or interpretation of the secretary (Clerk)
- Judgmental phrases such as “members expressed total confidence”, “lengthy report.”
- Discussion
- Motions that were withdrawn
- Detailed reports

MRSC lists several arguments against recording verbatim minutes and including detailed discussion.

- “When a body wants its remarks ‘on the record,’ the agency’s clerk or secretary has to spend hours transcribing those remarks, reviewing them, editing them, and preparing them for publication.”
- “Once the minutes are prepared, the members of the governing body have to invest time and energy in reviewing the draft minutes. Corrections or changes often have to be made, requiring yet more work. Sometimes there are differences of opinion about

whether the content was correctly noted or not. Sometimes people are offended by the way their remarks are written down. All corrections have to be voted on formally by the body. The result can be a big drawdown of time and emotional energy for a modest return.”

- “Detailed minutes make it a challenge to locate key items and decisions within the pages and pages of text. The document is far less functional when it includes remarks as well as actions.”

Making Motions to Amend Minutes

Robert’s Rules:

Corrections to minutes are noted in the minutes being corrected; they're not detailed in the minutes of the meeting at which the corrections were adopted. (The minutes of the meeting at which corrections were made should merely state that minutes of the previous meeting were approved as corrected.)

RECOMMENDATION

It is the recommendation of staff that meeting minutes adhere to the guidelines outlined above. Minutes should reflect whether there was discussion on the item, who made a motion, who seconded the motion, and the results of votes. Supporting documentation is provided in the agenda packets reflecting staff recommendations and arguments, which committees heard testimony on the item and when, and results of previous votes. In addition, public comments and public hearings should reflect who spoke and their association, what item they were speaking on, and a brief summary of their comments.

In the case of closed session minutes, the recommendation is to keep those minutes separately and watermarked confidential. If an open records request is submitted for these items, they can be reviewed by counsel for redaction.

Memorandum – Request to apply for FEMA grant funding for portable radio replacement.

The Fire Department has determined that continued use of CFD's portable radios poses a significant health and safety risk to all personnel and requires replacement as soon as possible. The department has been waiting for final guidance from Racine County for radio replacement.

Current single-band VHF radios were manufactured between 2009 and 2013 and have a decade or more of heavy use in extreme conditions. The manufacturer terminated production of this model in 2014, ceased flash upgrades in 2018, and ended service support in 2019. We cannot repair the radios and can no longer source intrinsically safe batteries. Radio deficiencies include inoperable displays, cracked antennae sheathing, loose operational knobs, poor-performing remote speaker microphones (RSM), poor reception, and batteries that quickly lose their charge. There have been numerous documented incidents where transmitted messages were not received. Companies have missed critical information and unit assignments when monitoring only portable radios. The portable radios are also non-compliant with NFPA 1802, the Standard on Two-Way Portable RF Voice Communications Devices for Use by Emergency Services Personnel in the Hazard Zone.

An additional significant deficit is the lack of interoperability. The CFD is a MABAS member and frequently responds to and receives mutual aid from all surrounding municipalities. All of Eastern Racine County, including Caledonia, utilize VHF. Milwaukee County uses the 700/800 MHz frequency on our northern border, and Western Racine County utilizes UHF. This creates a patchwork of different radio bands. Racine County is currently evaluating upgrading the existing radio system countywide to the 700/800 Mhz frequency. The radios the department seeks are compatible with the existing system and any potential future upgrades.

The cost of radio replacement is significant; therefore, the department is seeking permission to apply for grant funding through the FEMA Assistance to Firefighters Grant program. Should the department be successful in procuring the funding, a 10% match would be required. The department applied for this grant for radios in 2023 and was unsuccessful. The fire department is awaiting final estimates for the radio replacement but estimates that the village's responsibility, if successful, would be approximately \$50,000- \$60,000. Application for the AFG is the most economical and feasible means of acquiring the much-needed radios.

MEMORANDUM

To: Village Board
From: Tyler Helsel, HR Manager
Date: February 8, 2024
Re: 2024 Employee Handbook Update

Village Board:

The Employee Handbook (the "Handbook") received a major update in Spring of 2022. However, the Handbook is a living document that should be updated from time-to-time to reflect changes to employee laws, market conditions affecting recruitment, and simple language updates and clarifications. This memo outlines recommended changes to the current Handbook.

1. Return On Final Day of Employment

Reason for Change:

We have had instances where employees have elected to give notice of their intent to end employment with the Village and subsequently do not return to the office after giving notice (typically the employee uses the remainder of their accrued/awarded time off and does not return). Employees who separate should at minimum return on their final day to perform an exit interview, return any Village property, and withdraw any personal property from Village buildings.

Change:

Insert the following at:

PART VI EMPLOYEE SEPARATION
EMPLOYEE SEPARATION PROCEDURES

"Final Day:

If an Employee is voluntarily separating from the Village (including retirement), the Employee shall be present and at work on their final day of employment at the Village to receive payment for their unused sick days and/or awarded but unused vacation time under Severance Benefits as outlined herein."

2. SEXUAL HARRASSMENT POLICY UPDATE

Reason for Change:

After attending a recent CLE course, our employment counsel, who happened to be running the CLE, recommended adding to our sexual harassment policy a reporting to law enforcement language when a law is broken section, as this may assist in limiting the Village's liability exposure. There is also an additional language cleanup regarding the Committee that would handle investigations.

Change:

PART IV CONDUCT & CUSTOMER SERVICE

Amending section B.) 4.), 5.), and 6.):

- “4.) The Human Resources Manager will be made aware of, and manage, all harassment complaints. The Administrator, the Police Chief and the Human Resources Manager will be responsible for investigating complaints of harassment (in this Section collectively referred to as the “Investigation Panel”). The Village President shall replace any member of the Investigation Panel if the complaint is against one of the members of the Investigation Panel.
- 5.) In response to every complaint, the Investigation Panel must notify the Village President that a complaint has been made.
- 6.) The Investigation Panel will investigate the complaint thoroughly and promptly and notify the complainant that an investigation will be undertaken. Reasonable measures will also be taken to protect all employees, including the reporting employee, from any retaliatory behavior. These measures might include temporary reassignments or separating the alleged harasser and the reporting or affected employee(s).”

Creating C.) 2.) to read as follows:

“2.) If the results of the investigation under this Section identify a violation of a local, state, or federal law, the Village will refer the results of the investigation to an appropriate law enforcement agency outside the Village to investigate the violation and refer any charges to a local, state, or federal prosecutor’s office for criminal charges.”

3. Funeral Leave Timing

Reason for Change:

The Village would like to update funeral leave so that it is tied to an event, such as the date of the death, date of a service, or use within a certain period of time. The reasoning is that it otherwise creates an administrative burden tracking when funeral leave has, or has not, been used. We have had instances where employees use the leave many months after a passing and use additional vacation time to have a full week off.

Change:

Insert the following language at:

PART III BENEFITS, FUNERAL LEAVE:

“Funeral leave must be used in one of the following ways: (1) within two weeks of the death giving raise to the leave; or (2) the days surrounding a scheduled funeral that occurs within six (6) months of the death giving raise to the leave.”

4. Vacation Awarded Date

Reason for Change

Milestone increases in vacation days are to be awarded on January 1st, but the current language is ambiguous as to whether the Handbook means the January 1st of year anniversary year or the January 1st of the year after the anniversary year.

Change:

Insert the following at:

PART III BENEFITS, VACATION

Employees will receive the increase of Paid Vacation on the January 1st of the year in which they hit a year milestone. For example, if an Employee hits their 5-year

anniversary on May 1, 2024, that employee receives their 20 Paid Vacation Days January 1, 2024.

5. Police and Fire Management Employees Clothing Reimbursement

Reason for change:

An increase to the reimbursement amount of Police and Fire management employees. Inflation and represented employee's contractual reimbursement now exceeding this amount.

Change:

PART III BENEFITS, CLOTHING ALLOWANCE

"Police Management Employees

Subject to the approval of the employee's supervisor, police management employees shall be reimbursed for the purchase of clothing and equipment that are directly job related in an amount not to exceed Seven Hundred and Fifty Dollars (\$750.00)."

"Fire Management Employees

Subject to the approval of the employee's supervisor, fire management employees shall be reimbursed for the purchase of clothing and equipment that are directly job related in an amount not to exceed Seven Hundred and Fifty Dollars (\$750.00)."

6. Employee Handbook Applicability

Reason for Change:

An update to the handbook that clarifies what portions of the handbook apply to public safety represented/union employees.

Change:

"A public safety union employee cannot receive any compensation or benefit in the Employee Handbook unless explicitly negotiated into the bargaining agreement."

Examples of Types of Typical Municipal Plans

Comprehensive Plan: A comprehensive plan is a local government's guide to community physical, social, and economic development. Comprehensive plans are not meant to serve as land use regulations in themselves; instead, they provide a rational basis for local land use decisions with a twenty-year vision for future planning and community decisions. These are usually found at local, county, and regional levels. Local level does have control over the content of their comprehensive plan, but the idea is for the plans to vertically integrate with one another.

Park & Open Space Plan: The primary purpose of this Plan is to proactively plan for the Village's future park and recreation needs. Furthermore, the policy recommendations and programs presented in the Plan will guide the acquisition, preservation, and development of land for parks, recreation trails, and other open spaces in the Village to meet the needs of a growing and changing population. Such recommendations will serve to protect and enhance the community's natural needs of the community and it can focus on policy recommendations and programs to be implemented over a five-year period.

Strategic Plan: A Strategic Plan serves as the guiding principle for the future of the Village. The plan helps to establish goals, objectives, and strategies to make significant and measurable improvements. The Strategic Plan is developed around the mission, vision, and values.

Facilities Management Plan: A Facilities Management Plan outlines processes and procedures for managing a facility. It outlines strategies and goals for improving the efficiency, safety, and security of a facility, or other infrastructure related systems.

Capital Improvement Plan: A capital improvement plan (CIP) is a community planning and fiscal management tool used to coordinate the location, timing and financing of capital improvements over a multi-year period — usually 4-6 years. Capital improvements refer to major, non-recurring physical expenditures such as land, buildings, public infrastructure and equipment. The CIP includes a description of proposed capital improvement projects ranked by priority, a year-by-year schedule of expected project funding, and an estimate of project costs and financing sources. The CIP is a working document and should be reviewed and updated annually to reflect changing community needs, priorities and funding opportunities.

Stormwater/Floodplain Management Plan: A plan that helps reduce pollution and contamination during construction projects by controlling runoff of rainwater or melted snow into streets, lawns, rivers, and other sites. A plan to protect life, health and property; to minimize costs for flood control projects; to reduce tax dollars spent for rescue, relief and repair of flood damage; to shorten business interruptions caused by flooding; to prevent future flood blight areas; to discourage victimization of unwary land and home buyers; and to prevent increased flood levels caused by unwise floodplain development.

Communications Plan: A written document intended to outline and guide an organization's communication efforts. Strategic communication plans create a strong foundation for communications and marketing activities through the proper channels for your audiences.

Current Village/Other Agency Plans:

- Comprehensive Plan
- Park & Open Space Plan
- Cooperative Boundary Agreement with Raymond
- TIF 1-5 project plans
- Nicholson Wildlife Area Management Plan (2005)
- Land Use Plan Implementation Strategy for the Rural Area of the Town of Caledonia (2004)
- Wildlife Habitat Management Plan for the Nicholson Wildlife Center (May 1986)
- Land Use Plan Implementation Strategy for the Rural Area of the Town of Caledonia (March 2004)
- Rural Cluster Development Guide (December 1996)
- Stormwater Management Plan
- Comprehensive Drainage Plan (Master Grading Plan)
- Floodplain Management Plan
- Needs Assessment (Sewer Connection Fee & Water Impact Fee)
- Regional Water Quality Management Plan (Sanitary Sewer Boundary Agreement)
- Sanitary Sewer Service Area for the City of Racine and Environs (Sanitary Sewer Boundary)
- Peak Wet Weather Mitigation Plan
- Storage Optimization Plan (Sanitary)
- Emergency Response Plan (Sanitary)
- Operation & Maintenance Plan (Sanitary)
- Water Feasibility Study
- Comprehensive Water System Master Plan
- Needs Assessment (Water Impact Fee)
- Emergency Response Plan (Water)
- Operation & Maintenance Plan (Water System)
- Wireless Antenna Siting and Related infrastructure plan for SE WI (2006)
- Regional Bicycle and pedestrian facilities system plan for SE WI: 2020
- Highway Access Management Plan – DOT
- Farmland Preservation Plan – County Plan
- Emergency Management Plan – County Plan

Link to Village Plans that are posted on website: <https://caledonia-wi.gov/planning-reports-agreements-studies-tif-documents>

Link to SEWRPC which has many regional plans in which Caledonia is included:
<https://www.sewrpc.org/SEWRPC.htm>

Link to an example of a strategic plan for River Falls, WI : <https://www.rfcity.org/853/Strategic-Planning>



To: Village Board
From: Tyler Helsel, Ast. Village Attorney
Date: February 8, 2023
Re: Regulation of animals

Village Board:

Below is research completed by Rebecca Shepro at Pruitt, Ekes & Geary ("PEG") regarding regulations of livestock/animals. There are a few main points that can be gleaned from this research: (1) the Village can enforce many current ordinances against these types of animal related offenses; (2) the expansion of the "dogs at large" ordinance to "animals" or "livestock" at large would give the Village more authority to regulate these animals; and (3) our citizens still maintain the right of a private cause of action.

RESEARCH

1. **Current ordinance that can be used today to cite violators:**

1. Cite the owner of a kennel license if there is a violation of their kennel license by allowing the dogs to run at large and not be contained; (VCO Sec. 7-1-3 (14)(b)(3))
2. Cite the owner of a dog under VCO Sec. 7-1-6(c) "Dogs running at large";
3. Cite the owner of a dog and/or livestock under VCO Sec. 7-1-11. "Injury to property by animals";
4. Impound animals at large under VCO Sec. 7-1-7(b) "Impounding of Animals";
5. Cite the owner of an animal under Title 11, chapter 6 – Public Nuisances
 1. VCO Sec. 11-6-3(c) – Breeding Places for Vermin, Etc.
Accumulations of decayed animal or vegetable matter (other than composting sites), trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
 2. VCO Sec. 11-6-3(j) – "Animals at Large. All animals running at large."
 3. VCO Sec. 11-6-3(k) – "Accumulations of Refuse. Accumulations of old cans, lumber, elm firewood and other refuse"
 4. The public nuisance abatement procedure could be started due to violations of the provisions above.
6. Kennel Licenses and dog specific violations: issued a kennel license but dogs roam and enter neighbor's property.
 1. VCO Sec. 7-1-3 (14)(b)(3) standards for kennel licenses – "All primary enclosures for animals shall conform to the following requirements: Primary enclosures shall be: structurally sound and maintained in good repair to protect the animals from injury, to contain them, and to keep predators out; constructed and maintained so as to enable the animals to remain dry and clean; constructed and maintained so that the animals contained therein have convenient access to clean food and water as required in this Subsection; and the floors of the primary enclosures shall be constructed so as to protect the animals' feet and legs from injury."

2. VCO Sec. 7-1-6(c). “Dogs running at large” – “It shall be unlawful for the owner or keeper of any dog to permit or suffer such dog to be at large, which shall mean that it is off the premises of its owner or keeper and upon any public street or alley, any school ground, any public park or upon any other public or private property without the permission of the owner of the property, provided, however, a dog shall not be deemed to be at large if:
 1. It is attached to a leash not more than ten (10) feet in length which is of sufficient strength to restrain it, and the leash is held by a person competent to govern it of at least ten (10) years of age and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where dogs are forbidden; or
 2. It is properly restrained within a motor vehicle.”
 7. VCO Sec. 7-1-11. “Injury to property by animals” – “It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon.”
 8. VCO Sec. 7-1-7(b). “Impounding of Animals” – “In addition to any penalty hereinafter provided for a violation of this Chapter, any police or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.”
2. **How do other Communities handle livestock at large?**
1. Racine (§ 10-92) has an “animals running at large” ordinance, which applies to all animals, instead of Caledonia’s “dogs running at large” ordinance, which only applies to dogs.
 2. Grant County (§ 206-15.1) has a “livestock at large” ordinance applicable specifically to livestock.
 3. PEG did not find any specific fencing/restraint requirements that would be better or more effective than what Caledonia has.
3. **Private causes of action.** Neighbors could take her neighbor to court for private nuisance.

RECOMMENDATION

Staff recommends, based on the above research, that the Village expand the “Dogs at Large” under VCO Sec. 7-1-6(c) to include all animals, similar to Racine’s ordinance (both of which are below).

Village of Caledonia Code of Ordinances Sec. 7-1-6(c)

- (c) Dogs Running at Large. It shall be unlawful for the owner or keeper of any dog to permit or suffer such dog to be at large, which shall mean that it is off the premises of its owner or keeper and upon any public street or alley, any school ground, any public park or upon any other public or private property without the permission of the owner of the property, provided, however, a dog shall not be deemed to be at large if:
- (1) It is attached to a leash not more than ten (10) feet in length which is of sufficient strength to restrain it, and the leash is held by a person competent to govern it of at least ten (10) years of age and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where dogs are forbidden; or
 - (2) It is properly restrained within a motor vehicle. (d) Owner's Liability for Damage Caused by Dog; Penalties. The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

City of Racine Code of Ordinances Sec. 10-92. - Animals running at large; penalty.

- (a) Prohibited. No person who owns or is in possession of an animal shall permit such animal to run at large. "Run at large," means the presence of the animal at any place except upon the property of the owner unless the animal:
- (1) Is on a leash held by a person physically able to control the animal; or
 - (2) Is controlled and contained by a person physically able to control the animal; or
 - (3) Is on private property with permission of the owner of the property.
- (b) Police officers or other persons designated by the city may impound any animal found running at large. If an impounded animal bears identification, such as a microchip or tag, the owner shall be notified. Any impounded animal without a known owner shall be held for no less than seven days during which time the owner may reclaim or surrender the animal. Any animal that has been held for seven days shall become the property of the impoundment facility at the starting time of the eighth day.
- (c) Any impounded animal may be euthanized upon determination that:
- (1) The animal is hopelessly injured beyond any reasonable chance of recovery; or
 - (2) The animal poses an imminent threat to the public health or safety; or
 - (3) The animal poses an imminent threat to the health or safety of itself or its custodian.
- Any impounded animal to be euthanized shall be humanely destroyed.
- (d) Any owner reclaiming an animal shall pay the normal and customary fees.
- (e) Any owner reclaiming a dog, cat, or ferret must show proof of, or pre-pay for, a rabies vaccination and a city license prior to release from the impoundment facility.
- (f) Any dog or cat found to be running at large for the first time shall be implanted with a microchip at the owner's expense.
- (g) Any dog or cat found to be running at large for the second time shall be neutered or spayed at the owner's expense within 30 days of the second incident.