

MINUTES

JUDICIARY

THURSDAY, APRIL 9, 2026 – 8:00 A.M.

COUNCIL CHAMBERS, MUNICIPAL BUILDING

Members present: Chair Brigitte Schmidt and Tony O'Neill.

Members excused: Deborah Sievert

Others Attending: Mayor Katie Berman, Clerk-Treasurer Tammy Kasal, Attorney David Spangenberg, Parks & Recreation Director Lori Tonn, Public Works Director Matt Decur, Interim Police Chief Derek Koronkiewicz, Alderperson Robert Warren, Garrett Bach, Nancy Camp-Nelson, Shannon Bickel, Jason & Missy Mech, Jill Bedwell, Britney McNulty, Mark Winters, Tonnie Schmidt, and Dan Dudka.

Chair Schmidt called the meeting to order at 8:00 a.m.

Motion by Schmidt and seconded by O'Neill to approve the agenda. Motion carried 3/0.

Motion by Schmidt and seconded by O'Neill to approve the minutes of October 29, 2025.

Motion carried 2/0.

Review maximum dog allowance waiver at 211 Maple St.:

- Garrett Bach owner of the dogs at 211 Maple St. presented five letters of support for the dog allowance with the only prior complaint coming from a neighbor he has ongoing issues with.
- Jill Bedwell spoke in favor of the dogs as they are well kept and taken care of, have no barking issues, and are well behaved.
- Nancy Camp-Nelson owner of the dogs at 211 Maple St. defined rescue dogs with placement at the home and not to be rehomed to another owner. She spoke of people stopping to admire the dogs and referenced the letters of support.

Letters of complaint from Shannon Bickel and Jason & Missy Mech were reviewed.

The terms of the waiver of the dog limit were reviewed. The waiver was given based on the dogs were going to be fostered and rehomed. The property owners were under the assumption the waiver was to rescue and keep the dogs. Discussion was held on reviewing the change in rescue versus fostering of the dogs at a future meeting. Reviewing how future requests from other residents to exceed the limit would be handled will be discussed at a future meeting.

ATV/UTV ordinance and enforcement in Badger Campground and Park:

Parks & Recreation Director Tonn requested ATVs/UTVs be allowed in Badger Campground and Park. Interim Police Chief Koronkiewicz reported no past issues with ATVs/UTVs in the park or campground. Discussion was held on changing the ordinance.

Motion by Schmidt and seconded by O'Neill recommending Council approve Ordinance 2026-01 amending Ordinance 2020-02, All-Terrain (ATV) and Utility Terrain Vehicles (UTV) to allow ATVs and UTVs to operate within Badger Park on the improved trails and roads leading from the parking lot and main road to designated camp sites. Motion carried 2/0.

Other Matters:

Interim Police Chief Koronkiewicz requested two new ordinances to address contributing to the delinquency of a child and disorderly conduct regarding a vehicle.

Set future meeting(s):

The next Judiciary meeting will be scheduled at a later date.

Motion by Schmidt and seconded by O'Neill to adjourn at 9:00 a.m. Motion carried 2/0.

Tammy Kasal
Clerk-Treasurer

MEMO

To: Judiciary Committee

From: Mayor Katie Berman

Date: May 11, 2026

Re: Review of Compliance – Dog Waiver at 211 Maple Street

Background

On February 6, 2024, the Common Council approved a waiver to City Ordinance Section 8-23 for the property located at 211 Maple Street, allowing more than the standard limit of two dogs.

During the original discussion, a maximum of eight (8) dogs was discussed. The approval also included discussion that the waiver was not intended to be absolute. The record reflects that the waiver would be “subject to further review with legitimate complaints” and that it was “not a 100% full waiver.”

Based on that original discussion, this matter is being brought forward for review to determine whether the property remains in compliance with the intent and conditions of the waiver.

Current Concerns

The City has received complaints from neighboring residents regarding the number of dogs and concerns related to the property. Questions have also been raised regarding:

- the total number of animals currently residing at the property;
- whether the animals are personal pets or foster/rescue animals;
- whether foster/rescue animals are being rehomed as represented during the original approval process;
- and whether the current use aligns with the intent of the waiver approved by Council.

Information reviewed also indicates that at one point in 2024, the property may have housed nine (9) dogs, which would exceed the eight-dog maximum discussed during the original approval.

Information Requested

To allow the Committee to properly review compliance, it is recommended that the resident provide the following information:

1. Current total number of animals residing at the property, including:
 - dogs,
 - cats,
 - birds,
 - and any other pets or animals.
2. A list of all dogs that have resided at the property since February 6, 2024.
3. Documentation identifying whether each dog:

- is a personal pet;
 - is a foster or rescue animal;
 - originated through Borzoi rescue;
 - originated through another rescue organization or entity;
 - has been rehomed, transferred, adopted, or otherwise removed from the property;
 - or has passed away.
4. Copies of paperwork or records from Borzoi rescue or any other affiliated rescue organization associated with each dog.
 5. Clarification regarding which animals, if any, are currently being rehabilitated with the intent of future rehoming.

Policy Considerations

This matter has also raised broader policy concerns regarding the City's current waiver process.

Research into surrounding municipalities indicates that many communities do not utilize informal waivers for animal limit ordinances. Instead, they utilize:

- variances,
- conditional use approvals,
- kennel licensing,
- or structured permit processes with clearly defined standards and enforcement procedures.

The current waiver process lacks:

- clearly defined criteria;
- documentation requirements;
- review timelines;
- enforcement standards;
- expiration dates;
- and consistent application standards.

Granting individual waivers without a clearly established process creates concerns regarding consistency, fairness, enforceability, and precedent.

The Committee may also wish to consider whether future waivers or variances of this nature should include additional standards and review requirements to ensure consistency and enforceability for all residents.

Potential future considerations may include:

- annual review or automatic expiration of any waiver or variance unless renewed;
- clearly defined revocation authority for noncompliance;
- documentation and reporting requirements;
- restrictions preventing replacement of animals once numbers are reduced;
- clarification of definitions related to household pets, foster animals, rescue activity, and kennel operations;
- and whether future requests should instead utilize a formal variance, permit, or licensing process available equally to all residents.

The Committee's review is not intended to discourage responsible animal ownership or legitimate rescue activity, but rather to ensure that City ordinances are applied consistently, fairly, and in a manner that remains enforceable for all residents.

Recommendation for Committee Consideration

The Committee may wish to consider a phased compliance plan intended to gradually bring the property back into alignment with the standard ordinance limit over a reasonable transition period.

A possible approach may include:

- no additional dogs being brought onto the property;
- the total number of dogs not exceeding the current approved limit;
- dogs that are rehomed, transferred, adopted, or pass away not being replaced;
- gradual reduction of the total number of dogs over time;
- and expiration of the waiver no later than two years from final action unless Council adopts a formal ordinance process applicable to all residents prior to that time.

Potential Action

The Committee may consider recommending that Council:

1. Require documentation from the resident regarding all animals currently or previously associated with the property;
2. Determine whether the property is currently in compliance with the original waiver and conditions discussed during approval;
3. Establish clearer conditions and reporting requirements for any continued temporary waiver;
4. Establish a phased compliance timeline to bring the property back into compliance with the standard ordinance limit;
5. Refer the ordinance for future review and possible amendment to establish a formal variance, permit, or licensing process applicable to all residents equally.

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has been granted by the proper official. This section does not apply if a permit has been issued under s. 86.01 (2) with respect to a manure bank, or written consent has been given under s. 86.16 (1) with respect to a pipe or pipeline transmitting liquid manure within or across the right-of-way of a highway.

(8) This section applies to an obstruction or excavation by a city, village or town in any street, alley, or public place belonging to any other municipality.

(9) Any person who violates this section may be fined not less than \$25 nor more than \$500 or imprisoned for not less than 10 days nor more than 6 months or both.

(10) A privilege may be granted only as provided in this section.

History: 1985 a. 297; 1991 a. 316; 1993 a. 184, 246; 1997 a. 27; 1999 a. 150 ss. 114; Stats. 1999 s. 66.0425; 2005 a. 441; 2015 a. 231.

When the plaintiff fell due to a depression in a street enclosed as a temporary sidewalk, the city, not the indemnitor contractor, was primarily liable since the contractor did no excavation in the street and its enclosing of the street did not cause the defect. *Webster v. Klug & Smith*, 81 Wis. 2d 334, 260 N.W.2d 686 (1978).

66.0427 Open excavations in populous counties. In a town, city or village in a county with a population of 750,000 or more no excavation for building purposes, whether or not completed, may be left open for more than 6 months without proceeding with the erection of a building on the excavation. If an excavation remains open for more than 6 months, the building inspector or other designated officer of the town, village or city shall order that the section of a building on the excavation begin forthwith or that the excavation be filled to grade. The order shall be served upon the owner of the land or the owner's agent and upon the holder of any encumbrance of record as provided in s. 66.0413 (1) (d). If the owner of the land fails to comply with the order within 15 days after service of the order upon the owner, the building inspector or other designated officer shall fill the excavation to grade and the cost shall be charged against the real estate as provided in s. 66.0413 (1) (f). Section 66.0413 (1) (h) applies to orders issued under this section. This section does not impair the authority of a city or village to enact ordinances in this field.

History: 1999 a. 150 s. 145; 2017 a. 207 s. 5.

66.0428 Street barriers; neighborhood watch signs. (1) The governing body of a city, village or town may set aside streets or roads that are not a part of any federal, state or county trunk highway system for the safety of children in coasting or other play activities, and may obstruct or barricade the streets or roads to safeguard the children from accidents. The governing body of the city, village or town may erect and maintain on the streets or roads barriers or barricades, lights, or warning signs and is not liable for any damage caused by the erection or maintenance.

(2) A city or village which has a neighborhood watch program authorized by the law enforcement agency of the city or village and in which the residents of the city or village participate may, in a manner approved by the city council or village board, place within the right-of-way of a street or highway within its limits a neighborhood watch sign of a uniform design approved by the department of transportation. No sign under this subsection may be placed within the right-of-way of a highway designated as part of the national system of interstate and defense highways.

(3) (a) The governing body of a city may monitor or limit access to streets that are not part of any federal, state or county trunk highway system or connecting highway, as described in s. 84.02 (11), for the purposes of security or public safety. The governing body of a city may authorize gates or security stations, or both, to be erected and maintained to monitor traffic or limit access on these streets. The restriction of access to streets that is

authorized under this subsection does not affect a city's eligibility for state transportation aids.

(b) This subsection applies only to the city of Arcadia.

History: 1985 a. 194; 1987 a. 200; 1993 a. 113, 246; 1999 a. 150 s. 115; Stats. 1999 s. 66.0429.

66.0431 Prohibiting operators from leaving keys in parked motor vehicles. The governing body of a city, village or town may by ordinance require every passenger motor vehicle to be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gear shift lever or ignition system; prohibit any person from permitting a motor vehicle in the person's custody from standing or remaining unattended on any street, road, or alley or in any other public place, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for that lock is removed from the vehicle; and provide forfeitures for violations of the ordinance. This section does not apply to motor vehicles operated by common carriers of passengers under ch. 194.

History: 1991 a. 316; 1993 a. 246; 1999 a. 150 s. 615; Stats. 1999 s. 66.0431.

66.0433 Licenses for nonintoxicating beverages. (1) A town board, village board or common council may grant licenses to persons it considers proper for the sale of beverages containing less than 0.5 percent of alcohol by volume to be consumed on the premises where sold and to manufacturers, wholesalers, retailers and distributors of these beverages. The fee for a license shall be not less than \$5 nor more than \$50, to be fixed by the board or council, except that where these beverages are sold for consumption off the premises the license fee shall be \$5. The license shall be issued by the town, village or city clerk, shall designate the specific premises for which granted and shall expire the next June 30 after issuance. The full license fee shall be charged for the whole or a fraction of the year. No beverages described in this paragraph may be manufactured, sold at wholesale or retail, sold for consumption on the premises or kept for sale at wholesale or retail or for consumption on the premises where sold, without a license issued under this paragraph.

(1m) If a place of business moves from the premises designated in the license to another location in the town, village or city within the license period, the licensee shall give notice of the change of location, and the license shall be amended accordingly without payment of an additional fee. A license is not transferable from one person to another.

(2) No license or permit may be granted to any person, unless to a domestic corporation or domestic limited liability company, not a resident of this state and of the town, village or city in which the license is applied for, nor, subject to ss. 111.321, 111.322 and 111.335, to any person who has been convicted of a felony, unless the person has been restored to civil rights.

(3) A town board, village board or common council may by resolution or ordinance adopt reasonable and necessary regulations regarding the location of licensed premises, the conduct of the licensed premises, the sale of beverages containing less than 0.5 percent of alcohol by volume and the revocation of any license.

History: 1977 c. 125; 1981 c. 334 s. 25 (4); 1981 c. 380; 2011 a. 113; 2009 a. 130 s. 150; Stats. 1999 s. 66.0433; 2017 a. 39.

66.0435 Manufactured and mobile home communities. (1) **DEFINITIONS.** In this section:

(am) "Community" means a manufactured and mobile home community.

(b) "Licensee" means any person licensed to operate and maintain a manufactured and mobile home community under this section.

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(c) "Licensing authority" means the city, town or village wherein a manufactured and mobile home community is located.

(cg) "Manufactured and mobile home community" means any plot or plots of ground upon which 3 or more manufactured homes or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for the accommodation.

(cm) "Manufactured home" has the meaning given in s. 101.91 (2) and includes any additions, attachments, annexes, foundations, and appurtenances.

(d) "Mobile home" has the meaning given in s. 101.91 (10) and includes any additions, attachments, annexes, foundations and appurtenances.

(h) "Person" means any natural individual, firm, trust, partnership, association, corporation or limited liability company.

(hm) "Recreational mobile home" means a prefabricated structure that is no larger than 400 square feet, or that is certified by the manufacturer as complying with the code promulgated by the American National Standards Institute as ANSI A119.5, and that is designed to be towed and used primarily as temporary living quarters for recreational, camping, travel, or seasonal purposes.

(i) "Space" means a plot of ground within a manufactured and mobile home community, designed for the accommodation of one manufactured or mobile home.

(j) "Unit" means a single manufactured or mobile home.

(2) GRANTING, REVOKING OR SUSPENDING LICENSE. (a) It is unlawful for any person to maintain or operate a community within the limits of a city, town or village, unless the person has received a license from the city, town or village.

(b) In order to protect and promote the public health, morals and welfare and to equitably defray the cost of municipal and educational services required by persons and families using communities for living, dwelling or sleeping purposes, a city council, village board and town board may do any of the following:

1. Establish and enforce by ordinance reasonable standards and regulations for every community.

2. Require an annual license fee to operate a community and levy and collect special assessments to defray the cost of municipal and educational services furnished to a community.

3. Limit the number of units that may be located in any one community.

4. Limit the number of licenses for communities in any common school district, if the development of a community would cause the school costs to increase above the state average or if an exceedingly difficult or impossible situation exists with regard to providing adequate and proper sewage disposal in the particular area.

(c) In a town in which the town board enacts an ordinance regulating manufactured and mobile homes under this section and has also enacted and approved a county zoning ordinance under the provisions of s. 59.69, the provisions of the ordinance which is most restrictive apply with respect to the establishment and operation of a community in the town.

(d) A license granted under this section is subject to revocation or suspension for cause by the licensing authority that issued the license upon complaint filed with the clerk of the licensing authority, if the complaint is signed by a law enforcement officer, local health officer, as defined in s. 250.01 (5), or building inspector, after a public hearing upon the complaint. The holder of the license shall be given 10 days' written notice of the hearing, and is entitled to appear and be heard as to why the license should not be revoked. A holder of a license that is revoked or suspended by the licensing authority may within 20 days of the date of the

revocation or suspension appeal the decision to the circuit court of the county in which the community is located by filing a written notice of appeal with the clerk of the licensing authority, together with a bond executed to the licensing authority, in the sum of \$500 with 2 sureties or a bonding company approved by the clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

(3) LICENSE AND MONTHLY MUNICIPAL PERMIT FEE. (a) The licensing authority shall collect from the licensee an annual license fee of not less than \$25 nor more than \$100 for each 50 spaces or fraction of 50 spaces within each community within its limits. If the community lies in more than one municipality the amount of the license fee shall be determined by multiplying the gross fee by a fraction the numerator of which is the number of spaces in the community in a municipality and the denominator of which is the entire number of spaces in the community.

(b) The licensing authority may collect a fee of \$10 for each transfer of a license.

(c) 1. In addition to the license fee provided in pars. (a) and (b), each licensing authority shall collect from each unit occupying space or lots in a community in the licensing authority, except from recreational mobile homes as provided under par. (cm), from manufactured and mobile homes that constitute improvements to real property, from recreational vehicles as defined in s. 340.01 (48r), and from camping trailers as defined in s. 340.01 (6m), a monthly municipal permit fee computed as follows:

a. On January 1, the assessor shall determine the total fair market value of each unit in the taxation district subject to the monthly municipal permit fee.

b. The fair market value, determined under subd. 1. a., minus the tax-exempt household furnishings thus established, shall be equated to the general level of assessment for the prior year on other real and personal property in the district.

c. The value of each unit, determined under subd. 1. b., shall be multiplied by the general property gross tax rate, less any credit rate for the property tax relief credit, established on the preceding year's assessment of general property.

d. The total annual permit fee, computed under subd. 1. c., shall be divided by 12 and shall represent the monthly municipal permit fee.

2. The monthly municipal permit fee is applicable to units moving into the tax district any time during the year. The community operator shall furnish information to the tax district clerk and the assessor on units added to the community within 5 days after their arrival, on forms prescribed by the department of revenue. As soon as the assessor receives the notice of an addition of a unit to a community, the assessor shall determine its fair market value and notify the clerk of that determination. The clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual permit fee thus determined by 12 and notify the unit owner of the monthly fee to be collected from the unit owner. Liability for payment of the fee begins on the first day of the next succeeding month and continues for the months in which the unit remains in the tax district.

3. A new monthly municipal permit fee and a new valuation shall be established each January and shall continue for that calendar year.

4. The valuation established is subject to review as are other values established under ch. 70. If the board of review reduces a valuation on which previous monthly payments have been made the tax district shall refund past excess fee payments.

5. The monthly municipal permit fee shall be paid by the unit owner to the local taxing authority on or before the 10th of the month following the month for which the monthly municipal permit fee is due.

6. The licensee of a community is liable for the monthly municipal permit fee for any unit occupying space in the community as well as the owner and occupant of each such unit, except that the licensee is not liable until the licensing authority has failed, in an action under ch. 799, to collect the fee from the owner and occupant of the unit. A municipality, by ordinance, may require the community operator to collect the monthly municipal permit fee from the unit owner.

8. The credit under s. 79.10 (9) (bm), as it applies to the principal dwelling on a parcel of taxable property, applies to the estimated fair market value of a unit that is the principal dwelling of the owner. The owner of the unit shall file a claim for the credit with the treasurer of the municipality in which the property is located. To obtain the credit under s. 79.10 (9) (bm), the owner shall attest on the claim that the unit is the owner's principal dwelling. The treasurer shall reduce the owner's monthly municipal permit fee by the amount of any allowable credit. The treasurer shall furnish notice of all claims for credits filed under this subdivision to the department of revenue as provided under s. 79.10 (1m).

9. No monthly municipal permit fee may be imposed on a financial institution, as defined in s. 69.30 (1) (b), that relates to a vacant unit that has been repossessed by the financial institution.

(cm) Recreational mobile homes and recreational vehicles, as defined in s. 340.01 (48r), are exempt from the monthly municipal permit fee under par. (c). The exemption under this paragraph also applies to steps and a platform, not exceeding 50 square feet, that lead to a recreational mobile home or recreational vehicle, but does not apply to any other addition, attachment, patio, or deck.

(d) This section does not apply to a community that is owned and operated by any county under the provisions of s. 59.52 (16) (b).

(e) If a unit is permitted by local ordinance to be located outside of a licensed community, the monthly municipal permit fee shall be paid by the owner of the land on which it stands, and the owner of the land shall comply with the reporting requirements of par. (c). The owner of the land may collect the fee from the owner of the unit and, on or before January 10 and on or before July 10, shall transmit to the taxation district all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

(f) Nothing in this subsection prohibits the regulation by local ordinance of a community.

(g) Failure to timely pay the tax prescribed in this subsection shall be treated as a default in payment of property tax and is subject to all procedures and penalties applicable under chs. 70 and 74.

(h) Each local governing body may enact an ordinance providing a forfeiture of up to \$25 for failure to comply with the reporting requirements of par. (c) or (e). Each failure to report is a separate offense.

(3m) **COMMUNITY OPERATOR REIMBURSEMENT.** A community operator who collects a monthly municipal permit fee from a unit owner may deduct, for administrative expenses, 2 percent of the monthly fees collected.

(4) **APPLICATION FOR LICENSE.** Original application for a community license shall be filed with the clerk of the licensing authority. Applications shall be in writing, signed by the applicant and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the community.
- (c) The complete plan of the community.

(6) **RENEWAL OF LICENSE.** Upon application by any licensee,

after approval by the licensing authority and upon payment of the annual license fee, the clerk of the licensing authority shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the licensing authority.

(7) **TRANSFER OF LICENSE; FEE.** Upon application for a transfer of license the clerk of the licensing authority, after approval of the application by the licensing authority, shall issue a transfer upon payment of the required \$10 fee.

(8) **DISTRIBUTION OF FEES.** The licensing authority may retain 10 percent of the monthly municipal permit fees collected in each month, without reduction for any amounts deducted under sub. (3m), to cover the cost of administration. The licensing authority shall pay to the school district in which the community is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the licensing authority. If the community is located in more than one school district, each district shall receive a share in the proportion that its property tax levy for school purposes bears to the total school tax levy.

(9) **MUNICIPALITIES; MONTHLY MUNICIPAL PERMIT FEES ON RECREATIONAL MOBILE HOMES AND RECREATIONAL VEHICLES.** A licensing authority may assess monthly municipal permit fees at the rates under this section on recreational mobile homes and recreational vehicles, as defined in s. 340.01 (48r), except recreational mobile homes and recreational vehicles that are located in campgrounds licensed under s. 97.67, recreational mobile homes that constitute improvements to real property, and recreational mobile homes or recreational vehicles that are located on land where the principal residence of the owner of the recreational mobile home or recreational vehicle is located, regardless of whether the recreational mobile home or recreational vehicle is occupied during all or part of any calendar year.

(10) **POWERS OF MUNICIPALITIES.** The powers conferred on licensing authorities by this section are in addition to all other grants of authority and are limited only by the express language of this section.

History: 1999 a. 5; 1999 a. 150 ss. 112, 158 to 161; Stats. 1999 s. 66.0435; 2005 a. 298; 2007 a. 11; 2015 a. 55; 2017 a. 365; 2023 a. 12.

Cross-reference: See also ch. ATCP 125, Wis. adm. code.

A license issued without prior approval of park plans is void and the owner cannot complain if it is revoked. A mobile home park zoning ordinance adopted without compliance with the notice of hearing requirements of s. 60.74 (2) [now s. 60.61 (4)] is void. *Edelbeck v. Town of Theresa*, 57 Wis. 2d 172, 203 N.W.2d 694 (1973).

The time for appeal under sub. (2) (d) begins on the date of the action revoking the license, not on the effective date of the revocation. *Reusch v. City of Baraboo*, 85 Wis. 2d 294, 270 N.W.2d 229 (1978).

A town had authority outside this section to require a building permit for a mobile home located outside a mobile home park and that the mobile home be connected to a well and septic system. *Town of Clearfield v. Cushman*, 150 Wis. 2d 10, 440 N.W.2d 777 (1989).

A state university is not subject to local licensing in the operation of a university mobile home park. 60 Atty. Gen. 7.

A town cannot have a more restrictive ordinance regulating use and location of mobile homes outside of mobile home parks than the county. 60 Atty. Gen. 131.

A town board that has given conditional approval to plans for a mobile home park has power to alter conditions as long as it acts reasonably. *Molgaard v. Town of Caldonia*, 527 F. Supp. 1073 (1981).

66.0436 Certificates of food protection practices for restaurants. In this section, "restaurant" has the meaning given in s. 97.01 (14g).

(2) No city, village, town or county may enact an ordinance requiring a restaurant, a person who holds a license for a restaurant, or a person who conducts, maintains, manages, or operates a restaurant to satisfy a requirement related to the issuance or possession of a certificate of food protection practices that is not found under s. 97.33.

(3) (a) Except as provided in par. (b), if a city, village, town,

MANUFACTURED & MOBILE HOME STATEMENT OF MONTHLY MUNICIPAL PERMIT FEE

INSTRUCTIONS

MANUFACTURED & MOBILE HOME COMMUNITY OPERATOR (or owner of land if manufactured or mobile home subject to fee is located outside of community): Complete Section A with manufactured or mobile home owner. Submit in duplicate to your local Assessor within 5 days of the arrival of each unit.

ASSESSOR: Complete Section B. Determine the fair market value of the manufactured or mobile home. (Use PA-117, Manufactured & Mobile Home Valuation Worksheet). **NOTE:** Exempt furnishings must be subtracted from the fair market value if included in that figure. Submit form to local Clerk for computation of municipal permit fee.

CLERK: Complete Section C.

TO BE COMPLETED BY COMMUNITY OPERATOR AND MANUFAC- TURED OR MOBILE HOME OWNER	SECTION A								
	TAXATION DISTRICT Peshtigo		SCHOOL DISTRICT Peshtigo		COUNTY Marinette		NAME OF MANUFACTURED OR MOBILE HOME OWNER		
	NAME OF COMMUNITY Brookview Village				ADDRESS OF MANUFACTURED OR MOBILE HOME 901 Aubin St Lot #6				
	COMMUNITY ADDRESS 901 Aubin St Peshtigo, WI 54157			ARRIVAL DATE 5/1/2023		OWNER PERMANENT ADDRESS 901 Aubin St, Lot #6, Peshtigo, WI 54157			
	MANUFACTURED OR MOBILE HOME DESCRIPTION								
	MANUFACTURER'S NAME Liberty			MODEL OR POPULAR NAME			SERIAL NUMBER 06L26070		
	YR OF MANUFACTURE 1995		PURCHASE YEAR 2023		PURCHASE PRICE 21900		PURCHASED AS ☐ NEW ☒ USED		
	WHERE PURCHASED on-site								
	DO YOU HAVE ☒ BILL OF SALE ☐ TITLE		LICENSE NO. (if applicable)		WIDTH 16 FT.	LENGTH 80 FT.	WEIGHT	COLOR Yellow	NO. OF AXLES 5
	NO. OF ROOMS BATHS <u>2</u> BDRMS <u>3</u> TOTAL ROOMS <u>7</u>		DOES THE UNIT HAVE ☒ SKIRTING ☐ FIREPLACE ☐ PORCH _____ SF ☐ AIR CONDITIONING ☐ WASHER ☐ PATIO _____ SF ☒ DISHWASHER ☐ DRYER ☐ CARPORT _____ SF						
PLEASE SIGN HERE		SIGNATURE OF UNIT OWNER					DATE		

ASSESSOR	SECTION B - VALUATION	
	1. Total Fair Market Value \$ _____ 2. Exempt Furnishings - \$ _____ 3. NET FAIR MARKET VALUE \$ _____ 0 (Subtract line 2 from line 1)	DATE VIEWED OR INSPECTED _____ SIGNATURE OF ASSESSOR _____

CLERK	SECTION C - COMPUTATION OF MUNICIPAL PERMIT FEE	
	4. Net Fair Market Value (from line 3 above) \$ _____ 0 5. % Level of Local Assessment x _____ (established for preceding January 1 assessment) 6. Value for Fee Computation (multiply line 4 by line 5) ... \$ _____ 0 7. Net Tax Rate (after state tax credit) (established for preceding January 1 assessment) .. x _____ 8. Annual Fee (multiply line 6 by line 7) \$ _____ 0.00 9. Gross Monthly Fee (divide line 8 by 12 months) \$ _____ 0.00 10. Lottery Credit (if applicable) - \$ _____ 11. Net Monthly Fee (subtract line 10 from line 9) \$ _____ 0.00	The first monthly fee covers the month of _____ (Enter month) and is due on or before the 10th day of _____ (Enter the following month) The monthly fee is due on or before the 10th day of each month thereafter.

City of Peshtigo

331 French St
Ste A
Peshtigo, WI 54157

Phone: (715)582-3041

January 24, 2023

BROOKVIEW VILLAGE
PO Box 875
Crivitz, WI 54114

Municipality: City of Peshtigo
County: Marinette
Park name: Brookview Village
Arrival date: 5/26/2006

Re: Notice of mobile home valuation and monthly municipal permit fee
For mobile home and other improvements located at 901 Aubin St Lot 6
Municipal permit number 271-0506

Dear Brookview Village:

The 2023 fair market value for all improvements at 901 Aubin St Lot 6 is \$13,900. Based on that value, your monthly mobile home municipal permit fee is \$21.08. The computation of that fee is detailed below. Please submit the monthly municipal permit fee to your park operator by the 10th day of the following month. A schedule of payments due is provided below for your convenience.

If you have any questions, please contact me by phone at (715)582-3041.

Best Regards,
Tammy Kasal, Clerk

Computation of Mobile Home Municipal Permit Fee

Total fair market value:	\$13,900
Times assessment ratio:	102.1513243%
Equals assessed value:	\$14,199
Times net tax rate:	0.014155530
Equals gross annual fee:	\$201.00
Lottery credit:	\$0.00
Recycling fee:	\$51.96
Equals net annual fee:	\$252.96
Net monthly fee:	\$21.08

2023 Schedule of Monthly Municipal Permit Fees Due

The following is a summary of mobile home municipal permit fees due by month. Fees for each month are due by the 10th day of the following month. For example, January's payment is due by February 10th, 2023. Submit all municipal permit fees to your park operator. Cross off each payment as it is made.

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Amount due	21.08	21.08	21.08	21.08	21.08	21.08	21.08	21.08	21.08	21.08	21.08	21.08
Due date	Feb 10	Mar 10	Apr 10	May 10	Jun 10	Jul 10	Aug 10	Sep 10	Oct 10	Nov 10	Dec 10	Jan 10

City of Peshtigo

331 French St
Ste A
Peshtigo, WI 54157

Phone: (715)582-3041

January 26, 2024

████████████████████
901 Aubin St
Lot 6
Peshtigo, WI 54157

Municipality: City of Peshtigo
County: Marinette
Park name: Brookview Village
Arrival date: 4/27/2023

Re: Notice of mobile home valuation and monthly municipal permit fee
For mobile home and other improvements located at 901 Aubin St Lot 6
Municipal permit number 271-0506

Dear ████████████████████

The 2024 fair market value for all improvements at 901 Aubin St Lot 6 is \$13,900. Based on that value, your monthly mobile home municipal permit fee is \$20.14. The computation of that fee is detailed below. Please submit the monthly municipal permit fee to your park operator by the 10th day of the following month. A schedule of payments due is provided below for your convenience.

If you have any questions, please contact me by phone at (715)582-3041.

Best Regards,
Tammy Kasal, Clerk

Computation of Mobile Home Municipal Permit Fee

Total fair market value:	\$13,900
Times assessment ratio:	90.6773554%
Equals assessed value:	\$12,604
Times net tax rate:	0.015055338
Equals gross annual fee:	\$189.72
Lottery credit:	\$0.00
Recycling fee:	\$51.96
Equals net annual fee:	\$241.68
Net monthly fee:	\$20.14

2024 Schedule of Monthly Municipal Permit Fees Due

The following is a summary of mobile home municipal permit fees due by month. Fees for each month are due by the 10th day of the following month. For example, January's payment is due by February 10th, 2024. Submit all municipal permit fees to your park operator. Cross off each payment as it is made.

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Amount due	20.14	20.14	20.14	20.14	20.14	20.14	20.14	20.14	20.14	20.14	20.14	20.14
Due date	Feb 10	Mar 10	Apr 10	May 10	Jun 10	Jul 10	Aug 10	Sep 10	Oct 10	Nov 10	Dec 10	Jan 10

MEMO

To: Judiciary Committee

From: Mayor Katie Berman

Re: Hunting on City-Owned Property Located Outside City Limits

Date: June 3, 2026

I wanted to bring this item forward for Judiciary Committee discussion because the City of Peshtigo owns two properties located outside of the city limits, and over the last couple of years we have received a few phone calls from individuals asking whether hunting is allowed on City-owned property.

At this time, I think the City should have a clear and consistent answer on whether hunting is allowed or prohibited on these properties. I am not sure whether this is something that should be addressed by ordinance, resolution, formal policy, or simply by posting the properties as prohibited/no hunting, but I believe it would be helpful for the Judiciary Committee to review and make a recommendation.

This discussion should include whether the City wants to allow hunting on any City-owned property located outside municipal limits, whether hunting should be prohibited entirely, and whether signage or other notice should be placed on the properties to avoid confusion.

I am asking the Judiciary Committee to discuss this matter and determine the appropriate next step, including whether this should be referred to the City Attorney for guidance on the proper legal process.

ORDINANCE NO. 2024 - ____

CITY OF OCONTO
OCONTO COUNTY, WISCONSIN

AN ORDINANCE REGARDING REVISIONS TO THE PUBLIC SAFETY ORDINANCE
IN THE MUNICIPAL CODE OF ORDINANCES FOR THE CITY OF OCONTO

THE MAYOR AND COMMON COUNCIL OF THE CITY OF OCONTO, OCONTO COUNTY,
WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

I. REVISION. Section 5-3-3 of the City of Oconto Municipal Code of Ordinances is revised as follows:

Sec. 5-3-3. - Adoption of the NFPA 1 Fire Code.

An ordinance of the City of Oconto adopting **the current version of NFPA 1 as defined in SPS 314**; documents listed in Chapter 2 of that Code; prescribing regulations governing conditions hazardous to life and property from fire or explosion; providing for the issuance of permits and collection of fees; providing a penalty; providing a severability clause; and providing for publication; and providing an effective date.

II. REVISION. Section 5-3-4 of the City of Oconto Municipal Code of Ordinances is revised as follows:

Sec. 5-3-4. - The NFPA 1 Fire Code.

Section 5-3-4. - **State and Federal Codes adopted. In addition to the regulations, standards, and procedures hereinafter set forth, compliance shall be made with the provisions of the DSPS and the most current editions of NFPA, including NFPA Chapters; NFPA 1, NFPA 101, SPS 314, and International Building Code (IBC), as it relates to fire protection. That the current edition of NFPA 1, three (3) copies, of which are on file and are open to inspection by the public in the office of the Fire Chief of the City of Oconto, are hereby adopted and incorporated into this Ordinance, as if fully set forth at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Oconto. The same are hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, and providing for issuance of permits and collection of fees. If in the event in the future the NFPA 1 is amended, then the future updated code shall apply to this Ordinance as to its effective date.**

III. EFFECTIVE DATE.

This Ordinance shall be adopted under suspension of local rules, and shall take effect upon passage and publication as provided by law.

Offered by: _____

Seconded by: _____

VOTE:

Ayes _____

Nays _____

Abstention _____

Absent _____

Date of Adoption: _____

Date of Publication: _____

BY ORDER OF THE COMMON COUNCIL
CITY OF OCONTO, OCONTO COUNTY, WISCONSIN

Clifton Martin, Mayor

Brittney M. Burrue, City Administrator

ORDINANCE NO. 2026-__
Amendment to Disorderly Conduct Offense

WHEREAS, it is the intent of this amendment to prohibit only unprotected conduct and constitutionally unprotected categories of speech while preserving all protected expressive activity;

NOW, THEREFORE, the Common Council of the City of Peshtigo, Wisconsin do ordain as follows:

Section 28-29 of the Code of Ordinances, City of Peshtigo, Wisconsin is hereby amended to read in its entirety as follows:

Chapter 28

Article II. Offenses Against Public Safety and Peace

Sec. 28-29 Disorderly Conduct.

(a) Purpose and Intent.

This section shall be interpreted narrowly so as to prohibit only conduct that materially disrupts public order or creates a substantial risk to public safety. This section shall not be construed to prohibit constitutionally protected speech or expressive conduct.

(b) Prohibited Conduct.

No person shall intentionally, knowingly, or recklessly engage in disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance, public inconvenience, alarm, or breach of the peace.

A person engages in disorderly conduct when the person:

- (1) Engages in fighting or violent conduct;
- (2) Engages in violent, threatening, or tumultuous behavior creating a substantial risk of physical injury to another person or damage to property;
- (3) Makes unreasonable noise that substantially interferes with the use and enjoyment of public or private property after warning or notice to cease when reasonably feasible under the circumstances;
- (4) Obstructs pedestrian or vehicular traffic without lawful authority or refuses to comply with a lawful order to disperse issued for public safety purposes;
- (5) Disrupts or interferes with any lawful assembly, meeting, governmental proceeding, business operation, school activity, or public event by physical acts or conduct that substantially impairs the orderly conduct thereof;
- (6) Creates a hazardous or physically offensive condition by an act serving no legitimate lawful purpose and presenting an objective risk to public health or safety; or
- (7) Uses personally directed fighting words likely to provoke an immediate violent response from an ordinary person under the circumstances.

(c) *Protected Conduct.*

This section shall not apply to:

- (1) Peaceful picketing, protest, demonstration, or assembly;
- (2) Lawful labor activity;
- (3) Constitutionally protected speech or expressive conduct;
- (4) Verbal criticism, challenge, profanity, or verbal opposition directed toward a law

enforcement officer, public official, or other person, absent conduct otherwise prohibited by this section.

Speech alone shall not constitute disorderly conduct unless the speech constitutes:

- a. Fighting words;
- b. A true threat;
- c. Incitement to imminent unlawful conduct; or
- d. Another category of expression unprotected by the First Amendment to the

United States Constitution.

(d) *Definitions.*

(1) "Unreasonable noise" means noise that a reasonable person would consider objectively excessive under the circumstances and that substantially interferes with ordinary activities, considering the time, place, duration, volume, and nature of the surrounding area.

(2) "Tumultuous behavior" means conduct creating a substantial risk of physical injury to persons or significant damage to property.

(3) "Fighting words" means personally abusive epithets inherently likely to provoke an immediate violent reaction from an ordinary person.

(e) *Construction.*

This section shall be construed in a manner consistent with the United States Constitution, the Wisconsin Constitution, and applicable judicial precedent. If any provision or application of this section is held invalid or unconstitutional, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

(f) *Penalty.*

Any person violating this section shall be subject to the general penalty provisions of Sec. 1-17 of the Code of Ordinances.

(g) *Severability.*

The provisions of this ordinance are severable. If any provision, sentence, clause, or application of this ordinance is determined to be unlawful or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of the ordinance.

Effective date. This ordinance shall take effect after passage and publication as provided by law.

Adopted this _____ day of _____, 2026.

OFFERED BY:

Alderson

SECONDED BY:

Alderson

APPROVED:

Katie Berman, Mayor

ATTEST:

I hereby certify that the foregoing ordinance was duly adopted by the City of Peshtigo at a legal meeting on this _____ day of _____, 2026.

Tammy Kasal
City Clerk-Treasurer

Disorderly Conduct Involving a Vehicle — Legal Context

In most U.S. jurisdictions, **disorderly conduct with a vehicle** refers to behavior that is disruptive, threatening, or otherwise unlawful while the person is operating or associated with a motor vehicle. This can include actions such as:

- **Operating a vehicle in a reckless, disorderly, or careless manner** through streets, alleys, or highways [CBS 17](#).
- **Refusing to obey lawful traffic control devices** (e.g., traffic signals, stop signs) in a way that creates a public disturbance www.uscrimeradar.com.
- **Engaging in conduct that endangers others or creates a public nuisance** while driving or in the immediate vicinity of a vehicle [NewsBreak](#).
- **Using a vehicle to commit a disorderly act** (e.g., assaulting someone, damaging property, or refusing to leave a scene) www.uscrimeradar.com.

948.40 Contributing to the delinquency of a child.

(1) No person may intentionally encourage or contribute to the delinquency of a child. This subsection includes intentionally encouraging or contributing to an act by a child under the age of 10 which would be a delinquent act if committed by a child 10 years of age or older.

(2) No person responsible for the child's welfare may, by disregard of the welfare of the child, contribute to the delinquency of the child. This subsection includes disregard that contributes to an act by a child under the age of 10 that would be a delinquent act if committed by a child 10 years of age or older.

(3) Under this section, a person encourages or contributes to the delinquency of a child although the child does not actually become delinquent if the natural and probable consequences of the person's actions or failure to take action would be to cause the child to become delinquent.

(4) A person who violates this section is guilty of a Class A misdemeanor, except:

[948.40\(4\)\(a\)](#)(a) If death is a consequence, the person is guilty of a Class D felony; or

(b) If the child's act which is encouraged or contributed to is a violation of a state or federal criminal law which is punishable as a felony, the person is guilty of a Class H felony.

History: [1987 a. 332](#); [1989 a. 31](#); [1995 a. 77](#); [2001 a. 109](#).

The punishments for first-degree reckless homicide by delivery of a controlled substance under s. 940.02 (2) (a) and contributing to the delinquency of a child with death as a consequence in violation of subs. (1) and (4) (a) are not multiplicitous when both convictions arise from the same death. *State v. Patterson*, [2010 WI 130](#), [329 Wis. 2d 599](#), [790 N.W.2d 909](#), [08-1968](#).

Sub. (1) proscribes contributing to the delinquency of any child under the age of 18. The definition of "child" in s. 948.01 (1) excludes those over 17 only for the "purposes of prosecuting" a person charged with violating this section and not that person's victim. *State v. Patterson*, [2010 WI 130](#), [329 Wis. 2d 599](#), [790 N.W.2d 909](#), [08-1968](#).

MEMO

To: Judiciary Committee

From: Mayor Katie Berman

Re: Shipping Containers and Semi-Trailer Storage Units in Zoning Districts

Date: June 3, 2026

I wanted to bring this item forward for Judiciary Committee discussion as we review possible updates to the City's zoning language regarding accessory buildings and storage units.

Some communities have added language prohibiting shipping container homes, shipping container accessory buildings, and semi-trailer storage units across multiple zoning districts, including residential districts, single-family neighborhoods, planned unit developments, parks, and other public or community-use areas. Some communities also place restrictions on the use of semi-trailers and shipping containers for storage purposes within industrial parks.

The intent of this type of language is to maintain consistency in zoning standards, protect neighborhood appearance, avoid long-term temporary storage becoming permanent, and make sure accessory structures are appropriate for the district where they are located.

For discussion, the proposed language could include:

Yard for Accessory Buildings.

1. Shipping container homes and shipping container accessory buildings, both wheeled and unwheeled, are prohibited.
2. Semi-trailer accessory units used for storage purposes, both wheeled and unwheeled, are prohibited.

I am asking the Judiciary Committee to review whether this type of restriction should be added to the City's zoning ordinance and, if so, which zoning districts it should apply to, including residential, planned development, park/public use, commercial, and industrial districts.