

**PUBLIC SAFETY
COMMITTEE**

Wednesday, July 11, 2018

6:30 PM

McFarland Municipal Center
Conference Room A

Amended Agenda

1. CALL TO ORDER, ROLL CALL.
2. APPROVAL OF MINUTES.
 - a. Motion to approve the minutes of the June 13, 2018 Public Safety Committee meeting.
3. PUBLIC APPEARANCES.
4. BUSINESS.
 - a. Discussion and recommendation on a Class A alcohol license for the Madison Curling Club, 4802 Marsh Road, for the period ending June 30, 2019.
 - b. Staff Reports
 - 1) Fire and Rescue Department
 - 2) Police Department
 - 3) Emergency Management
 - c. Discussion and recommendation on an ordinance amendment regarding the procedure for review of operator's licenses.
 - d. Discussion and recommendation on an ordinance amendment for direct seller's permits.
 - e. Discussion and recommendation on an ordinance amendment to the Village code of ordinances regarding block party permits.
 - f. Update on improvements to the intersections of Siggelkow & Carncross/Black Walnut and Siggelkow Road & Valley Road/Freedom Ring.
5. SCHEDULE NEXT MEETING DATE.
6. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon

reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.

VILLAGE OF MCFARLAND

Minutes

Wednesday, June 13, 2018 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

Trustee Adrian called the regular meeting of the Public Safety Committee to order at 6:30 PM in Conference Room A and noted that a quorum was present.

Members present: Village Trustee Jerry Adrian, Sandy Bakk, Village Trustee Carolyn Clow, Kathy Lyons, Ken Machtan, Tyler Mortenson

Members not present: Tom Mooney, Rich Staley

Staff Present: Police Chief Craig Sherven, Fire Chief Chris Dennis, Emergency Management Director Chuck Di Piazza, Village Administrator Matt Schuenke

2. PUBLIC APPEARANCES.

Elizabeth Linder, 5106 Card Ave, addressed the Committee regarding outdoor consumption and indicated that she supported the Ordinance as it currently stands.

Sharon Panne, 4505 Field Ave, addressed the Committee regarding outdoor consumption and indicated that there was one Trustee who was directly involved in the issue, who should recuse himself.

Janet Aeschlimann, 4305 Field Ave, addressed the Committee regarding outdoor consumption and indicated that she was impressed with the Ordinance and the procedure used when it was first created. She indicated that the Ordinance was working .

Don Peterson, 6710 Sleepy Hollow Rd, addressed the Committee regarding outdoor consumption and indicated that the current Ordinance carefully balanced the interests of businesses and of the community. He stated that the Village Board should have a policy on the creation of Polco questions.

Anne Byers, 4516 Field Ave, addressed the Committee regarding outdoor consumption and indicated that the Polco question was biased. She stated that the current Ordinance was very common sense and she didn't know why anyone would want to change it.

Administrator Schuenke provided an overview of the recent discussions on the Ordinance.

3. APPROVAL OF MINUTES.

a. Motion to approve the minutes of the May 9, 2018 Public Safety Committee meeting.

Motion by Ken Machtan, second by Village Trustee Carolyn Clow, to approve the minutes of the May 9, 2018 Public Safety Committee meeting. Motion carries 6 - 0 by acclamation.

4. BUSINESS.

a. Staff Reports

1) Fire and Rescue Department

Chief Dennis reviewed the monthly report.

2) Police Department

Chief Sherven reviewed the monthly report.

3) Emergency Management

Emergency Management Director Di Piazza reviewed the monthly report.

b. Discussion and recommendation on revisions to Section 11-64(n) in order to consider revisions to the conditions allowing for the outdoor consumption of alcohol.

The Committee discussed concerns with making changes to the Ordinance and that it would not work to treat all businesses fairly but also individually.

Motion by Village Trustee Carolyn Clow, second by Ken Machtan, to make no recommendation on revisions to Section 11-64(n) in order to consider revisions to the conditions allowing for the outdoor consumption of alcohol. Motion by Kathryn Lyons, second by Carolyn Clow, to amend the motion to recommend to the Village Board that no changes be made Section 11-64(n) in order to consider revisions to the conditions allowing for the outdoor consumption of alcohol. Motion carries 6 - 0 - by acclamation.

c. Discussion and recommendation on alcohol license renewals for Pick 'N Save and 5100 the period of July 1, 2018 through June 30, 2019.

Motion by Village Trustee Jerry Adrian, second by Village Trustee Carolyn Clow, to recommend approval to the Village Board on alcohol license renewals for Pick 'N Save and 5100 the period of July 1, 2018 through June 30, 2019. Motion carries 6 - 0 - 0 by acclamation.

d. Discussion and recommendation to approve cigarette and tobacco license application renewal for Pick 'N Save for the period of July 1, 2018 through June 30, 2019.

Motion by Village Trustee Jerry Adrian, second by Ken Machtan, to recommend approval to the Village Board on cigarette and tobacco license application renewal for Pick 'N Save for the period of July 1, 2018 through June 30, 2019. Motion carries 6 - 0 by acclamation.

e. Discussion and recommendation on an ordinance amendment regarding street use permits.

The Committee discussed that the Code requires that Block Party Applications require review by three departments and then approval of the Village Board. It has happened in the past that applications are not submitted with enough time for review and approval and are not able to be issue. Staff suggests that the Committee consider whether Block Party Applications could be issued at a staff level after Departmental review.

The Committee recommended that staff review the current ordinance and present changes at a future meeting.

f. Discussion and recommendation on alcohol license renewals J&B Liquor for the period of July 1, 2018 through June 30, 2019.

Motion by Village Trustee Jerry Adrian, second by Ken Machtan, to recommend conditional approval to the Village Board on alcohol license renewals J&B Liquor for the period of July 1, 2018 through June 30, 2019 with the contingency that the Clerk/Treasurer not issue the license until proof be provided that payment has been received for all indebtedness for intoxicating liquor outstanding more than 30 days. Motion carries 6 - 0 - 0 by acclamation.

5. SCHEDULE NEXT MEETING DATE.

The next Public Safety Committee meeting will be held on July 11, 201

6. ADJOURNMENT.

Motion by Ken Machtan, second by Village Trustee Carolyn Clow, to adjourn at 7:34 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,
Tanya O'Malley
Deputy Clerk



MEMORANDUM

To: Public Safety Committee

From: Cassandra Suettinger, Village Clerk/Treasurer

Date: June 3, 2018

RE: Beer License for Curling Club

History/Background

The Madison Curling Club has made beer available to their members for many years. They do not sell it by the glass, it is provided as part of membership dues. In early 2017, staff reviewed the conveyance of alcohol occurring at the Madison Curling Club and determined a license would be required by State Law. Staff followed up with the WI DOR who confirmed agreeance that a sale was occurring and a license would be required. Since early 2017 staff, the WI DOR, and the Curling Club have met to address the issue and determine the best way to license the club. In 2017, the WI DOR provided a solution for the Curling Club to operate without a license. The basic premise of that model was members can purchase alcohol and donate it to the club for consumption. Because the Curling Club is private property, it is allowable. The club has operated under that model since 2017.

Eventhough the club had a solution in which to operate, they expressed a desire to license the club in a way that allows them to continue their current operational model in a way that conformed with both State Law and Village Ordinance. The attached application for a Class A fermented malt beverage license (for off-premise consumption) accomplishes that goal. It is important to understand a couple key portions of state law that make this possible:

1. The proposed model essentially is the same rationale or basis of a liquor store selling a keg of beer to a customer who could then take it home, install it in their garage, and allow their friends to consume the alcohol.
2. WI Statute 125.09 requires that no owner, lessee, or person in charge of a public place permit the consumption of alcohol beverages on the premises of a public place, unless the person has an appropriate retail license or permit. It is also important to note WI Statutes provides that curling club is private property and not subject to this requirement.
3. The WI DOR has reviewed the proposed and confirmed conformance with State Law.
4. The Village Attorney has reviewed the proposal and provided his approval that it is lawful and in accordance with State Law and Village Ordinances.

Village Staff has met with the Curling Club on several occasions in attempts to find a proposal in which Village Staff would feel comfortable providing a recommendation for approval to the Public Safety Committee to. As part of that process, the Curling Club agreed to create an alcohol policy to convey additional requirements Chief Sherven and Village Staff felt to be prudent. As part of that process, the Village provided criteria that held the club to much of the same standards that are required of all of our other Class B establishments in the Village. The attached license application and MCC alcohol policy is many many months of discussion and work from Village Staff, Village Attorney, and the Madison Curling Club.

Recommendation: See attached letter from Chief Craig Sherven.





Village of McFarland Police Department

5915 Milwaukee St. • P.O. Box 110 • McFarland, WI 53558 • 608/838-3151 • Fax 608/838-7954

Craig J. Sherven • Chief of Police

DATE: July 10, 2018

TO: Public Safety Committee/McFarland Village Board

FROM: Craig J. Sherven, Chief of Police

REFERENCE: Recommendation of Approval- Madison Curling Club

On today's date I reviewed the revised alcohol policy provided to me on July 10th by the Madison Curling Club. Having reviewed this latest policy submission, I am prepared to recommend approval of the license.

Respectfully,

Craig J. Sherven

Craig J. Sherven
Chief of Police

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning 1.24.2018 20 18 ;
ending 6.30.2018 20 18

TO THE GOVERNING BODY of the: ☐ Town of }
☒ Village of } MCFARLAND
☐ City of }

County of DANE Aldermanic Dist. No. _____ (if required by ordinance)

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ LIMITED LIABILITY COMPANY
☒ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): THE MADISON CURLING CLUB

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	PRESIDENT	DOUGLAS L PAHL JR	4418 OAK COURT 53716
Vice President/Member	VICE PRESIDENT	BRIAN KOPP	
Secretary/Member	SECRETARY	OWEN DANIELS	
Treasurer/Member	TREASURER	ALLAN VELER	
Agent	DOUGLAS L PAHL JR		
Directors/Managers			

3. Trade Name THE MADISON CURLING CLUB Business Phone Number 608-838-5875
4. Address of Premises 4802 MARSH ROAD Post Office & Zip Code 53558

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No
6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☒ Yes ☐ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☒ Yes ☐ No
8. (a) Corporate/limited liability company applicants only: Insert state WISCONSIN and date 09/16/20 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) THE OFFICE WITHIN THE BUILDING AT 4802 MARSH ROAD

10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No
(b) If yes, under what name was license issued? _____
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 24 day of January, 20 18

[Signature]
(Clerk/Notary Public)

My commission expires 3/16/19

[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

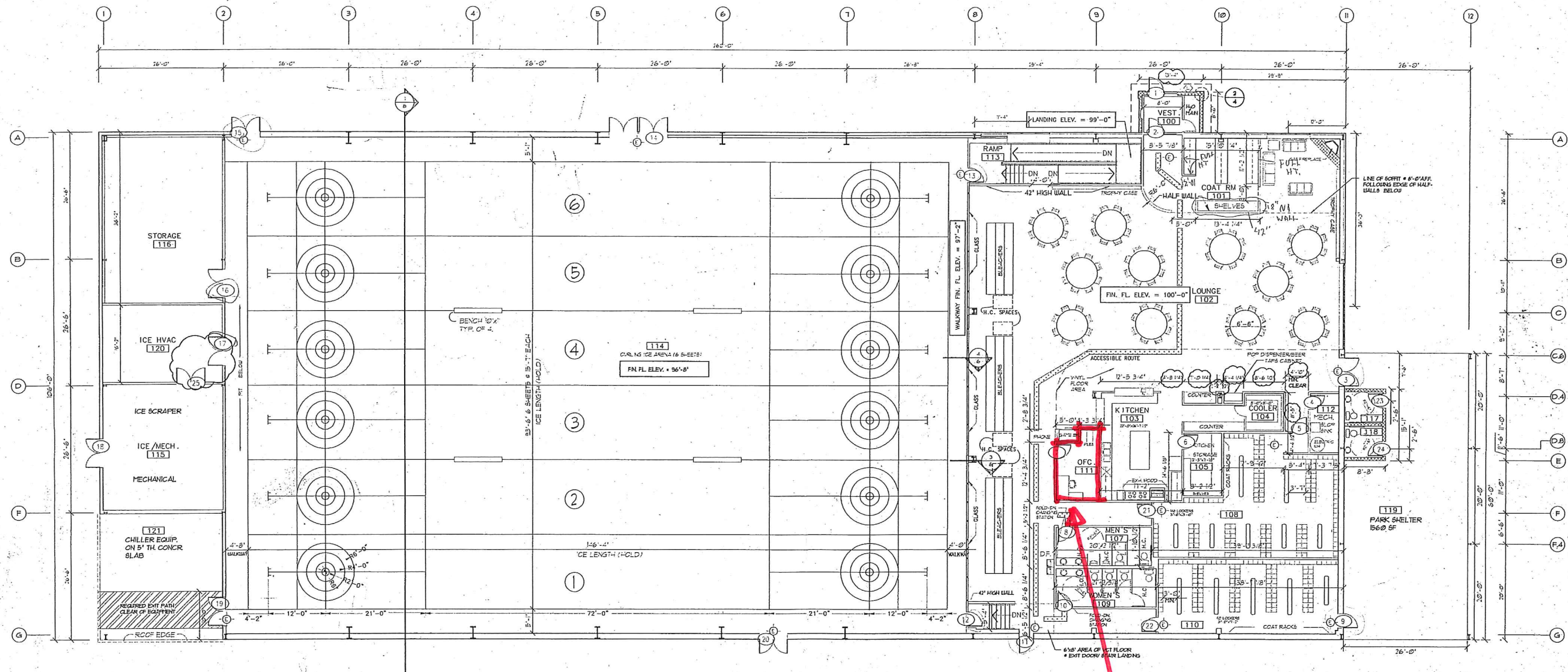
Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

- A GENERAL REV. 6/4/91 DJD
 0 GENERAL REV. 6/9/91 DJD
 1 REV. PER OWNERS 6/11/91 DJD
 4 REV. PER OWNERS 7/24/91 DJD

ABC
BUILDING CONSTRUCTION INC.
 P.O. BOX 62051
 MIDDLETON, WI 53562-0511
 (608) 831-0011
 FAX (608) 836-6811
T & C SERVICES
 400 UNIVERSITY AVENUE
 SUITE 200
 MADISON, WI 53706-1503
 (608) 261-1503

OWNER: VILLAGE OF MCFARLAND
 PROJECT: PROPOSED CURLING FACILITY
 MARSH ROAD
 MCFARLAND, WI

DJD
 CNEWFLP4
 6/20/91
 SCALE AS SHOWN
 SHEET NO.



FLOOR PLAN
 SCALE: 3/32"=1'-0"

- GENERAL NOTES
- KITCHEN EXHAUST HOOD TO BE DESIGNED BY HVAC CONTRACTOR IN COMPLIANCE WITH CORN 646.1.
 - GAS FIREPLACE TO BE DIRECT-VENT, SEALED COMBUSTION UNIT.
 - ACCESSIBLE ROUTE CORRIDORS OUTDOORS ON RA 4.2.
 - DRINKING FOUNTAINS TO HAVE ONE HIGH ONE LOW LOW DF. TO BE INC. ACCESSIBLE UNIT PER CORN 6.9.
 - TOTAL BLEACHER CAPACITY AS SHOWN: 60 PEOPLE
 - PUBLIC PHONE ADA REQUIREMENTS- SEE DETAIL 2/20
 - TYP. RESTROOM ELEVATION- SEE DETAIL 1/20

4802 MARSH ROAD.

PREMISES
 FOR CLASS A RETAIL

Madison Curling Club – Alcohol Policy

PURPOSE

The purpose of the alcohol policy is to ensure that the Madison Curling Club complies with all laws regulating the consumption of alcohol on its premises by its members and by members of the public during special events or as a guest of a member at all times.

DEFINITIONS

1. "Premises" shall refer to all interior and exterior spaces of the curling club facility used by its membership. The Premises does not include the parking lot.
2. "Licensed Premises" shall refer only to that portion of the Premises licensed by the Village of McFarland for the sale of alcohol. At all times other than Public Events, such license shall be a Class "A" license; during relevant Public Events the Club will hold a Temporary Class "B" license.
3. "Invitational Events" shall refer to events, bonspiels and tournaments hosted by the Madison Curling Club for its own membership, or for members of other United States Curling Association sanctioned clubs invited by the Madison Curling Club's event organizers, and the guests of those members.
4. "Public Events" shall refer to events hosted by the Madison Curling Club, or an Entity renting the Premises that are open to non-members of the club and any member of the public where an invitation to attend is not required.

REGULAR OPERATIONS POLICY

5. This section describes the policy for normal daily club operations and Invitational Events:
 - a. All members shall be responsible for understanding, following and enforcing the provisions of this alcohol policy.
 - b. Alcohol (beer, wine or intoxicating liquor) shall not be consumed by any persons less than 21 years of age at any time while on the Premises.
 - c. No person under 21 years of age shall be permitted to enter the Premises without the presence of an adult member of age 21 or older.
 - d. Electronic Key Cards shall not be issued to members under 21 years of age. No member shall provide their Electronic Key Card to any other person or allow any other person to use their Electronic Key card to enter the Premises.

- e. Card access shall be prohibited between the hours of 2:00am to 6:00am, Monday through Friday, and 2:30am to 6:00am Saturday and Sunday. Special exceptions for club access during this time for special events (Such as overseas broadcasts of Curling Competitions) will be made on a case-by-case basis by the Board of Directors. The McFarland Police will be notified that a special event will be taking place.
 - i. 24-hour access to the club shall be granted to:
 - 1. The Board of Directors
 - 2. Members with maintenance responsibilities or special equipment knowledge
 - 3. The Ice technician
 - 4. Special cases for individual members who wish to practice after hours will be considered by the board of directors through an application process
- f. Intoxicated persons shall not be allowed to consume alcohol (beer, wine or intoxicating liquor) while on the Premises.
- g. Alcohol shall not be consumed within the Licensed Premises
- h. A system to lock the beer taps shall be provided. Taps will be locked for all events featuring a majority of competitors under the age of 21 such as junior's curling events and at the discretion of club management, and at all times when the club is open and a shift captain, or adult member of age 21 or older that holds a Wisconsin Alcohol Server and Seller Certification, or has participated in the club's alcohol policy training session as defined below, is not present.
- i. Shift captains shall attend a mandatory alcohol policy training session, instructed by at least two (2) club members holding valid bartender's licenses, before the first season after the adoption of this policy. New shift captains shall receive similar training at the beginning of their tenure and all shift captains shall receive training every three years. The club will keep records documenting the training for shift captains. The training shall include:
 - 1. Proper carding techniques
 - 2. Recognition of over consumption
 - 3. Recognition of intoxication
 - 4. Training will mirror that which provided by the actual bartender's license training received by those conducting the training.

5. Familiarity with tap closure procedure

- j. Shift Captains shall enforce the Alcohol Policy during their shift to the best of their ability. If any person on the Premises in violation of the Alcohol Policy should refuse to comply with the Alcohol Policy when asked, the Shift Captain should then notify the McFarland Police. If a Shift Captain is unavailable, the member shall first notify a member of the Board of Directors if available and then should notify the McFarland Police.

PUBLIC EVENT POLICY

6. This section describes the policy for Public Events.

- a. For all Public Events hosted on the Premises, where beer and/or wine will be served, the club shall obtain a Temporary Class "B" Permit.
- b. All state and local laws regulating the consumption and purchase of beer and/or wine shall apply.
- c. Carry-ins of alcohol (beer, wine, intoxicating liquor) shall not be permitted while the Premises are operating under a temporary permit.

ENFORCEMENT

Breaches of the policy by club members shall be reported to the Board of Directors and the ethics committee for review and action.

Should the Village of McFarland suspect illegal activity and wish to conduct an investigation, Club management shall cooperate with such an investigation.



McFarland Fire & Rescue Department

5915 Milwaukee Street • PO Box 110 • McFarland, WI 53558-0110
(608) 838-3278 • Fax: (608) 838-3619

Emergency: 911

July 2018 Fire & Rescue Department Report For June 2018 Activity

- **General**

- Chief Dennis will attend the National Fire Academy for his second year of the four year Executive Fire Officer program. He will be out of the area from July 8th until July 20th. In his absence, Assistant Chief Reiter will be addressing operational items while Beth will provide assistance with administrative tasks.
- We are very excited to announce that Daniel Drewes has been selected and has accepted our vacant 24 hour EMT position. Daniel has been working at Monroe Clinic/Hospital as a Certified Nursing Assistant. He has also been working with Green County EMS as a Paid-On-Call Paramedic and Brodhead EMS/Fire as Paid-On-Call EMT/Firefighter. Due to Chief Dennis attending the National Fire Academy his start date has been delayed to July 23rd.
- Chief Dennis, Assistant Chief Reiter, and Division Clementi attended the Wisconsin State Fire Chief's Conference. The conference offers some excellent continuing education, vendor show, and a chance for the Wisconsin State Fire Chief's Association to meet and discuss many issues facing the state. We were pleased to hear the Association has been working with their legal team in addressing the Attorney General's Opinion on the restriction of sprinklers in multi-family buildings. The legal team has determined the Attorney General referenced the incorrect statute and is currently working on the best approach to sorting the issue out. The current legal opinion is the original administrative code was correct in requiring sprinklers in 3-21 unit buildings.
- On June 2nd, we dedicated Rescue 82, ATV 11, and Water 10 with staffed crews for the Parks and Trails Unite Festival at McDaniels park. We didn't experience any significant incidents. The event provided an excellent chance to interact with the public.
- On June 3rd, we dedicated Rescue 82 and Water 10 to assist with Take-A-Vet fishing. The event is attended by hundreds of veterans and fishermen that donate their time and boats for fishing with the veterans. The boats launch from Babcock County park. The event allows for great public interaction. We didn't have any significant incidents and did provide some minor first aid to individuals.
- The brush truck/pick up truck project almost completed. We had some issues with one of the local vendor's selections of the brush bar for the new truck not meeting our needs and specification. The vendor reduced the invoice in exchange for the Department having another local vendor modify the brush bar to meet the needs.

- On June 25th Chief Dennis (until meeting conflict), Assistant Chief Reiter and Captain Molenaar attended a meeting in Cottage Grove for the coordination of interstate traffic crash responses. The meeting included representatives from Wisconsin DOT, State Patrol, Dane County 911, Dane County EMS, Dane County Sheriff's Office, Cottage Grove Fire, Cambridge Fire, Cambridge EMS, DeerGrove EMS, and Edgerton Fire/EMS. All agencies agreed the number of crashes had been reduced since the speed limit in the construction zone has been reduced. The Wisconsin DOT shared that the 12&18 interchange is currently in design and not sure when it will be completely designed, and it is unsure when the construction will occur in the Village's portion of the Interstate. Wisconsin DOT did confirm that an emergency access point is still planned on Stork Road in the Town of Blooming Grove. The location may provide challenges as the road is in need of repair to support large truck traffic. Additional action items included that Cottage Grove and DeerGrove will be developing MABAS cards to avoid requesting both of the McFarland ambulances. The group intends to meet on a regular basis to keep discussions open during the next two years while the construction is ongoing.

- **Staffing**

- Current Staffing Levels
 - Fulltime Fire Rescue Chief – 1
 - Fulltime Fire Inspector/Public Education Specialist – 1
 - Fulltime EMTs – 4 (1 vacant)
 - Fulltime Confidential Administrative Assistant (Shared w/Admin) - 1
 - Paid on Call – 57 (21 EMTs, 19 Firefighters (2 Active Retired), 10 EMR/Firefighter, & 9 EMT/Firefighters)
 - Total Staffing Level – 65
- We would like to welcome Nicky Symons to the department as a Paid-On-Call EMT. Nicky is an AEMT with several years of experience, and before retiring, she worked with the State EMS Office.
- We have gained an additional daytime Public Works staff member to assist as a daytime firefighter as add-on duties. Similar to other staff that have the additional duties, will work with the Director and Assistant Director to ensure we aren't removing the individual from important tasks. When the situation is appropriate, the individuals work as firefighters and are paid from the fire department budget. The sharing is critical to provide daytime staffing.
- We currently have three individuals proceeding through backgrounds. Two are currently licensed EMTs, and one is an experienced firefighter.
- We are currently at 35 firefighters not including the Chief, Fire Inspector, and the Active Retired members. Our quantity of firefighters is 40. We are hoping to gain a few additions as we expect some departures in the coming months. We are working on a recruitment drive for the fall to allow for spring class attendance.

- **Training Activity**

- The month of June training included active threat training, obstetrics training, operator training on the new engine, new brush truck and sprinkler head plugging.
 - The active threat training was joint training with the Police Department consortium and Oregon Fire/EMS. We were fortunate to gain access to the primary school before demolition. The opportunity provided training that makes it very difficult to perform in buildings while the building is occupied. The training allowed all departments to practice the latest techniques and tactics for active threats. Additionally, new members learned a considerable amount about active threat incidents. The members became engaged in the training and are looking to further prepare for such events. The members may be requesting the Association to assist in obtaining ballast protection for the warm zone operations.
 - The obstetrics training included a guest instructor of a midwife instructor from Southwest Technical College. The training covered many of the aspects for the requirements for State and National training and included a considerable amount about home births which is beyond the required curriculum.
 - With the new brush truck, in-service training was required for the changes on the truck. The truck included lower flow nozzles to reduce the size of the tank needed. Overall truck operations are simpler and will use less water for fires.
- July training will include trauma presented by our medical direction team with transporting patients to St. Mary's Hospital. We will also be attempting to perform training on acquired structures from the UW of Madison Housing Authority and vacant bar in the Town of Dunn. Both of which offer training we can't replicate. The closest is attending the training grounds located at Madison College.

<u>Inspection/Prevention Activity</u>	<u>Completed</u>	<u>Year to Date Total</u>
Building Inspections	6	241
Fire Code Violations Identified	2	153
Re-Inspections	8	25
Corrections Noted	25	62
Plan Reviews	4	41
Acceptance Inspections/Test	3	7

<u>Public Instruction</u>	<u>Completed</u>	<u>Year to Date Total</u>
CPR Certifications	54	74
First Aid Training	1	2
High School CPR (Hands Only)	0	0
Baby Sitters First Aid	48	48
Public Education Tours	1	5

- **Apparatus & Equipment**

- The 2004 Boat (Water 10) had an impeller in the motor for cooling replaced by a local vendor.
- The 2015 Ambulance (Rescue 84) had the majority of the bodywork completed and is waiting for the side door window to be replaced. The manufacturer switched windows and required additional shimming to install that the body shop didn't have available at the time. Additionally, the latches of rear doors failed to secure and required replacement by the Village Mechanic.
- The 2016 SUV (Car 3 – Chief's Car) experienced electronic issues with the radio, backup camera, and hands-free system. The car was sent to a local dealership for the warranty work with no issue found due to the problem of correcting itself before being checked. While at the dealership several recalls were performed.
- The 1996 Brush Truck was removed from service and converted for use by the Public Works Department. The 2018 pickup (Car 2) has been placed into service. The 2007 pickup (Brush 9) is now fully operational as the brush truck. As a side note, an added usage of Car 2 has been for EMS responses and fire inspector. Both of which have already proven beneficial to the department operations.
- Annual hose testing was completed. We had several pieces fail the test and were removed from service. We are expecting the amount to be within the planned replacement for the year.
- Annual ladder testing was completed with no major issues found.
- Annual pump testing was completed, and issues were found on the 2005 Pumper (Engine 1) and 1997 Aerial (Ladder 8). Issues included a hydraulic line, brakes, back up power unit motor and light tower switch out of adjustment. All repairs were completed by local vendors and the Village Mechanic with the backup power unit motor for the ladder not being received in time to be included.

Incident Summary

Incident Type	2018		2017	
	June	Year to Date Total	June	Year to Date Total
EMS – Falls	8	70	10	66
EMS – General Medical	29	197	37	221
EMS – Motor Vehicle Crash	9	37	8	26
EMS – Trauma Other	5	35	1	16
EMS – Other types	12	58	13	62
EMS – Total (+1.5%)	63	397	69	391
Fire – Building, vehicle or outside	1	19	2	13
Fire – Assist EMS Crew	12	56	6	60
Fire – Motor Vehicle Crash	6	22	7	17
Fire – Alarms	5	30	3	23
Fire – Other types	14	57	14	65
Fire – Total (+3.3%)	38	184	32	178

- **Significant Incidents**

- On Saturday, June 16th fire and EMS crews assisted with blocking several flooded streets after a significant rain. The roads were not safe to pass, and it required more manpower than the Public Works Department could provide.
- Later on Saturday, June 16th, EMS, and fire units were dispatched to a capsized boat on Lake Waubesa. A nearby boater assisted the individuals on to another boat. Rescue 84 checked over the individuals and confirmed no one needed transport to a hospital for further care. While the Wisconsin DNR Wardens interviewed occupants, Water 10 brought the capsized boat to shore and ensured no other boaters struck it. The Sheriff's Recreation patrol was not available to assist.
- On Thursday, June 28th we were dispatched to a construction site for a worker that had fallen 40 -50 feet. We arrived on location to find the individual had been operating a boom lift and the boom lift had tipped over. The individual was using the proper safety straps and had fallen with the basket of the boom lift. The individual did strike his head when impacting the ground on a fuel tank. With the assistance of Monona Medic 60, we stabilized the patient transported the individual to the hospital.

Runs by Dispatch Reason - MFR

Incident Complaint Reported By Dispatch (eDispatch.01)	Number of Runs	Percent of Total Runs
Traffic/Transportation Incident	18	23.68%
Falls	9	11.84%
Sick Person	9	11.84%
Unconscious/Fainting/Near-Fainting	7	9.21%
Fire	4	5.26%
Assault	3	3.95%
Carbon Monoxide/Hazmat/Inhalation/CBRN	3	3.95%
Stroke/CVA	3	3.95%
Traumatic Injury	3	3.95%
Back Pain (Non-Traumatic)	2	2.63%
Breathing Problem	2	2.63%
Cardiac Arrest/Death	2	2.63%
Heart Problems/AICD	2	2.63%
No Other Appropriate Choice	2	2.63%
Overdose/Poisoning/Ingestion	2	2.63%
Burns/Explosion	1	1.32%
Chest Pain (Non-Traumatic)	1	1.32%
Convulsions/Seizure	1	1.32%
Headache	1	1.32%
Hemorrhage/Laceration	1	1.32%
Total: 76		Total: 100.00%

Report Filters

Incident Date: is between '6/1/2018' and '6/30/2018'

****Note report is based on patient care reports. Incidents with multiple patients will cause additional runs. Total incidents will be less than total runs indicated on this report.**

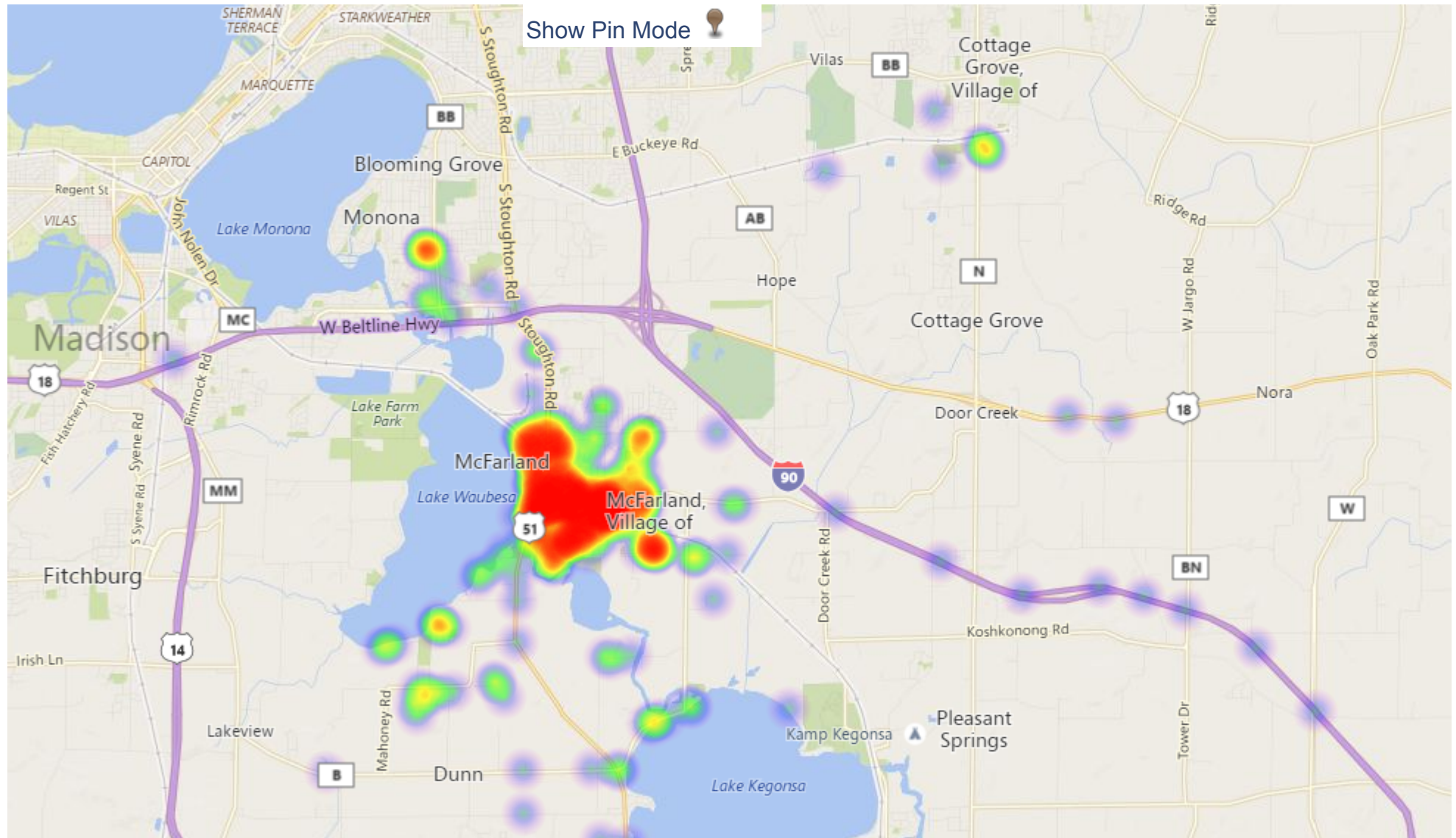
Runs by Dispatch Reason - MFR

Incident Complaint Reported By Dispatch (eDispatch.01)	Number of Runs	Percent of Total Runs
Traffic/Transportation Incident	75	17.12%
Falls	72	16.44%
Sick Person	60	13.70%
Unconscious/Fainting/Near-Fainting	49	11.19%
Fire	30	6.85%
Breathing Problem	29	6.62%
Heart Problems/AICD	12	2.74%
Chest Pain (Non-Traumatic)	10	2.28%
Convulsions/Seizure	10	2.28%
Hemorrhage/Laceration	10	2.28%
Stroke/CVA	9	2.05%
Diabetic Problem	8	1.83%
Carbon Monoxide/Hazmat/Inhalation/CBRN	7	1.60%
Standby	7	1.60%
Abdominal Pain/Problems	6	1.37%
Cardiac Arrest/Death	6	1.37%
Overdose/Poisoning/Ingestion	6	1.37%
Back Pain (Non-Traumatic)	5	1.14%
Allergic Reaction/Stings	4	0.91%
Choking	4	0.91%
No Other Appropriate Choice	4	0.91%
Assault	3	0.68%
Psychiatric Problem/Abnormal Behavior/Suicide Attempt	3	0.68%
Traumatic Injury	3	0.68%
Headache	2	0.46%
Unknown Problem/Person Down	2	0.46%
Burns/Explosion	1	0.23%
Pregnancy/Childbirth/Miscarriage	1	0.23%
Total: 438		Total: 100.00%

Report Filters

Incident Date: is between '01/01/2018' and '06/30/2018'

****Note report is based on patient care reports. Incidents with multiple patients will cause additional runs. Total incidents will be less than total runs indicated on this report.**



1 miles 1 km

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Village of McFarland Fire Department
Fire Incident Type Period Comparisons
Alarm Date Between {06/01/2018} and {06/30/2018}

Incident Type	06/01/2018 to 06/30/2018	06/01/2017 to 06/30/2017	06/01/2016 to 06/30/2016	06/01/2015 to 06/30/2015
111 Building fire	0	0	0	3
112 Fires in structure other than in a building	0	1	0	0
131 Passenger vehicle fire	1	0	0	0
134 Water vehicle fire	0	1	1	0
141 Forest, woods or wildland fire	0	0	0	1
154 Dumpster or other outside trash receptacle fire	0	1	0	0
311 Medical assist, assist EMS crew	12	6	8	5
322 Motor vehicle accident with injuries	5	5	1	1
323 Motor vehicle/pedestrian accident (MV Ped)	0	0	1	0
350 Extrication, rescue, Other	0	0	1	0
352 Extrication of victim(s) from vehicle	0	0	0	1
357 Extrication of victim(s) from machinery	1	0	0	0
365 Watercraft rescue	1	0	0	0
413 Oil or other combustibile liquid spill	0	1	0	0
424 Carbon monoxide incident	1	0	0	0
440 Electrical wiring/equipment problem, Other	0	2	0	0
444 Power line down	2	2	0	0
445 Arcing, shorted electrical equipment	0	1	0	0
463 Vehicle accident, general cleanup	1	2	0	0
510 Person in distress, Other	1	0	0	0
520 Water problem, Other	0	0	0	1
522 Water or steam leak	0	0	1	0
561 Unauthorized burning	1	0	0	0
600 Good intent call, Other	2	1	0	0
611 Dispatched & cancelled en route	4	4	7	3
631 Authorized controlled burning	1	1	0	1
700 False alarm or false call, Other	0	0	1	0
715 Local alarm system, malicious false alarm	0	0	0	1
733 Smoke detector activation due to malfunction	1	0	0	0
735 Alarm system sounded due to malfunction	0	1	2	1
736 CO detector activation due to malfunction	1	0	1	1
740 Unintentional transmission of alarm, Other	0	0	0	1
743 Smoke detector activation, no fire - unintentional	0	1	0	0
745 Alarm system activation, no fire - unintentional	1	0	1	1
746 Carbon monoxide detector activation, no CO	1	1	0	2
812 Flood assessment	1	0	0	0
815 Severe weather or natural disaster standby	0	1	0	0
900 Special type of incident, Other	0	0	1	0
Totals	38	32	26	23

Village of McFarland Fire Department
Fire Incident Type Period Comparisons
Alarm Date Between {01/01/2018} and {06/30/2018}

Incident Type	01/01/2018 to 06/30/2018	01/01/2017 to 06/30/2017	01/01/2016 to 06/30/2016	01/01/2015 to 06/30/2015
100 Fire, Other	0	0	0	1
111 Building fire	8	5	6	12
112 Fires in structure other than in a building	0	1	0	0
113 Cooking fire, confined to container	1	2	1	0
116 Fuel burner/boiler malfunction, fire confined	0	0	1	0
118 Trash or rubbish fire, contained	0	1	0	0
130 Mobile property (vehicle) fire, Other	0	0	1	1
131 Passenger vehicle fire	2	1	1	0
132 Road freight or transport vehicle fire	0	0	1	1
134 Water vehicle fire	0	1	1	0
137 Camper or recreational vehicle (RV) fire	0	0	0	1
140 Natural vegetation fire, Other	1	0	0	0
141 Forest, woods or wildland fire	0	0	0	1
142 Brush or brush-and-grass mixture fire	0	1	2	1
143 Grass fire	0	0	0	1
150 Outside rubbish fire, Other	1	0	0	0
151 Outside rubbish, trash or waste fire	0	0	0	1
154 Dumpster or other outside trash receptacle fire	0	2	0	0
160 Special outside fire, Other	1	0	0	0
171 Cultivated grain or crop fire	1	0	1	0
251 Excessive heat, scorch burns with no ignition	0	1	0	0
300 Rescue, EMS incident, other	0	0	1	0
311 Medical assist, assist EMS crew	56	58	52	44
322 Motor vehicle accident with injuries	15	10	8	8
323 Motor vehicle/pedestrian accident (MV Ped)	0	0	1	1
324 Motor Vehicle Accident with no injuries	6	2	1	1
331 Lock-in (if lock out , use 511)	0	2	0	0
350 Extrication, rescue, Other	0	1	1	0
352 Extrication of victim(s) from vehicle	0	1	0	1
353 Removal of victim(s) from stalled elevator	1	1	0	0
357 Extrication of victim(s) from machinery	1	0	0	0
365 Watercraft rescue	1	0	1	0
381 Rescue or EMS standby	0	1	0	0
411 Gasoline or other flammable liquid spill	3	2	0	0
412 Gas leak (natural gas or LPG)	2	3	2	2
413 Oil or other combustible liquid spill	0	1	0	0
420 Toxic condition, Other	1	0	0	0
424 Carbon monoxide incident	2	3	3	4
440 Electrical wiring/equipment problem, Other	0	2	0	1
442 Overheated motor	1	0	0	2
443 Breakdown of light ballast	0	0	1	0
444 Power line down	3	2	0	0
445 Arcing, shorted electrical equipment	1	3	0	1
451 Biological hazard, confirmed or suspected	0	1	0	0
463 Vehicle accident, general cleanup	1	4	1	0

07/05/2018 09:45

Page 1

Village of McFarland Fire Department
Fire Incident Type Period Comparisons
Alarm Date Between {01/01/2018} and {06/30/2018}

Incident Type	01/01/2018 to 06/30/2018	01/01/2017 to 06/30/2017	01/01/2016 to 06/30/2016	01/01/2015 to 06/30/2015
510 Person in distress, Other	1	1	0	0
511 Lock-out	0	0	1	0
520 Water problem, Other	0	0	0	1
522 Water or steam leak	1	2	1	0
531 Smoke or odor removal	1	1	0	0
542 Animal rescue	0	1	0	0
551 Assist police or other governmental agency	0	1	0	0
553 Public service	0	0	1	0
561 Unauthorized burning	3	0	0	0
571 Cover assignment, standby, moveup	1	0	0	0
600 Good intent call, Other	3	3	1	1
611 Dispatched & cancelled en route	26	26	24	18
621 Wrong location	0	0	0	1
622 No Incident found on arrival at dispatch address	0	1	1	0
631 Authorized controlled burning	5	2	2	1
632 Prescribed fire	0	0	1	0
650 Steam, Other gas mistaken for smoke, Other	0	1	0	0
651 Smoke scare, odor of smoke	4	1	0	1
652 Steam, vapor, fog or dust thought to be smoke	0	1	0	0
661 EMS call, party transported by non-fire agency	0	1	0	0
671 HazMat release investigation w/no HazMat	1	1	0	1
700 False alarm or false call, Other	2	0	2	0
710 Malicious, mischievous false call, Other	1	0	1	1
714 Central station, malicious false alarm	3	0	1	0
715 Local alarm system, malicious false alarm	0	0	0	1
730 System malfunction, Other	0	0	0	1
731 Sprinkler activation due to malfunction	1	0	0	0
733 Smoke detector activation due to malfunction	2	0	4	1
735 Alarm system sounded due to malfunction	1	3	2	3
736 CO detector activation due to malfunction	2	4	2	4
740 Unintentional transmission of alarm, Other	3	2	0	2
743 Smoke detector activation, no fire - unintentional	2	3	1	0
744 Detector activation, no fire - unintentional	1	0	0	0
745 Alarm system activation, no fire - unintentional	5	6	5	2
746 Carbon monoxide detector activation, no CO	4	4	1	4
812 Flood assessment	1	0	0	0
815 Severe weather or natural disaster standby	0	1	0	0
900 Special type of incident, Other	0	0	2	0
Totals	184	178	143	128

MCFARLAND POLICE DEPARTMENT



June 2018 Monthly Report

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JUNE 2018 MONTHLY REPORT

As observed on the attached Call Summary Report, the McFarland Police Department logged 834 cases in June. This is compared to 593 cases for the same time in 2017. Cases of interest for the month were: three intoxicated drivers, six domestic disturbances, six disturbances, three juvenile complaints, seven thefts, fifteen traffic accidents, twenty-nine EMS/Fire assists, and responded to nine alarms. Officers also logged 225 traffic incidents during this month.

Cases of interest for the month are as follows:

06/16/2018 An officer observed a vehicle traveling north on US Hwy 51 without its head lights illuminated during hours of darkness. The officer attempted to stop the vehicle and it refused to pull over. The officer continued to follow the vehicle as it was deviating from its lane of traffic. The vehicle came to a stop as it entered the Interstate. The officers conducted a high risk felony stop on the vehicle and eventually took the driver into custody. The officers quickly learned the driver was under the influence of alcohol and probable cause was established to arrest him. The driver was charged with operating a motor vehicle while under the influence-1st offense, and fleeing from an officer. The driver was booked into the Dane County Jail.

06/16/2018 Officers were dispatched to the 5900 block of Juniper Ridge for a domestic related disturbance. Officers arrived on scene and made contact with a male and female subject who live at the residence. Officers learned there was a physical altercation that took place. After the investigation was complete it was determined the male would be arrested for domestic related battery, strangulation, and disorderly conduct. The male was taken to the Dane County Jail.

06/22/2018 McFarland Officers were requested to assist the Dane County Sherriff's Office with the apprehension of several individuals who ran from a stolen vehicle that had crashed after a short pursuit. The officers set up a perimeter and K-9 units were deployed to track the suspects. During the time on the perimeter, several suspicious vehicles came to the area and it was learned they were attempting to pick up the suspects from the vehicle. It was determined two of the vehicle were also stolen and those subjects were taken into custody. At the end of the incident, three stolen vehicle were recovered and seven juvenile suspects were arrested.

Staffing Report

- Recruit Candidate Bruce Grady continues in the field training process.
- The recruitment process to fill the upcoming Confidential Administrative Assistant continues. To date, we have narrowed the candidate pool to four finalists. I and Lt. Redman will be meeting with each of these four the week of July 9th, and a final selection and tentative offer of employment will follow.
- The Department is currently recruiting Crossing Guards for the 2018-2019 school year.

Equipment Report

- No Report

Training Report

- All officers with the department completed 4 hours of Active Threat training conducted at the McFarland Primary School.
- Officer Joel Zietsma attended a two-day class on how to teach Bicycle Safety to the Public. The class was sponsored by UW Madison Police Department.
- Officer John Miller attended a 4-day training on Conducting Child Abduction Investigations. The class was held at the Madison Police Department Training Facility.

Budget Report

- No report.

Other Information

- On June 16th McFarland Police Officers and McFarland Food Pantry Staff conducted a Stuff The Squad event at Pick n' Save, in McFarland. Through the kind donations given by many, we were able to take in 382 lbs of food and a large cash donation. Thank you to Pick n' Save and all those who donated and made this possible.

- On June 20th the Department had the honor of participating in Attorney General Brad Schimel's press conference announcing the awarding of school safety grant funding to 19 school districts, including the McFarland School District. The press conference was held this morning at Waubesa Intermediate School in McFarland. The grant funding was awarded as part of the Wisconsin School Safety Grant Program, which allocates \$100,000,000 dollars to school districts across the State for the purposes of enhancing school safety measures. Special thanks to McFarland Police School Resource Officer John Miller, School District Administrator Andrew Briddell and the staff of the McFarland School District for a job well done
- At the June 25th Village Board meeting, the Police and Fire Departments recognized AJ and Denise Miller for their roles in rescuing sleeping residents of a home that was on fire in McFarland. Thanks to their quick actions, the residents were awoken and assisted to safety. Great job AJ and Denise!



Incident Analysis Report Summary By Incident Type

McFarland Police Department Official Case Report Do Not Re-Release

Print Date/Time: 07/03/2018 10:03
 Login ID: mcbgr
 Incident Type: All
 Call Source: All

From Date: 06/01/2018 00:00
 To Date: 06/30/2018 23:59

McFarland Police Department
 ORI Number: VM0137300

Officer ID: All
 Location: All

Incident Type	Number of Incidents
911 Abandoned Call	8
911 Call Silent	7
911 Call Unintentional	8
911 Disconnect	13
911 Misdialed Call	1
Accident Hit and Run	3
Accident Mv/Deer	1
Accident Property Damage	8
Accident Unknown Injuries	3
Accident w/injuries	2
Adult Arrested Person	2
Alarm	9
Alarm Broadcast/File	1
Animal Found	1
Animal Lost	2
Assist Citizen	38
Assist EMS/Fire	29
Assist K9	12
Assist Police	27
ATL Person	4
Burglary Non-Residential	1
Burglary Residential	1
Check Person	25
Check Property	197
Civil Dispute	2
Damage to Property	4
Disturbance	5
Disturbance Unwanted Person	1
Domestic Disturbance	6
Drug Incident/Investigation	3
Fight Call	2
Follow-Up	27
Foot Patrol	4
Fraud	3
Information	21
Juvenile Complaint	3
Liquor Law Violation	1
Medical Examiner	2



Incident Analysis Report Summary By Incident Type



Print Date/Time: 07/03/2018 10:03
 Login ID: mcbgr
 Incident Type: All
 Call Source: All

From Date: 06/01/2018 00:00
 To Date: 06/30/2018 23:59

McFarland Police Department
 ORI Number: W0137300
 Officer ID: All
 Location: All

Incident Type	Number of Incidents
Noise Complaint	1
OMVWI Arrest/Intoxicated Driver	3
Parking Complaint On Street	25
Phone	15
PNB/AED Response	1
Preserve the Peace	3
Property Found	4
Property Lost	2
Recovered/Stolen Outside Agency	1
Safety Hazard	27
Silent Case Number	4
Special Event	5
Stolen Auto	1
Suspicious Person	7
Suspicious Vehicle	15
Theft	2
Theft Retail	5
Threats Complaint	2
Traffic Complaint/Investigation	63
Traffic Stop	162
Trespass	1
Total:	634

PUBLIC SAFETY COMMITTEE

EMERGENCY MANAGEMENT REPORT

July 2018 Report

Update on outdoor warning siren:

Outdoor warning sirens are activated country wide at 12:00 PM on the 1st Wednesday of the month. I noted that all McFarland sirens are operating properly.

Emergency Management Committee Meeting:

The next bi-monthly meeting is scheduled for July 26, 2018 at 2:00 PM members will be reminded that their attendance is very important as a committee member.

Storm Activity:

We have had several flash floods and high water issues in the area. I have been attending telephone conferences with Dane County Emergency Management to discuss issues in the Village as well as issues within our fire and rescue district. There was concern for high waters, water flow, sandbagging and no wake restrictions. I will continue providing department heads, Public Safety Committee Members, Emergency Management Committee Members and Village Board Members with the weather briefings as I receive them as I attend the weather briefing webinars and telephone conferences when they are held. Further, weather briefings and posts are being placed on Social Media for the Village.

Emergency Response Manual Update:

I will be addressing our emergency services department heads with additional scenarios to gather information from them to add protocols to our Emergency response Manual soon as of late department heads have been very busy with weather related issues, etc.

Training:

We had a rough start right out of the gate with the UAV (drone) with the contact refiguring his fees raising them substantially where we would have been way out of the budget. Therefore, I have been seeking a new contact and after contact with 3 different organizations, I decided on a private contractor who has expertise in operation of UAVs for land surveys, architectural and agricultural photography. The trainer has time to work with us and is very excited to work with us as well. The vehicle has been registered, and now after the 4th of July Holiday, we will be proceeding into the training session for myself as being one of the license carriers, as we seek others that wish to be licensees as well. Once we have license carriers we will begin pilot training.

I continuously seek webinars from Emergency Government Technology as well as other affiliations and organizations for Emergency Management to assist me in my role in regards to

training and updates, etc.

Community Awareness:

I have been submitting articles and graphs for social media regarding the heat index and dangers of excessive heat, in addition to high waters and flash flooding. I will continue submitting inclement weather, storm watches and warnings, and other pertinent information and literature to the Village Social Media Team

I am further in the process of implementation of a wireless priority service for emergency communication and notification of department heads and village administrators through our wireless cell phones and carriers.

Submitted by: Chuck Di Piazza



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, July 11, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT:

AGENDA ITEM: Discussion and recommendation on an ordinance amendment regarding the procedure for review of operator's licenses.

PREVIOUS ACTION:

On March 26th the Village Board approved the operator license approval policy.

ISSUE SUMMARY:

The attached ordinance amendment updates the Village code of ordinances to reflect the procedure in the operator's license approval policy as approved by both the Public Safety Committee and Village Board. The policy has additionally been changes to reflect recently state law changes regarding rehabilitation standards for licensing.

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

Operator's are license by Village Ordinance Chapter 11, article II

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Staff and Village Attorney recommend approval of the update to the operator's license policy and ordinance amendment.

ATTACHMENTS:

1. Ord Amendment for Oper Lic.
2. Operator License policy Version - 7-3-18

ORDINANCE NO. 201~~78~~-__

AN ORDINANCE AMENDING PROCEDURE FOR OPERATOR'S LICENSE
REVIEW

Purpose: To update Village Ordinance on Operator's License to update the review procedure.

Sponsor: Village Clerk

Recommended Referral: Public Safety Committee

Public Hearing: None required.

The Village Board of the Village of McFarland do hereby ordain as follows:

1. Article XI of the McFarland Municipal Code is hereby amended to read as follows:
Sec. 11-71. - Procedure upon application for operator's license.

(a) *Application.* The Village Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk-Treasurer only to persons 18 years of age or older as the requirement in Wis. Stats. § 125.04(5)(a)3. that the applicant must have attained the legal drinking age does not apply to applicants for operators' licenses under Wis. Stats. § 125.17. Operator's licenses shall be operative only within the limits of the Village. Applicants shall provide the following information:

(1) Name, address, home, and work phone numbers.

(2) Date of birth, gender, social security number, and driver's license or state identification card number.

(3) Whether the applicant has completed a responsible beverage server training course pursuant to Wis. Stats. § 125.17(6).

(4) Whether the applicant has held an operator's license within the previous two years. If one has been held in a different municipality, a copy of the license or a letter from the clerk of the municipality shall be provided.

(5) Whether the applicant has been arrested for and/or convicted of violating any law of the state or the United States, including traffic violations. If so, the applicant shall provide the date of arrest, date of conviction, name of the court, and nature of the offense.

(6) Whether the applicant has had a license to serve alcohol beverages suspended, revoked, or surrendered in lieu of suspension or revocation and if so, the name of the municipality and the date the license was suspended, revoked, or surrendered.

(7) Whether the applicant has been hospitalized or treated for drug abuse or alcoholism within the previous five years, and if so, the applicant shall provide an explanation of the circumstances and dates of occurrence.

(8) Whether the applicant is a citizen of the United States and a resident of the state.

(9) The address and date of residency for each place the applicant has resided for the previous five years.

(10) Sworn to be true and accurate under oath before a notary public.

(11) Any other information required by the Village Clerk-Treasurer or Chief of Police to run all required background checks or to otherwise process the application.

(12) Any other information required by the Village Board.

(b) *Investigation.* All applications are subject to an investigation by the Police Department and/or other appropriate authority to determine whether the applicant to be licensed complies with all regulations, ordinances and laws applicable thereto. The Police Department shall conduct an investigation of the applicant including, but not limited to, requesting information from the state, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. **If the Police Department finds the application to be incomplete or omitting any required information from 11-71a, the application shall be rejected and returned to the applicant. Based upon such investigation, the Police Department shall recommend, in writing, to the Village Board approval or denial of the application. If the Police Department recommends denial, the Police Department shall provide, in writing, the reasons for such recommendation. The recommendation for denial shall be forwarded to the Public Safety Committee for further review and a recommendation to the Village Board.** ~~Based upon such investigation, the Police Department shall recommend, in writing, to the Village Board Public Safety Committee approval or denial of the application. If the Police Department recommends denial, the Police Department shall provide, in writing, the reasons for such recommendation.~~

(c) *Training course.*

(1) Except as provided in Subsection (c)(2) of this Section, the Village Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based

training and testing that is approved by the department or the educational approval board or unless the applicant fulfills one of the following requirements:

- a. The person is renewing an operator's license.
- b. Within the past two years, the person held a Class "A," Class "B," "Class A," "Class B" or "Class C" license or permit or a manager's or operator's license.
- c. Within the past two years, the person has completed such a training course.

(2) The Village Board may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (c)(1) of this Section and who meets the standards established by the Village and shall revoke that license if the applicant fails to successfully complete the course in which the applicant enrolls.

(3) The Village Board may not require that applicants for operator's licenses undergo training in addition to that under Subsection (c)(1) of this Section, but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (c)(1) of this Section.

Sec. 11-72. - Duration.

Licenses issued under the provisions of this Article shall be valid for a period of one year and shall expire on the June 30 of each year.

Sec. 11-73. - Operator's license fee.

(a) *Operator's license.* The fee for an operator's license shall be the fee established by the Village Board from time to time and provided in Appendix A to this Code for the term or part thereof.

(b) *Temporary operator's license.* The fee for a temporary operator's license shall be the fee established by the Village Board from time to time and provided in Appendix A to this Code.

(c) *Provisional operator's license.* The fee for a provisional operator's license shall be the fee established by the Village Board from time to time and provided in Appendix A to this Code.

Sec. 11-74. - Issuance or denial of operator's license.

(a) *Issuance of approved licenses.* After the Village Board approves the granting of an operator's license, the Village Clerk-Treasurer shall issue the license. Such licenses shall give the applicant's name and address and the date of the expiration of such license. The Village Clerk-Treasurer shall issue each license approved by the Village Board and shall make the same available at the Village Clerk-Treasurer's office. Any operator's license for which the fee

is not paid within 15 days of approval of the application by the Village Board shall be returned to the Village Clerk-Treasurer for cancellation or other disposition.

(b) *Denial.*

(1) If the application is denied by the Village Board, the Village Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reasons therefor, and of the opportunity to request a reconsideration of the application by the Village Board ~~in a closed session~~. Such notice must be sent by registered mail to, or served upon, the applicant at least ten days prior to the Village Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

(2) If upon reconsideration, the Village Board again denies the application, the Village Clerk-Treasurer shall notify the applicant in writing of the reasons therefor. An applicant who is denied any license may apply to Circuit Court pursuant to Wis. Stats. § 125.12(2)(d), for review.

(c) *Basis for ~~granting of~~ denial.*

(1) Consideration for the granting or denial of a license will be based on:

- a. Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335, and Wis. Stats. § 125.12(1)(b);
- b. The financial responsibility of the applicant; and
- c. Generally, the applicant's fitness for the trust to be reposed.

(2) If a licensee is convicted of an offense substantially related to the licensed activity, ~~the Village Board may act to revoke or suspend the license.~~

(3) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses that are substantially related to the licensed activity

Comment [CS1]: Is confusing and an oxymoron

Comment [CS2]: This doesn't belong in this section. Revocation is addressed in 11-76

within the five years immediately preceding, act to suspend such license for a period of one year or more.

Sec. 11-75. - Display of license.

Each license issued under the provisions of this Article shall be posted on the premises whenever the operator dispenses beverages or shall be in the operator's possession, or the operator shall carry a license card.

Sec. 11-76. - Revocation of operator's license.

Violation of any of the terms or provisions of the state law or of this Article relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

Operator License Approval Policy – Approved 03/26/18

SECTION 1: Policy Purpose

In order to provide for an effective and consistent system of alcohol licensing that protects the public safety and is applied in a uniform and equitable manner, the Village Board has adopted the following written policy to govern the granting of operators' licenses pursuant to Chapter 125 of the Wisconsin Statutes, and Chapter 11, Article II of the Village ordinances.

SECTION 2: Acknowledgment of Duties.

The Village of McFarland acknowledges and recognizes the responsibility operators have to keep the public safe in their duties. An operator's license will enable operators to sell beer or liquor on a Class A premise (alcohol is carried off the premise. Examples include: a gas station, liquor store, or grocery store.) or a Class B premise (alcohol consumed on the property such as a tavern or bar). A liquor license holder, an agent, or a licensed operator must be on the premises at all times the business is open and alcohol is being sold. The licensed operator is in charge of the premise, and has certain responsibilities that include, but are not limited to:

- A. Preventing the sale of alcohol to minors. The legal drinking age is 21, and sales of alcohol to underage patrons is prohibited.
- B. Prohibiting the service or sale of alcohol to a person who is intoxicated. Operator's are legally entitled, and required, to refuse to serve any person whom they feel has had too much to drink.
- C. Ensuring open intoxicants do not leave the property.
- D. Class "B" premises must be closed between 2:00 am and 6:00 am Mon-Friday, and 2:30 am and 6:00 am Sat. & Sun (there are no closing hours on January 1). Everyone except employees on duty must be out of the store or bar by closing time. Private parties, friends or spouses are not allowed to stay on the premises while staff completes cleaning duties.
- E. Class "A" premises may not sell fermented malt beverages and intoxicating liquors between the hours of 9:00 p.m. and 6:00 a.m.

SECTION 3: Process.

- A. The Clerk's office shall take the application and fee. The office shall do an initial review of the application to ensure the application is complete pursuant to the requirements in 11-71(1)-(12) of the Village Code of ordinances. A notary is available in the Village's administration office if required. The fee collected is non-refundable. Incomplete applications will not be accepted.
- B. The Police Department will conduct a records check, including criminal and traffic, of all applicants for operators' licenses. If necessary, the records check may include an interview with the applicant or contact with other jurisdictions or third parties to verify or investigate information obtained in the records check. Applications with missing information or incomplete information regarding arrests or convictions shall be rejected. Rejected applications shall be assessed a \$35 fee for re-application.

- C. The Chief of Police, or the Police Chief's designee, shall provide a recommendation for approval or denial using the criteria listed in section 4.
- D. All recommendations for approval will be placed on the next available Village Board meeting for approval. Licenses will be available for pickup by noon the day following Village Board approval.
- E. All recommendations for denial will be referred to the Public Safety Committee. The Clerk shall forward the license application and any related materials to the Committee. The Clerk shall provide notice to the applicant in writing that he or she should appear before the Committee for individual review of the application. The Public Safety Committee shall provide a review of the application as listed in Section 5.
- F. The committee shall, after interview of the applicant, make a recommendation to either grant or deny an operator's license to the Village Board.
- G. The Village Board shall review the application and recommendation from the Public Safety Committee and make a final determination of granting or denying the license.
- H. If the application is denied by the Village Board, the Village Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and provide an opportunity for the applicant to request a reconsideration of the application by the Village Board.
- I. If the application is denied again, the Village Clerk shall notify the applicant in writing of the reasons therefor. An applicant who is denied any license may apply to the Circuit Court pursuant to WI Statutes 125.12(2)(D).

SECTION 4: Criteria for Denial

The Chief of Police, or designee, shall provide a review of the criminal history of the applicant, and refer any of the following to the Public Safety Committee for further review and possible recommendation for denial. Due to the discretionary nature of the alcohol beverage license process, it is not possible to state every circumstance that may result in denial of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what the PSC will consider in making its recommendation and what circumstances are more likely to result in a denial of a license application. It is also important to note denying an operator's license does not prohibit the employee from serving/selling alcohol; however, it does require that they serve/sell with a licensed operator on the premise.

Guideline 1: 11-74 (c) (1): Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335, and Wis. Stats. § 125.12(1)(b); ~~the financial responsibility of the applicant; and generally, the applicant's fitness for the trust to be reposed.~~

- a) Convictions of two or more misdemeanor crimes in a five year period preceding the date of application.
- b) Conviction of one misdemeanor crime in combination with four ordinance violations egregious traffic violations of public safety concern in the five year period preceding the date of application.

Guideline 2: 11-74 (c) (2): If a licensee is convicted of an offense substantially related to the licensed activity.

Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of or has a current charge pending, for (1) or more offenses within the last five (5) years or for two (2) or more offenses, arising out of separate incidents, within the last ten (10) years in the following subcategories, does not qualify for an operator's license:

- (a) Violent crimes against the person of another, including but not limited to battery, disorderly conduct, sexual assault, injury by negligent use of a vehicle, intimidation of victim or witness.
- (b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a police officer, bribery of public officers/employees, eluding police, bail jumping, hit and run, perjury, or acts/threats of terrorism.
- (c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; maintaining a drug trafficking place; possessing with intent to manufacture, distribute, or deliver a controlled substance or a controlled substance analog. Sec. 111.335(1)(cs), Wis. Stats.

Guideline 3: 11-74 (c) (3): An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender.

Provided the circumstances substantially relate to the circumstances of the job, any person who has been convicted of or has a current charge pending, for two (2) or more offenses, arising out of separate incidents, within the last five (5) years immediately preceding the license application in the following subcategories does not qualify for an operator's license:

- (a) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Madison Ordinance Ch. 38 - excluding administrative violations such as "failure to post license under glass").
- (b) Operating a motor vehicle with a prohibited alcohol concentration (PAC) in excess of .08% by weight.

- (c) Open intoxicants in public places or in a motor vehicle.
- (d) Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.
- (e) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (f) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.

Additionally, because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses that are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

Section 5: Public Safety Committee Review of Applications.

The Public Safety Committee shall be responsible for conducting further review of operator's license applications that have criteria from Section 4 as recommended for denial. The committee shall be expected to thoroughly and conscientiously review license applications and consistently apply pertinent laws and ordinances.

The Public Safety Committee may recommend approval of an operator's license application if the applicant presents the PSC with substantial evidence in the form of credible documentation of rehabilitation. Such evidence could include letters of recommendation from Alcohol and Other Drug ("AODA") counselors, probation agents, or other relevant service providers, other professional counselors, certificates and/or letters confirming satisfactory completion of an AODA or other relevant counseling program. Any such letters shall be on the letterhead of the agency offering the recommendation in order for the letter to be considered credible evidence of rehabilitation.

Pursuant to Wis. Stats. § 111.335(4)(d), competent evidence of rehabilitation and fitness to perform the licensed activity may be established by production of any of the following:

- (a) The individual's most recent certified copy of a federal department of defense form DD-214 showing the person's honorable discharge, or separation under honorable conditions, from the U.S. armed forces for military service rendered following conviction for any offense that would otherwise disqualify the individual from the license sought, except that the discharge form is not competent evidence of sufficient rehabilitation and fitness to perform the licensed activity if the individual was convicted of any misdemeanor or felony subsequent to the date of the honorable discharge or separation from military service.

(b) A copy of the local, state, or federal release document; and either a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or other evidence that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

In addition to the documentary evidence that may be provided above to show sufficient rehabilitation and fitness to perform the licensed activity, the Committee shall consider any of the following evidence presented by the applicant:

- (a) Evidence of the nature and seriousness of any offense of which he or she was convicted.
- (b) Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
- (c) The age of the individual at the time the offense was committed.
- (d) The length of time that has elapsed since the offense was committed.
- (e) Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- (f) All other relevant evidence of rehabilitation and present fitness presented.

The Committee shall decide how much weight and credibility to assign to any evidence of rehabilitation, including but not limited to, whether a record is certified, whether evidence has been corroborated or verified, documentary proof of completion of any counseling or other relevant treatment, and the credibility of statements by the applicant or any witness. In determining the credibility of any statement made by the applicant or any witness, the Committee should consider, among other things, the reasonableness of the statement, possible motives for providing false statements or withholding information, the applicant or witness's conduct and demeanor, the clearness or lack of clearness of the statement, and the cooperation of the applicant or witness in answering any questions posed by the Committee or Village Staff.

For license renewals, a previous determination by the Committee that an applicant has been rehabilitated from certain offenses carries forward; however, these offenses may be re-considered if the applicant has also committed a new offense substantially related to the licensed activity during the current license period.

The Committee shall state reasons for approval or denial for the record.

Possible outcomes include but are not limited to:

1. Recommend approval of the license based on the applicant providing credible evidence of rehabilitation
2. Recommend conditional approval of the license based on the applicant providing substantial, credible evidence of rehabilitation with the following conditions:
 - a. There be no more subsequent substantially related offenses for the remainder of the licensing period.
 - b. The applicant be required to pay \$15 dollars, to submit to quarterly background checks to ensure compliance.
3. Recommend application be tabled for a period of XX days. Committee will re-review application at that time. Applicant should be prepared to provide substantial evidence of rehabilitation.
4. Recommend application be denied based on violation of guideline (insert relevant guideline and corresponding ordinance reference).
5. If the applicant fails to appear: recommend the application be placed on file without prejudice (meaning the application can be brought back at any time before the expiration of the license period)



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, July 11, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT: Craig Sherven, Chief

AGENDA ITEM: Discussion and recommendation on an ordinance amendment for direct seller's permits.

PREVIOUS ACTION:

N/A

ISSUE SUMMARY:

The Village has seen a substantial increase in the number of direct seller's permits issued in the Village in 2018. Police Chief Sherven and staff had identified the lack of criteria in the current ordinance to use as a basis for denial of these permits. As with an ordinance update, the Village Attorney has also made additional revisions to clean up the ordinance and bring it in to compliance with State Law changes.

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

Direct Seller's are currently licensed through Village Ordinance Chapter 11 article Iv.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Staff recommends approval of updates to the direct seller's ordinance. The first attachment is the actual ordinance that would be considered for approval while the second attachment is the marked up version of the current code to show the changes being sought.

ATTACHMENTS:

1. ORDINANCE 2018-XX Direct Seller
2. Direct Seller Ordinance (7-5-18) Redlined

ORDINANCE 2018-

AN ORDINANCE AMENDING THE LICENSING PROCESS FOR DIRECT SELLERS AND THE REGULATION OF DIRECT SELLERS AND SOLICITORS

Purpose: To amend the licensing process for direct sellers to comply with changes in the law and to make other changes to the Municipal Code affecting direct sellers and solicitors.

Sponsor: Village Clerk-Treasurer Cassandra Suettinger

Recommended Referral: Public Safety Committee

Public Hearing: Not Required

WHEREAS, The Public Safety Committee has reviewed proposed changes to the licensing process for direct sellers to account for changes in the law regarding licensing and rehabilitation, to require licensees to carry identification, to create a process for suspension and revocation of these licenses when appropriate, and to make other changes affecting direct sellers and solicitors; and,

WHEREAS, the Village Board accepts the recommendations of the Public Safety Committee and Village staff and finds that it is in the public interest to amend the McFarland Municipal Code to comply with Wisconsin law, to provide a procedure for suspension and revocation of direct seller licenses and to enact the other recommended changes to the Code.

NOW THEREFORE, The Village Board of the Village of McFarland does hereby ordain as follows:

1. Section 11-130 of the McFarland Municipal Code is hereby amended to read as follows:

Sec. 11-130. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) *Charitable organization.* Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation described in §501(c)(3) of the Internal Revenue Code and exempted from income taxes under §501(a) of that code.

(b) *Contribution.* The promise or grant of any money or property of any kind or value, including net proceeds from sales of tickets, and donations required by the solicitor for the retention of goods by a donor or prospective customer.

(c) *Direct seller.* Any individual who, for such individual, or for a partnership, association, limited liability corporation, limited liability partnership or corporation, sells goods or services, or takes orders for the later delivery of goods or services, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, including, but not be limited to, peddlers, hawkers, and transient merchants.

(d) *Goods.* Personal property of any kind, including goods provided incidental to services offered or sold.

(e) *Permanent merchant.* A person who, for at least one year prior to the consideration of the application of this Article to said merchant:

(1) Has continuously operated an established business at a physical location within the Village; or

(2) Has continuously resided in the Village for at least one year and currently does business from such seller's residence.

(f) *Person.* All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

(g) *Solicitor.* Any person who plans, conducts, manages, or carries on any drive or campaign in the Village for the purpose of soliciting contributions for or on behalf of any charitable organization or any other person, or who engages in the business of or holds said person out to persons in this state as independently engaged in the business of soliciting contributions for such purpose.

(Code 1998, § 7-4-2; Ord. No. 2003-02, § 108, 1-27-2002)

2. Section 11-131 of the McFarland Municipal Code is hereby amended to read as follows:

Sec. 11-131. - Exemptions.

The following shall be exempt from all provisions of this Article other than §§11-134(2)-(4) and (6) and §11-133:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;

(b) Any person selling goods at wholesale to dealers in such goods;

- (c) Any person selling agricultural products from commercially zoned property which such person has grown unless such sales are made door-to-door;
- (d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods or services regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
- (e) Any person who has an established place of business within the McFarland School District where the goods or services being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent of a charitable organization who engages in solicitation of funds on behalf of said organization, provided that there has been submitted to the Village Clerk-Treasurer proof that such charitable organization is registered under Wis. Stats. § 440.41 et seq., or which is exempt from that statute's registration requirements;

3. Section 11-132 of the McFarland Municipal Code is hereby amended to read as follows:

Sec. 11-132. - Direct seller license.

- (a) *Required information.* Applicants for a license as a direct seller must complete and return to the Village Clerk-Treasurer a license application furnished by the Village Clerk-Treasurer, which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any, from which business will be conducted;
 - (2) Age, height, weight, color of hair and eyes, and date of birth;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
 - (4) The time period for which the right to conduct business is desired;
 - (5) Nature of business or solicitation to be conducted and a brief description of the goods or services offered;

- (6) Proposed method of delivery of goods, if applicable;
 - (7) Make, model and license number of any vehicle to be used by the applicant in the conduct of direct sales in the Village;
 - (8) Last cities, villages or towns, not to exceed three, where the applicant most recently conducted similar business or solicitation prior to making this application;
 - (9) Address and telephone number where the applicant can be contacted for at least seven days after leaving this Village or completing the direct sales activity, whichever occurs first;
 - (10) Statement as to whether the applicant has been convicted of any crime or ordinance violation related to direct sales or solicitations, the circumstances of the offense and the place of conviction.
- (b) *Documentation.* Applicants shall present to the Village Clerk-Treasurer for examination:
 - (1) A driver's license or some other proof of identity as may be reasonably required;
 - (2) A state certificate of examination and approval from the sealer of weights and measures where the applicant's business requires use of weighing and measuring devices approved by state authorities;
 - (3) A state health officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made;
 - (4) A photograph approximately two inches by two inches showing the head and shoulders of such person, which was taken no more than one year prior to the application;
 - (5) A copy of the applicant's fingerprints taken by any authorized law enforcement agency.
 - (c) *Application fee.* At the time of filing the application, the fee established by the Village Board from time to time and provided in Appendix A to this Code shall be paid to the Village Clerk-Treasurer to cover the cost of processing the application and investigation of the applicant.
 - (d) *Investigation.* Upon receipt of the application, the Village Clerk-Treasurer shall refer it immediately to the Chief of Police, who shall cause a complete investigation of the applicant based upon the information in the application and report the findings of such investigation to the Clerk-Treasurer.
 - (e) *Issuance of License.* (1) Standards for Issuance. The Village Clerk-Treasurer shall issue a license authorizing the direct sales described in the application as soon as practicable following

receipt of a report from the Chief of Police, unless the Village Clerk-Treasurer determines one or more of the following:

- (a) The application is incomplete, or information required by subsection (a) has not been provided.
- (b) The application or supporting documents contain any false or materially misleading information or any material omission.
- (c) The applicant has been convicted of a felony, misdemeanor, ordinance violation or other offense, the circumstances of which substantially relate to the circumstances of direct sales activities.

(2) License Provisions. If the Clerk-Treasurer determines that the applicant meets the requirements of this section, or if the Village Board determines to issue the license after appeal, the Clerk-Treasurer shall issue a license to the applicant as a direct seller and date the entry. The licensee shall thereupon sign a statement appointing the Village Clerk-Treasurer as agent for receipt of service of process in any civil action brought against the applicant arising out of the performance or nonperformance of any sale or service performed by the licensee in connection with the direct sales activities in the event the licensee cannot, after reasonable effort, be served personally. The license shall be valid for one year from the date of entry, subject to subsequent revocation, as provided in Section 11-136.

(f) Non-Issuance by Clerk-Treasurer.

(1) Except as provided in sub. (2), if an application is not approved by the Clerk-Treasurer pursuant to par. (e)(1)(c), the Clerk-Treasurer shall provide to the applicant in writing a statement of the reasons for the denial, including a statement of how the circumstances of each offense which is the basis for the denial relates to direct sales activities, and provide a copy of the written denial to the applicant. The written notice to the applicant shall also provide the applicant with the opportunity pursuant to §111.335(4)(c), Wis. Stats., to provide evidence to the Village Board at a hearing under par. (g) demonstrating that he or she has been rehabilitated and is fit to engage in the direct sales activities.

(2) Subsection (1) does not apply to any offense that constitutes an “exempt offense,” which includes a violation specified in Wisconsin Statutes Chapter 940, Wis. Stat. §948.02, Wis. Stat. §948.025, Wis. Stat. §948.03, Wis. Stat. §948.05, Wis. Stat. §948.051, Wis. Stat. §948.055, Wis. Stat. §948.06, Wis. Stat. §948.07, Wis. Stat. §948.075, Wis. Stat. §948.08, Wis. Stat. §948.085,

Wis. Stat. §948.095, or a violation of the law of another jurisdiction that would be a violation of an above-described offense if committed in this state.

(g) *Appeals.* Any person whose application has not been approved by the Clerk-Treasurer, may appeal to the Village Board in writing within 14 days of notice of the decision. The procedure for such appeal shall follow Section 11-1(d) and (e). Upon any appeal of a license denial based in whole or part on §11-132(e)(1)(e), the Board shall consider any evidence of rehabilitation presented by the applicant pursuant to Wis. Stats. §111.335(4)(d). If the applicant demonstrates rehabilitation and fitness to engage in direct sales activities, the Board shall grant the license unless it finds grounds other than the applicant's conviction record for denying the application.

(Code 1998, § 7-4-4; Ord. No. 98-20, § 2, 12-14-1998; Ord. No. 2002-02, § 5, 1-14-2002; Ord. No. 2003-02, §§ 110—113, 1-27-2002; Ord. No. 2017-12 , §§ 90—93, 6-26-2017)

4. Section 11-133 of the McFarland Municipal Code is hereby amended to read as follows:

Sec. 11-133. - Solicitors registration procedure.

(a) Applicants for registration as a solicitor shall complete and return to the Village Clerk-Treasurer a signed registration form furnished by the Village Clerk-Treasurer containing the following information:

(1) Name, address, and telephone number of the charitable person, firm, association, organization or corporation that the solicitor represents or is employed by, together with credentials establishing the relationship;

(2) Purpose of the charitable organization;

(3) Names, permanent addresses, and telephone numbers of the persons who will actually engage in the soliciting, together with the time periods and routes on which the persons will solicit;

(4) A statement of whether the charitable organization is registered with the Wisconsin Department of Regulation and Licensing under Wis. Stats. §440.41 et seq.;

(b) At the time for filing the application, the applicant shall present the following to the Village Clerk-Treasurer for examination:

(1) A driver's license or some other proof of identity as may be reasonably required;

- (2) A photograph approximately two inches by two inches showing the head and shoulders of such person, which was taken no more than one year prior to the application;
- (3) If intending to solicit on behalf of a charitable organization required to be registered with the state, a complete copy of the organization's registration form and supporting materials under Wis. Stats. § 440.41 et seq., the latest annual report under Wis. Stats. § 440.41(4), and the registration materials, bond and contract under Wis. Stats. § 440.41(5), (6), and (7);
- (4) If intending to solicit on behalf of a charitable organization not required to be registered with the state, a copy of the charitable organization's latest filed federal tax form.
- (c) No fee shall be charged for registration of solicitors. The Village Clerk-Treasurer shall examine the application and supporting documents. If the application and supporting documents are complete, the Village Clerk-Treasurer shall register the applicant as a solicitor. The registration shall be valid for one year from the date of issuance.
(Code 1998, § 7-4-5; Ord. No. 2003-02, §§ 114—116, 1-27-2002; Ord. No. 2017-12, §§ 94—96, 6-26-2017)

5. Section 11-134 of the McFarland Municipal Code is hereby amended to read as follows:

Sec. 11-134. - General regulation of direct sellers and solicitors.

(a) *Prohibited practices.*

- (1) A direct seller or solicitor shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. and all day on legal holidays, except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (3) No direct seller or solicitor shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
- (4) No direct seller or solicitor shall allow rubbish or litter to accumulate in or around the area in which such direct seller or solicitor is conducting business.

(5) No direct seller or solicitor may call at the rear door of any dwelling except by prior appointment.

(6) No direct seller or solicitor may remain on any premises after being asked to leave by the owner, occupant, or other person having apparent authority over the premises.

(b) *Disclosure requirements.* After the initial greeting and before any other statement is made to a prospective customer, a direct seller or solicitor shall expressly disclose the direct seller or solicitor's name, the name of the company or organization the direct seller or solicitor is affiliated with, if any, the identity of goods or services the direct seller or solicitor offers to sell and the purpose of the contact. Each such seller or solicitor shall carry proof in the form of a photo identification card issued and executed by the organization for whom the individual is selling or soliciting demonstrating that the individual is authorized to act on behalf of the company or organization, as well as a copy of the registration or license issued by the Village Clerk-Treasurer. The direct seller or solicitor shall produce such proof and registration or license for inspection by the individual or by any law enforcement officer immediately upon request.

(Code 1998, § 7-4-6; Ord. No. 2003-02, § 117, 1-27-2002; Ord. No. 2017-12, § 97, 6-26-2017)

6. Section 11-135 of the McFarland Municipal Code is hereby amended to read as follows:

Sec. 11-135. - Additional regulation of direct sellers.

(a) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or character of goods or services offered for sale, or the purpose of the visit, or the identity of the organization represented.

(b) If any sale of goods is made by a direct seller or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Wis. Stats. § 423.203; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wis. Stats. § 423.203(1), (2) and (3).

(c) If the direct seller takes a sales order for the later delivery of goods, the direct seller shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made,

the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

7. Section 11-136 of the McFarland Municipal Code is hereby created to read as follows:

Sec. 11-136. Revocation of licenses. (1) *Grounds.* Any license issued under this section may be revoked by the Village Board after notice and hearing if:

- (a) The seller made any material omission or any false, materially misleading or otherwise untrue statement in the application for a license.
- (b) The seller has made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales.
- (c) The seller has violated any provision in this chapter.
- (d) The seller has been convicted of any felony, misdemeanor, ordinance violation or other offense, the circumstances of which substantially relate to the circumstances of direct sales activities, and the seller fails to show competent evidence of sufficient rehabilitation and fitness to perform direct sales activities.

(2) *Revocation Hearing.*

(a) *Notice of Hearing.* Written notice of a hearing on the revocation of any license issued under this section shall be mailed to the licensee at the permanent address shown on the registration at least 7 days, or shall be served personally on the registrant at least 72 hours, prior to the time set for the hearing. Such notice shall contain the time and place of the hearing and a statement of the facts upon which the hearing will be based.

(b) *Hearing.* If the licensee fails to appear before the Village Board on the date indicated on the notice, the Village Board shall revoke the licensee's direct seller license. If the licensee appears before the Village Board on the date indicated in the notice and denies that the reasons for revocation exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village and the seller may introduce evidence, produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall, upon request, be provided a written transcript of the hearing at the seller's expense. The Village Board shall issue findings and a decision within 30 days after the date of the hearing.

(3) *Temporary Suspension.* Any law enforcement officer who has probable cause to believe that a person issued a license or permit under this chapter has committed a criminal offense or

violated any provision of this chapter in the course of direct sales or solicitation activities may immediately suspend the person's license or permit pending a hearing under sub. (2). The suspension shall be immediately reported to the Clerk/Treasurer who shall schedule a hearing as soon as practicable, unless review of the suspension is waived by the licensee or permittee.

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the ____ day of _____, 2018.

APPROVED:

Brad Czebotar, Village President

ATTEST:

Cassandra Suettinger, Village Clerk-Treasurer

ORDINANCE 2018 –	
MOTION	SECOND
ACTION	DATE
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Adrian	Kolk
Brassington	Lytle
Clow	O'Hearn
Czebotar	
VOTING RESULTS	
Motion Carried	
Motion Defeated:	

Sec. 11-129. - Requirements.

No direct seller or solicitor shall engage in any activity governed by this Article without complying with the requirements applicable to the class of activity in which the direct seller or solicitor is engaged.

(Code 1998, § 7-4-1)

Sec. 11-130. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) *Charitable organization.* Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, ~~or one purporting to be such, and religious organizations, including Boy Scouts, Girl Scouts, 4 H Clubs and school organizations.~~ described in §501(c)(3) of the Internal Revenue Code and exempted from income taxes under §501(a) of that code.

(b) *Contribution.* The promise or grant of any money or property of any kind or value, including net proceeds from sales of tickets, and donations required by the solicitor for the retention of goods by a donor or prospective customer.

(c) *Direct seller.* Any individual who, for such individual, or for a partnership, association, limited liability corporation, limited liability partnership or corporation, sells goods or services, or takes ~~sales~~ orders for the later delivery of goods or services, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, ~~and shall include~~ including, but not be limited to, peddlers, hawkers, and transient merchants.

(d) *Goods.* Personal property of any kind, ~~and shall include~~ including goods provided incidental to services offered or sold.

(e) *Permanent merchant.* A ~~direct seller~~ person who, for at least one year prior to the consideration of the application of this Article to said merchant:

(1) Has continuously operated an established place of business at a physical location within this Village; or

(2) Has continuously resided in ~~this~~ Village for at least one year and ~~now-currently~~ does business from such seller's residence.

(f) *Person*. All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

(g) *Solicitor*. Any person who, ~~for compensation or other consideration,~~ plans, conducts, manages, or carries on any drive or campaign in the Village for the purpose of soliciting contributions for or on behalf of any charitable organization or any other person, or who engages in the business of or holds said person out to persons in this state as independently engaged in the business of soliciting contributions for such purpose. ~~A bona fide officer or employee of a charitable organization is not deemed a solicitor unless their salary or other compensation is computed on the basis of funds to be raised or actually raised.~~

(Code 1998, § 7-4-2; Ord. No. 2003-02, § 108, 1-27-2002)

Sec. 11-131. - Exemptions.

The following shall be exempt from all provisions of this Article other than §§11-134(2)-(4) and (6) and §11-133:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;

(b) Any person selling goods at wholesale to dealers in such goods;

(c) Any person selling agricultural products from commercially zoned property which such person has grown unless such sales are made door-to-door;

(d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods or services regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;

(e) Any person who has an established place of business within the McFarland School District where the goods or services being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;

(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;

~~(g) — Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;~~

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;

(i) Any employee, officer or agent of a charitable organization who engages in solicitation of funds on behalf of said organization, provided that there is has been submitted to the Village Clerk-Treasurer proof that such charitable organization is registered under Wis. Stats. § 440.41 et seq., or which is exempt from that statute's registration requirements, ~~shall be required to register under this Article;~~

~~(j) — Any person who claims to be a permanent merchant, but against whom complaint has been made to the Village Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Village Clerk-Treasurer proof that such person has leased for at least one year, or purchased, the premises from which such person is conducting business, or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made.~~

Sec. 11-132. - Direct seller license.

(a) *Required information.* Applicants for a license as a direct seller must complete and return to the Village Clerk-Treasurer a license application furnished by the Village Clerk-Treasurer, which shall require the following information:

(1) Name, permanent address and telephone number, and temporary address, if any, from which business will be conducted;

(2) Age, height, weight, color of hair and eyes, and date of birth;

(3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;

(4) The ~~length of~~ time period for which the right to conduct business is desired;

(5) Nature of business or solicitation to be conducted and a brief description of the goods or services offered ~~and any services offered;~~

(6) Proposed method of delivery of goods, if applicable;

(7) Make, model and license number of any vehicle to be used by the applicant in the conduct of ~~the applicant's business~~ direct sales in the Village;

(8) Last cities, villages, ~~or towns~~, not to exceed three, where the applicant most recently conducted similar business or solicitation ~~just~~ prior to making this application;

(9) ~~Place-Address and telephone number~~ where the applicant can be contacted for at least seven days after leaving this Village or completing the direct sales activity, whichever occurs first;

(10) Statement as to whether the applicant has been convicted of any crime or ordinance violation related to ~~the applicant's transient merchant business-direct sales or solicitations within the last five years~~, the nature-circumstances of the offense and the place of conviction.

(b) *Documentation.* Applicants shall present to the Village Clerk-Treasurer for examination:

(1) A driver's license or some other proof of identity as may be reasonably required;

(2) A state certificate of examination and approval from the sealer of weights and measures where the applicant's business requires use of weighing and measuring devices approved by state authorities;

(3) A state health officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made;

(4) A photograph approximately two inches by two inches showing the head and shoulders of such person, which was taken no more than one year prior to the application;

(5) A copy of the applicant's fingerprints taken by any authorized law enforcement agency.

(c) *Application fee.* At the time of filing the application, the fee established by the Village Board from time to time and provided in Appendix A to this Code shall be paid to the Village Clerk-Treasurer to cover the cost of processing the application and investigation of the applicant.

~~The Village Clerk-Treasurer shall refuse to issue a license to the applicant if the application or supporting documents contain any material omission, if the applicant has been convicted of a crime or ordinance violation within the last five years related in nature to the direct selling business, or if the Village Clerk-Treasurer determines that complaints of a material nature have been received against the applicant in the last three locations of the applicant's operation. If the application is apparently complete and lacks any of the above problems, the Village Clerk-Treasurer shall issue a license to the applicant as a direct seller and date the entry. The registrant shall thereupon sign a statement appointing the Village Clerk-Treasurer as agent for receipt of~~

~~service of process in any civil action brought against the applicant arising out of the performance or nonperformance of any sale or service performed by the registrant in connection with the direct sales activities in the event the registrant cannot, after reasonable effort, be served personally. The license shall be valid for one year from the date of entry, subject to subsequent revocation, as provided in Section 11-132(e).~~

(d) *Investigation.* Upon receipt of the application, the Village Clerk-Treasurer shall refer it immediately to the Chief of Police, who shall cause a complete investigation of the applicant based upon the information in the application. ~~If, as a result of such investigation, it is determined that any representation of fact in the application is false, the Chief of Police shall summarily disapprove the application, and report the findings of such investigation to the Clerk-Treasurer.~~

(e) *Issuance of License.* (1) Standards for Issuance. The Village Clerk-Treasurer shall issue a license authorizing the direct sales described in the application as soon as practicable following receipt of a report from the Chief of Police, unless the Village Clerk-Treasurer determines one or more of the following:

(a) The application is incomplete, or information required by subsection (a) has not been provided.

(b) The application or supporting documents contain any false or materially misleading information or any material omission.

~~(c) Complaints of a material nature have been received against the applicant in the last three locations of the applicant's operation.~~

~~(c) The applicant has been convicted of a felony, misdemeanor, ordinance violation or other offense, the circumstances of which substantially relate to the circumstances of direct sales activities.~~

(2) License Provisions. If the Clerk-Treasurer determines that the applicant meets the requirements of this section, or if the Village Board determines to issue the license after appeal, the Clerk-Treasurer shall issue a license to the applicant as a direct seller and date the entry. The licensee shall thereupon sign a statement appointing the Village Clerk-Treasurer as agent for receipt of service of process in any civil action brought against the applicant arising out of the performance or nonperformance of any sale or service performed by the licensee in connection with the direct sales activities in the event the licensee cannot, after reasonable effort, be served

personally. The license shall be valid for one year from the date of entry, subject to subsequent revocation, as provided in Section 11-136.

(f) Non-Issuance by Clerk-Treasurer.

(1) Except as provided in sub. (2), if an application is not approved by the Clerk-Treasurer pursuant to par. (e)(1)(c), the Clerk-Treasurer shall provide to the applicant in writing a statement of the reasons for the denial, including a statement of how the circumstances of each offense which is the basis for the denial relates to direct sales activities, and provide a copy of the written denial to the applicant. The written notice to the applicant shall also provide the applicant with the opportunity pursuant to §111.335(4)(c), Wis. Stats., to provide evidence to the Village Board at a hearing under par. (g) demonstrating that he or she has been rehabilitated and is fit to engage in the direct sales activities.

(2) Subsection (1) does not apply to any offense that constitutes an “exempt offense,” which includes a violation specified in Wisconsin Statutes Chapter 940, Wis. Stat. §948.02, Wis. Stat. §948.025, Wis. Stat. §948.03, Wis. Stat. §948.05, Wis. Stat. §948.051, Wis. Stat. §948.055, Wis. Stat. §948.06, Wis. Stat. §948.07, Wis. Stat. §948.075, Wis. Stat. §948.08, Wis. Stat. §948.085, Wis. Stat. §948.095, or a violation of the law of another jurisdiction that would be a violation of an above-described offense if committed in this state.
~~The Village Clerk Treasurer shall refuse to issue a license to the applicant if the application or supporting documents contain any material omission, if the applicant has been convicted of a crime or ordinance violation within the last five years related in nature to the direct selling business, or if the Village Clerk Treasurer determines that complaints of a material nature have been received against the applicant in the last three locations of the applicant's operation. If the application is apparently complete and lacks any of the above problems, the Village Clerk Treasurer shall issue a license to the applicant as a direct seller and date the entry. The registrant shall thereupon sign a statement appointing the Village Clerk Treasurer as agent for receipt of service of process in any civil action brought against the applicant arising out of the performance or nonperformance of any sale or service performed by the registrant in connection with the direct sales activities in the event the registrant cannot, after reasonable effort, be served personally. The license shall be valid for one year from the date of entry, subject to subsequent revocation, as provided in Section 11-132(e).~~

(eg) *Appeals.* Any person whose application has not been approved by the Clerk-Treasurer, or whose license is revoked may appeal to the Village Board in writing within 14 days of notice of the decision. The procedure for such appeal shall follow Section 11-1(d) and (e). Upon any appeal of a license denial based in whole or part on §11-132(e)(1)(e), the Board shall consider any evidence of rehabilitation presented by the applicant pursuant to Wis. Stats. §111.335(4)(d). If the applicant demonstrates rehabilitation and fitness to engage in direct sales activities, the Board shall grant the license unless it finds grounds other than the applicant's conviction record for denying the application.

(Code 1998, § 7-4-4; Ord. No. 98-20, § 2, 12-14-1998; Ord. No. 2002-02, § 5, 1-14-2002; Ord. No. 2003-02, §§ 110—113, 1-27-2002; Ord. No. 2017-12, §§ 90—93, 6-26-2017)

Sec. 11-133. - Solicitors registration procedure.

(a) Applicants for registration as a solicitor shall complete and return to the Village Clerk-Treasurer a signed registration form furnished by the Village Clerk-Treasurer containing the following information:

(1) Name, address, and telephone number of the charitable person, firm, association, organization or corporation that the solicitor represents or is employed by, together with credentials establishing the relationship;

(2) Purpose of the charitable organization;

(3) Names, permanent addresses, and telephone numbers of the persons who will actually engage in the soliciting, together with the time periods and routes on which the persons will solicit;

(4) A statement of whether the charitable organization is registered with the Wisconsin Department of Regulation and Licensing under Wis. Stats. §440.41 et seq.;

~~(5) Amount of commission, fees, wages or emoluments, if any, to be expended in connection with the solicitation~~

(b) At the time for filing the application, the applicant shall present the following to the Village Clerk-Treasurer for examination:

(1) A driver's license or some other proof of identity as may be reasonably required;

(2) A photograph approximately two inches by two inches showing the head and shoulders of such person, which was taken no more than one year prior to the application;

(3) If intending to solicit on behalf of a charitable organization required to be registered with the state, a complete copy of the ~~charitable~~-organization's registration form and supporting materials under Wis. Stats. § 440.41 et seq., the latest annual report under Wis. Stats. § 440.41(4), and the registration materials, bond and contract under Wis. Stats. § 440.41(5), (6), and (7);

(4) If intending to solicit on behalf of a charitable organization not required to be registered with the state, a copy of the charitable organization's latest filed federal tax form.

(c) No fee shall be charged for registration of solicitors. The Village Clerk-Treasurer shall examine the application and supporting documents. If the application and supporting documents are complete, the Village Clerk-Treasurer shall register the applicant as a solicitor. The registration shall be valid for one year from the date of issuance.

(Code 1998, § 7-4-5; Ord. No. 2003-02, §§ 114—116, 1-27-2002; Ord. No. 2017-12, §§ 94—96, 6-26-2017)

Sec. 11-134. - General regulation of direct sellers and solicitors.

(a) *Prohibited practices.*

(1) A direct seller or solicitor shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. and all day on ~~Sunday and~~ legal holidays, except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(2) No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(3) No direct seller or solicitor shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.

(4) No direct seller or solicitor shall allow rubbish or litter to accumulate in or around the area in which such direct seller or solicitor is conducting business.

(5) No direct seller or solicitor may call at the rear door of any dwelling except by prior appointment.

(6) No direct seller or solicitor may remain on any premises after being asked to leave by the owner, occupant, or other person having apparent authority over the premises.

~~(7) No direct seller or solicitor may impede the free use of sidewalks and streets by pedestrians and vehicles.~~

(b) *Disclosure requirements.* After the initial greeting and before any other statement is made to a prospective customer, a direct seller or solicitor shall expressly disclose the direct seller or solicitor's name, the name of the company or organization the direct seller or solicitor is affiliated with, if any, the identity of goods or services the direct seller or solicitor offers to sell and the purpose of the contact. Each such seller or solicitor shall carry proof in the form of a photo identification card issued and executed by the organization for whom the individual is selling or soliciting demonstrating that the individual ~~represents~~ is authorized to act on behalf of the company or organization ~~the seller or solicitor's purports to represent~~, as well as a copy of the registration or license issued by the Village Clerk-Treasurer. The direct seller or solicitor shall produce such proof and registration or license for inspection by the individual or by any law enforcement officer immediately upon ~~demand of the individual~~ request.

(Code 1998, § 7-4-6; Ord. No. 2003-02, § 117, 1-27-2002; Ord. No. 2017-12, § 97, 6-26-2017)

Sec. 11-135. - Additional regulation of direct sellers.

(a) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or character of goods or services offered for sale, or the purpose of the visit, or the identity of the organization represented.

(b) If any sale of goods is made by a direct seller or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Wis. Stats. § 423.203; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wis. Stats. § 423.203(1), (2) and (3).

(c) If the direct seller takes a sales order for the later delivery of goods, the direct seller shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

Sec. 11-136. Revocation of licenses. (1) *Grounds.* Any license issued under this section may be revoked by the Village Board after notice and hearing if:

(a) The seller made any material omission or any false, materially misleading or otherwise untrue statement in the application for a license.

(b) The seller has made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales.

(c) The seller has violated any provision in this chapter.

(d) The seller has been convicted of any felony, misdemeanor, ordinance violation or other offense, the circumstances of which substantially relate to the circumstances of direct sales activities, and the seller fails to show competent evidence of sufficient rehabilitation and fitness to perform direct sales activities.

(2) *Revocation Hearing.*

(a) *Notice of Hearing.* Written notice of a hearing on the revocation of any license issued under this section shall be mailed to the licensee at the permanent address shown on the registration at least 7 days, or shall be served personally on the registrant at least 72 hours, prior to the time set for the hearing. Such notice shall contain the time and place of the hearing and a statement of the facts upon which the hearing will be based.

(b) *Hearing.* If the licensee fails to appear before the Village Board on the date indicated on the notice, the Village Board shall revoke the licensee's direct seller license. If the licensee appears before the Village Board on the date indicated in the notice and denies that the reasons for revocation exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village and the seller may introduce evidence, produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall, upon request, be provided a written transcript of the hearing at the seller's expense. The Village Board shall issue findings and a decision within 30 days after the date of the hearing.

(3) *Temporary Suspension.* Any law enforcement officer who has probable cause to believe that a person issued a license or permit under this chapter has committed a criminal offense or violated any provision of this chapter in the course of direct sales or solicitation activities may immediately suspend the person's license or permit pending a hearing under sub. (2). The suspension shall be immediately reported to the Clerk/Treasurer who shall schedule a hearing as soon as practicable, unless review of the suspension is waived by the licensee or permittee.

ORDINANCE 2018-13
AN ORDINANCE CREATING A PERMITTING PROCESS FOR BLOCK PARTY EVENTS.

Purpose: The purpose of this ordinance is to provide a separate approval process for residential neighborhood events commonly referred to as block parties. The proposed ordinance would remove the requirement to obtain Village Board approval for street uses specifically for residential neighborhood gatherings.

Sponsor: Village Clerk Cassandra Suettinger

Recommended Referral: Public Safety Committee

Public Hearing: Not Required

The Village Board of the Village of McFarland does hereby amend ordain as follows:

Sec. 53-277. – Block Party Permits.

A block party shall be defined as a residential neighborhood event intended for those residents of the block attending, or residents of the subdivision. Private parties do not fall within the definition of a block party. The procedures and requirements of Sections 53-269 and 53-275 shall not apply to block party permits.

Applicants shall apply for a block party permit on a form provided by the Village Clerk/Treasurer as detailed in section 53-268, no less than thirty days prior to the event subject to the discretion of the Village Clerk/Treasurer. The Director of Public Works or designee is given authorization to approve or deny street use permits for block parties in coordination with recommendations from the Police Department and Fire/EMS Department. If approved, the Clerk/Treasurer shall issue a permit. If denied, the applicant may appeal to the Village Board by filing a notice of appeal with the Village Clerk/Treasurer within ten days of notification of denial. The applicant must state the basis of appeal. Upon considering the appeal, the Village Board may approve the permit, deny the permit, or approve the permit with conditions, following the applicable standards set forth in Sections 53-271 and 53-272. If the permit is approved by the Village Board then the Village Clerk/Treasurer shall issue the permit, with any applicable conditions.

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the ___ day of July, 2018.

Approved:

Brad Czebotar, Village President

Attest:

Cassandra Suettinger, Village Clerk/Treasurer

ORDINANCE 2018 –_10_	
MOTION	SECOND
ACTION	DATE
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Adrian	Kolk
Brassington	Lytle
Clow	O'Hearn
Czebotar	
VOTING RESULTS	
Motion Carried:	
Motion Defeated:	



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, July 11, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT:

AGENDA ITEM: Update on improvements to the intersections of Siggelkow & Carncross/Black Walnut and Siggelkow Road & Valley Road/Freedom Ring.

PREVIOUS ACTION:

ISSUE SUMMARY:

Two intersections are set to see improvements for pedestrians on Siggelkow Road. Both will be designed and constructed by the City of Madison in association with several partners as a result of the Committee's work to study this issue. They are as follows:

1. **At Valley/Freedom Ring** - This paving project was completed recently and a new Rapid Rectangular Flashing Beacon (RRFB) advanced warning system will be installed at this location. Similar technology has been installed at the High School and Intermediate School. The RRFB system is activated by the pedestrian and meant to provide rapid flashing yellow LED light to warn drivers that someone is attempting to cross the road. The City and Village funding this project evenly as a reflection of our shared jurisdiction over this intersection.
2. **At Black Walnut/Carncross** - This request will be the same improvement but further east outside of the newly paved area. It originally came from a Town resident and has since received the support of the Town of Blooming Grove as well as the School District who with the Village will share in the expense.

All of the designs are complete, approvals granted, and their implementation to begin before the end of the month with the intent of their completion prior to the beginning of the next school year.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

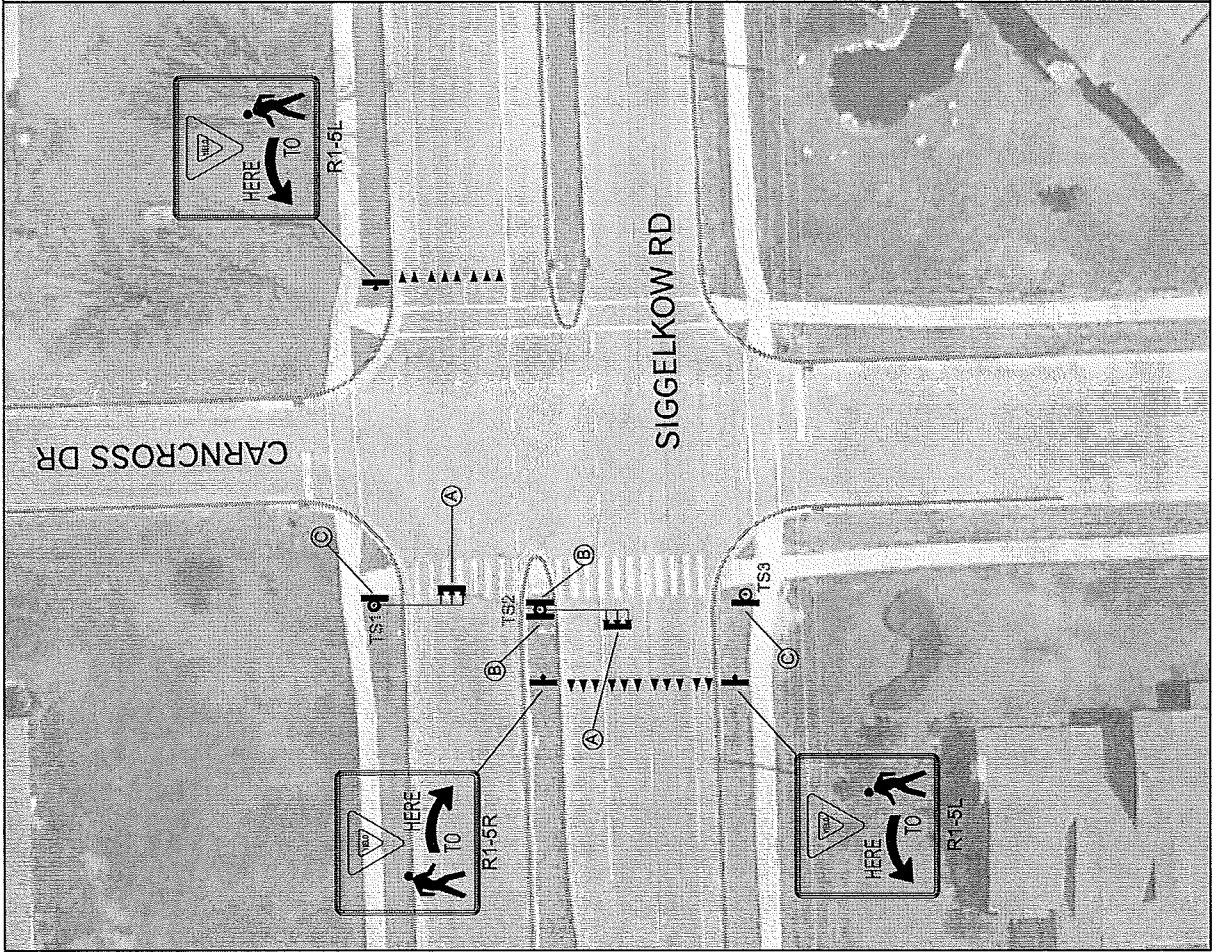
ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:



ATTACHMENTS:

1. Siggelkow Intersection Upgrades



LEGEND

- INSTALL TYPE G BASE
- ⊙ INSTALL LB-8 BASE
- ⊙-○ INSTALL XX-FT TROMBONE ARM
- ⊢ INSTALL NEW STREET SIGN

2018, RREB PROJECTS
SIGGELKOW RD - CARNCROSS DR
ELECTRICAL AND SIGNING PLAN

SHEET NO.
E-1

SIGGELKOW RD - CARNCROSS DR CITY OF MADISON
JLS 4-30-2018

SCALE: 1" = 30'

GENERAL NOTES:

1. CONCRETE BASES SHALL BE LOCATED IN THE FIELD 24-HRS PRIOR TO PLACING CONCRETE BASES.
2. INSTALL R1-5L/R SIGNS 20 FEET WEST OF THE EB CROSSWALK WITH YIELD LINE MARKINGS IN LINE.
3. INSTALL ONE R1-5L SIGN 4 FEET EAST OF THE WB CROSSWALK WITH YIELD LINES ON THE EB LANES, AND BIKE LANE ONLY.
4. CONTRACTOR SHALL CONFORM TO THE 2013 "WORK ZONE SAFETY: GUIDELINES FOR CONSTRUCTION, MAINTENANCE, & UTILITY OPERATIONS" BOOKLET: PAGE 18 FOR MULTILANE ONE DIRECTION SHOULDER CLOSURES, PAGE 19 FOR WORK WITHIN MEDIANS OR CENTER OF ROADWAY, PAGE 21 FOR FULL LANE CLOSURES ON LOW VOLUME ROADS, AND/OR PAGE 54 WHEN CLOSING SIDEWALKS OR MULTILANE PATHS.

TS1:

1. INSTALL LB-8 BASE, 20-FT 7 GAUGE POLE, 22-FT TROMBONE ARM.
2. INSTALL PEDESTRIAN PUSH BUTTON ON POLE, RRFB AND SIGNS ON POLE AND ARM AS SHOWN.
3. INSTALL SOLAR PANEL AND RRFB CONTROLLER ON POLE.

TS2:

1. REMOVE EXISTING STREET LIGHT FIXTURE, POLE, TRANSFORMER BASE, AND CONCRETE BASE.
2. INSTALL LB-8 BASE, 20-FT 7 GAUGE POLE, 22-FT TROMBONE ARM.
3. INSTALL PEDESTRIAN PUSH BUTTON ON POLE, RRFB AND SIGNS ON POLE AND ARM AS SHOWN.
4. INSTALL SOLAR PANEL AND RRFB CONTROLLER ON POLE.

TS3:

1. INSTALL LB-8 BASE, 20-FT 7 GAUGE POLE, 22-FT TROMBONE ARM.
2. INSTALL PEDESTRIAN PUSH BUTTON ON POLE, RRFB AND SIGNS ON POLE AS SHOWN.
3. INSTALL SOLAR PANEL AND RRFB CONTROLLER ON POLE.

SIGN CONFIGURATION DETAILS

Ⓐ

W11-2

Ⓑ

W11-2
W16-7R

Ⓒ

W11-2
W16-7L