

Approved Meeting Minutes  
Code & Ordinance Committee Meeting of 3/16/09

Meeting called to order at 6:31 pm. Members present Scheff, Thomas, Ehlers, French, Rice. Citizens in attendance Jim Frisch and Rich Spurrell. There were no citizen comments.

First order of business was Chapter 15 Orderly Conduct. Using draft copy from last month, the committee reviewed each section for accuracy and agreement on content. Section 15.01 (1) line stating “, **or the firing or discharging of BB guns upon private premises by persons over sixteen (16), or under the direct personal supervision of a parent or guardian**” was removed. French questioned what the definition of “firearm” was since we don’t want to eliminate kid’s toys. The committee will look for a good definition used by other municipalities.

French brought up Section 15.01 (3) which restricts the discharge of bow & arrow as having a similar issue. How do we define this section without including kid’s toys? Committee will review other municipality’s codes for ideas.

Thomas brought up issues with 15.01 (4) Burning Restrictions. The reference to Res. 2005-03 should be removed from title, add “and rubber to the end of line 15.01 (4)(a)3, and remove 16.01 (4)(c)2.

Thomas questioned Section 15.01 ((10) Sale and Discharge of Fireworks Restricted noting Resolution 1988-5 which prohibited the use of all types of fireworks including sparklers, snakes, etc. Ehlers noted that state laws regulating fireworks change periodically and the current fireworks section is likely fine, but we should review. Ehlers will look into current wording of fireworks verbiage and Rice sent a copy of this section to Fire Department Chief Heim for his input. Frisch also concerned about the amount of large fireworks shot off by individuals in the Village at 4<sup>th</sup> of July.

Rice questioned whether there was a need to include specific State Statute references in Section 15.03(1). Ehlers said that state laws change regularly and it will be best not to refer to specific statutes to eliminate constant changes to the municipal code.

Section 15.03 (7)(c) refers to exceptions to the consumption of intoxicating liquor on the streets, sidewalks, etc., which includes the Kettle Moraine Days parade. French questioned whether a citizen could consume mixed drinks since the draft states “**fermented malt beverages.**” Ehlers stated that he would review the State statute 125 for a better description of “alcohol”, but it was agreed that “**intoxicating beverages**” was a better term for this section. The committee also agreed that the wording of 15.03(7)(c)2 exception should read “**Consumption of intoxicating beverages on public sidewalks, streets, or public property for a period of two (2) hours before the start of, during, and two (2) hours after the end of the Kettle Moraine Days parade.**”

Further discussion involved alcohol consumption in the Village park. The park rental form currently allows for the consumption of fermented malt beverages when renting the part, and Section 18.02 (7)(c)1 allows for the Village Board to approve the sale and consumption of alcoholic beverages in the park. The committee suggested that the park chairman may wish to develop a permit process that will specify what may be sold or consumed at park events. This however, is beyond the scope of Section 15.03(7)(c).

The committee agreed on keeping Section 15.04(3) CRIMINAL DAMAGE TO PROPERTY and 15.04(9). Ehlers to review the \$500 figure in both sections. Should it be \$1,000 at which point it is a felony? The committee agreed that the correct wording for the first line of Section 15.04(10(a) should read **“alter an indicia of price or value of merchandise.”**

Question by French on wording of Section 15.05(2). Committee agreed the section should read **“The parent, parents or legal guardian of”**

Ehlers talked briefly about a Bail Bond Schedule which is a fee included in the cost of a citation and would like to raise the fee from \$22 to \$30. The committee will review this more in depth at a later meeting.

Rice asked Scheff and the committee if we could pass on agenda item 6 Chapter 16 Public Nuisance until a future meeting so we could consider agenda item 7 Consideration of the Composition of the Police Disciplinary Committee. The Village of Eagle currently has an old resolution which created a Police Disciplinary Committee. Spurrell is concerned that the makeup of that committee consists of civilians, none of which need have a background in law or judicial proceedings. This opens up potential lawsuits for the Village should the need ever arise to convene the Police Disciplinary Committee. Spurrell believes that a Police Commissioner, such as a retired judge, would be a better choice because they have a background in law and court proceedings, thereby providing more authority to the proceeding and reducing potential lawsuits against the Village. He expected to have a sample ordinance from Ruckert-Mielke but it was not available for this meeting. Spurrell will have the sample for the committee at our next meeting on Monday March 30, 2009.

The committee agreed to meet again on Monday March 30, 2009 at 6:30 p.m. to review a possible ordinance to create a Police Commissioner position rather than a Police Disciplinary Committee. Motion made by Thomas to adjourn, seconded by French. Meeting adjourned at 7:41 p.m.