

Meeting Minutes  
Code & Ordinance Committee Meeting of 5/18/09

Meeting called to order at 6:35 pm. Members present Thomas, Ehlers, Rice. Not present were Greenberg and McGlothlen. There were no citizen comments.

First order of business was approval of previous Codes & Ordinance committee meeting minutes. Thomas made a motion to approve meeting minutes from 4/20/09, 3/16/09, 2/16/09, 12/11/08, and 3/30/08 . Motion seconded by Ehlers. Motion approved by all present.

The committee continued with Chapter 15 Orderly conduct. Ehlers made new recommendations regarding language for section 15.02(5) Carrying a Concealed Weapon. He recommended adding a line to read “**Such person shall be presumed to not be in violation of Section 15.02(5) unless other substantive evidence supports a violation.**” This would give Eagle police officers the option, at their discretion, to stop an individual for a weapons violation even if they can legally carry a concealed weapon.

In light of the recent advisory memorandum issued by the Wisconsin Attorney General on Open Carry of Firearms, Chief Ehlers provided the committee with a copy of a memorandum by Waukesha District Attorney Brad Schimel dated May 5, 2009, sent to all Waukesha County Law Enforcement Agencies regarding the Open Carrying of Firearms. The document provided some guidance for law enforcement agencies on handling this issue and after further discussion on how this would impact our Ordinances, the committee continued on 16.02(6) Carrying a Firearm in a Public Building. Thomas recommended we add definitions at the beginning of this section to keep the same format as other chapters. Ehlers provided definitions for “Village Held Property” and “Possession of a Firearm”. In part, based on the Schimel memo, the committee felt that we should reference Wisconsin State Statute 941 **CRIMES AGAINST PUBLIC HEALTH AND SAFETY**, which describes and defines regulations regarding carrying of firearms. The committee added 16.02(6)(b) to read “**The statutory provisions of Section 941 of the Wisconsin State Statutes describe and define regulations with respect to carrying of firearms. In addition to those restrictions set forth by Wisconsin Statutes, the Village of Eagle shall prohibit the “possession of a firearm” on or in any Village-held property.**” Ehlers recommended we add an exceptions section at 16.02(6)(e) to read “**Exceptions –**

1. **Citizens wishing to turn in, register, or have inspected, weapons at the Police Department or any other location authorized by the Chief of Police.**
2. **Legitimate functions involving firearms sanctioned by the Village Board of Trustees and/or approved by the Chief of Police,**
3. **The citizen presenting a firearm must receive verbal or written permission from an employee of the Police Department prior to the weapon entering said premises.**

A brief page by page review of Chapter 15 brought minor structural changes by Thomas. These included 15.03(7)(c)2. by inserting “is permitted” after “alcoholic beverages”. The definitions section 15.04(8)(f) was cut and inserted at 15.04(1)..

Thomas made a motion to send the updated Chapter 15 Orderly Conduct, to the Village Board of Trustees for approval in the form of an ordinance to repeal all previous versions of Chapter 15 and replace with the version updated on 5/18/09. Motion seconded by Ehlers. Approved by all present.

Agenda item on “bail bond” was tabled along with Chapter 16 Public Nuisance until next meeting.

Motion to adjourn made by Thomas and seconded by Ehlers. Meeting adjourned at 8:00 pm.