

VILLAGE OF MCFARLAND **Sustainability & Natural Resources** *NOTICE OF PUBLIC MEETING*
Committee

Monday, September 12, 2022

6:00 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The public is strongly encouraged to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/85120458074>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 851 2045 8074

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
 - a. This is an opportunity for members of the public to address the Sustainability & Natural Resources Committee. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the Committee may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the Committee for their consideration. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to sustainability@mcfarland.wi.us to be included as part of the meeting.
3. APPROVAL OF MINUTES.
 - a. Discussion and action regarding the minutes from the Sustainability & Natural Resources Committee meeting on August 8, 2022.
4. BUSINESS.
 - a. Introductions from Wisconsin Local Government Climate Coalition, WLGCC
 - b. Update and discussion regarding Lewis Park Lake Access plan
 - c. Discussion and action to make a recommendation to the Village Board regarding amendments to the amplified sound ordinance.
 - d. Discussion regarding McDaniel Park beach improvements and goose abatement methods.
 - e. Update regarding conservancy management plan
5. SCHEDULE NEXT MEETING DATE.

a. Monday, October 10, 2022 at 6:30 p.m.

6. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

Minutes
Sustainability & Natural Resources
Committee Meeting
August 8, 2022

Members Present: Mike Flaherty, Ed Wreh (joined 6:02 PM), Kitty Brussock (joined at 6:04 PM), Angela Freedman, Bruce Fischer, Judy Taber (joined at 6:03 PM), Darrel Waldera, David Wilson

Staff Present: Kong Thao, Sayer Larson

1. CALL TO ORDER

Flaherty called the meeting to order at 6:01 PM.

2. PUBLIC APPEARANCES.

None.

3. APPROVAL OF MINUTES.

- a. Wreh motioned to approve the minutes of the June 13, 2022, Sustainability & Natural Resource Committee meeting. Seconded by Fischer. Motion carried 7-0.

4. BUSINESS.

- a. Discussion regarding potential future community solar installation for property located at or around 3454 Siggelkow Road (Parcel 0710-654-8341-1).

Andrew Bremer, Community & Economic Development Director for the Village of McFarland, presented the committee an update on the progress of potential future community solar installation for the property located at 3454 Siggelkow Road (Parcel 0710-654-8341-1). The energy generated from the site is projected to generate 5 MW, enough to offset the School District's and the Village's electricity use through renewable resources. Waldera inquired more on the negotiation and discussion with Aliant Energy. Bremer clarified by stating the contract would include installation and maintenance of equipment for the next 20 years. Fischer stated this will not include the Waubesa Intermediate Middle School as it falls within the MGE purview while also providing statements in support of the project.

Wilson inquired on the surrounding properties and future development that may impede on the production of energy at this location. Bremer commented on the Eastside Neighborhood Plan update and inspections by Alliant Energy that this would not be a concern, while also considering setback and bulk standards. Fischer pointed out the surrounding properties, such as the Hope Rod & Gun Club located to the south and the existing substation make this an ideal location. Flaherty asked what the next step is. Bremer answered more work to be done on the leasing agreement between the School District, Village and Alliant along with site layouts. Further discussion and action on this would be for a later date and agenda.

b. Discussion regarding the Village's Sustainability Plan

Thao led the discussion with a brief background on activity of the agenda item then directed the discussion toward the feedback received from the committee members. Thao highlighted several of the items, such as the Community-Scale Solar Energy Installation, which was previous agenda item. Thao commented on the items within the Staff marked copy of Sustainability Plan that would require a budget, ongoing items and items already included in upcoming capital improvement plan budgets.

Brussock raised a concern on low heat emission from LED lighting which may be covered by ice and snow during a snowstorm weather event. Other discussion and comments to this concern acknowledged this as a concern but unlikely to be an issue based on the design of streetlights. Brussock added a comment to expand on the importance of leaf control management relating to stormwater runoff as this is a leading cause of phosphorus emission. Flaherty commented on the efficiency of the Village's street sweeper and leaf removal. Sayer commented on the ease of McFarland's Transfer site and how it is always an option for residents of McFarland to drop-off debris or other yard waste.

c. Update regarding tree inventory completed by Wachtel Tree Science

Larson led the discussion on the agenda item for tree inventory. Larson highlights several points brought forward from the tree inventory such as 106 trees identified for removal, 2845 deciduous trees identified for pruning to be scheduled out in a phased approach, and 425 vacant spots identified. Larson provided further clarification on the capacity of what public works staff can do based on tree sizes and what might require a third party for tree removal. Larson comments on the impact of the situation and how it will reduce the Village tree planting program for 2022. Despite the describe setback, Larson clarifies that there are no worries for meeting the standards for Tree City USA.

For the 2023 the budget, the committee asked Larson if there needs to be a request for additional funds to meet the tree canopy program. Larson does not foresee there needing a budget adjustment but will look to speaking with his supervisor and the Village Administrator on further budget details. Wilson commented on the outlook towards future years and budgetary adjustments associated sudden situations. Flaherty and Wreh concurred on the comment and inquired on the budget Larson is currently working with. Larson stated a budget of \$25,000 per year is designated for contracting. This includes planting of trees, tree removal, and outsourcing costs required to complete the work. Waldera suggested a larger budget to offset the challenges derived from the inventory results and how they may overflow into the following years. Larson emphasized the importance on maintaining the existing tree canopy, diversity of trees, age structure and other costs.

Larson's tree inventory data revealed that there is a large concentration of Maple trees, at 28%, which can prove to be a problem with minimal diversity of plantings. Larson showed the example of the Spotted Lanternfly as an invasive species first observed on the east coast. Recent detections show they are in Iowa, a species that impacts Maples. A committee member raised the question on the frequency of the tree inventories and when they should be conducted. Larson stated that the one prior to the current was one was done 8 years ago. Larson recommended a similar approach of 8-10 years.

Larson presented a GIS mapping of the tree inventory most notably located on Village right-of-ways as it relates to pruning activity. Thao asked if there is a phased approach to the pruning process. Larson confirmed there was a phased approach to be incorporated as a planned schedule, and the GIS mapping layer includes that data for every tree inventoried. Larson continued on details related to vacant spots appropriate for tree plantings and the priorities of locations. Fischer commented on an incentivized program for diversity of tree species among private property owners. Wreh concurs with Fischer's comments but addresses the logistics of education. Larson and the committee continue discussion on educational opportunities on trees. Larson commented that to his knowledge, all future tree plantings on streets will be managed by Larson himself.

- d. Update regarding conservancy management plan being completed by RES.

Larson provided the summary on the activity of the Conservancy Management Plan and timeline, emphasizing education throughout this approach. Larson commented on the notable findings for the plan. Freedman asked for more information on the timeline of activities. Larson stated that the next task would be the "Guided Field Tours" in "Late August - Early September" to be completed at this time. Flaherty noted a typo in the last entry that the completion date for the last date be June 20, 2023.

5. SCHEDULE NEXT MEETING DATE.

- a. Monday, September 12, 2022, at 6:00 PM

6. ADJOURNMENT.

Wreh motioned to adjourn; Fischer seconded the motion. Motion carried 8-0. Meeting adjourned at 7:14 PM.

**VILLAGE OF
McFarland
SUMMARY SHEET**

MEETING DATE: Monday, September 12, 2022

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Kong Thao, Associate Planner

AGENDA ITEM: Introductions from Wisconsin Local Government Climate Coalition, WLGCC

PREVIOUS ACTION:

June 13, 2022 - Sustainability & Natural Resources Committee meeting - The committee discussed and approved of the resolution to recommend to the Village Board to become a member of Wisconsin Local Government Climate Coalition, WLGCC.

June 28th, 2022 - Village Board approved Resolution 2022-16 to officially join Wisconsin Local Government Climate Coalition, WLGCC

ISSUE SUMMARY:

Wisconsin Local Government Climate Coalition, WLGCC, is comprised of local governments that work together to seek low-carbon and clean energy solutions. Among its members, WLGCC recognizes that climate change poses a severe risk to communities and that the worst effects of climate change cannot be avoided without effective State and local policy. WLGCC supports solutions and strategies which include: energy efficiency, resources for electrification, data sharing and transparency between local governments, and advocacy for State policy and programming impacting ways we can reduce carbon emissions.

Current members include: Dane County, City of Madison, City of Sun Prairie, City of Middleton, Waukesha County, City of Wauwatosa, City of Milwaukee, City of Racine, City of Eau Claire, City of Stevens Point, Eau Claire County, City of La Crosse, City of Green Bay, and Village of McFarland.

Our speakers are Kaysee Beckstrom and Dan Ebert from WLGCC. Kaysee provides the organization with administrative support and communication. Dan provides consultation to the coalition.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:



BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This item is up for discussion only. No action is needed.

ATTACHMENTS:

None

McFarland
SUMMARY SHEET

MEETING DATE: Monday, September 12, 2022

SECTION:

DEPARTMENT: Public Works

CONTACT: Matt Schuenke, Village Administrator, Sayer Larson, Parks Superintendent

AGENDA ITEM: Update and discussion regarding Lewis Park Lake Access plan

PREVIOUS ACTION:

The Parks & Recreation Committee recommended the award of a contract to Parkitecture at their May 3, 2022 meeting.

The Village Board approved the award of a contract to Parkitecture at their May 24, 2022 meeting.

ISSUE SUMMARY:

The 2015 [Lewis Park Master Plan](#) called for several improvements in the park area. The Village approved funds for design services to explore a kayak launch and discovery dock as identified by shoreland improvements within the plan. The project scope includes such things as:

- Conduct an analysis of the project area to identify key issues, opportunities, and improvements in order to provide lake access.
- Public engagement on desired amenities.
- Research and report regarding regulatory players and necessary permitting requirements.
- Provide preliminary design services.
- Providing cost estimates for the site.

Blake Theisen of Parkitecture will be present to provide an update regarding the Lewis Park Lake Access plan. The plan provides two options for consideration. Option 1 access is on the westside of the park. This option utilizes existing features such as the parking lot and path system leading to the observation deck. Option 2 is on the eastside of the park. This option develops an open use area of the park near the intersection of Lewis Ln and Marsh Woods Dr. The Parks & Recreation Committee reviewed both options at their September 6th meeting and provided comments to Theisen regarding the two presented options.

FINANCIAL/BUDGET IMPACT:

The budget for this item is \$15,000 and funded through the Parks Budget in the Capital Projects Fund. The cost of the plan came in at \$10,880.

VILLAGE PLAN REFERENCE:



2015 [Lewis Park Master Plan](#)

ORDINANCE REFERENCE:

None.

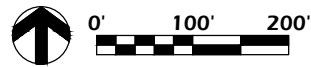
BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

No action is required on this item.

ATTACHMENTS:

1. 22_0803 Lewis Park Exhibits

File: V:\22.026 McFarland Lewis Park\CAD\LW.DWG Layout: C100 User: parki Plotted: Aug 03, 2022 - 3:02pm



PARKITECTURE + PLANNING 901 Deming Way, Suite 102 Madison, WI 53717 608.886.6808	
LEWIS PARK 5012 Highland Drive McFarland, WI 53558	
CONCEPT SITE PLAN	
Project Name: Lewis Park	
Revisions:	
Project #:	22.026
Issued For:	Review
Date:	8/03/2022
Sheet Number	C100

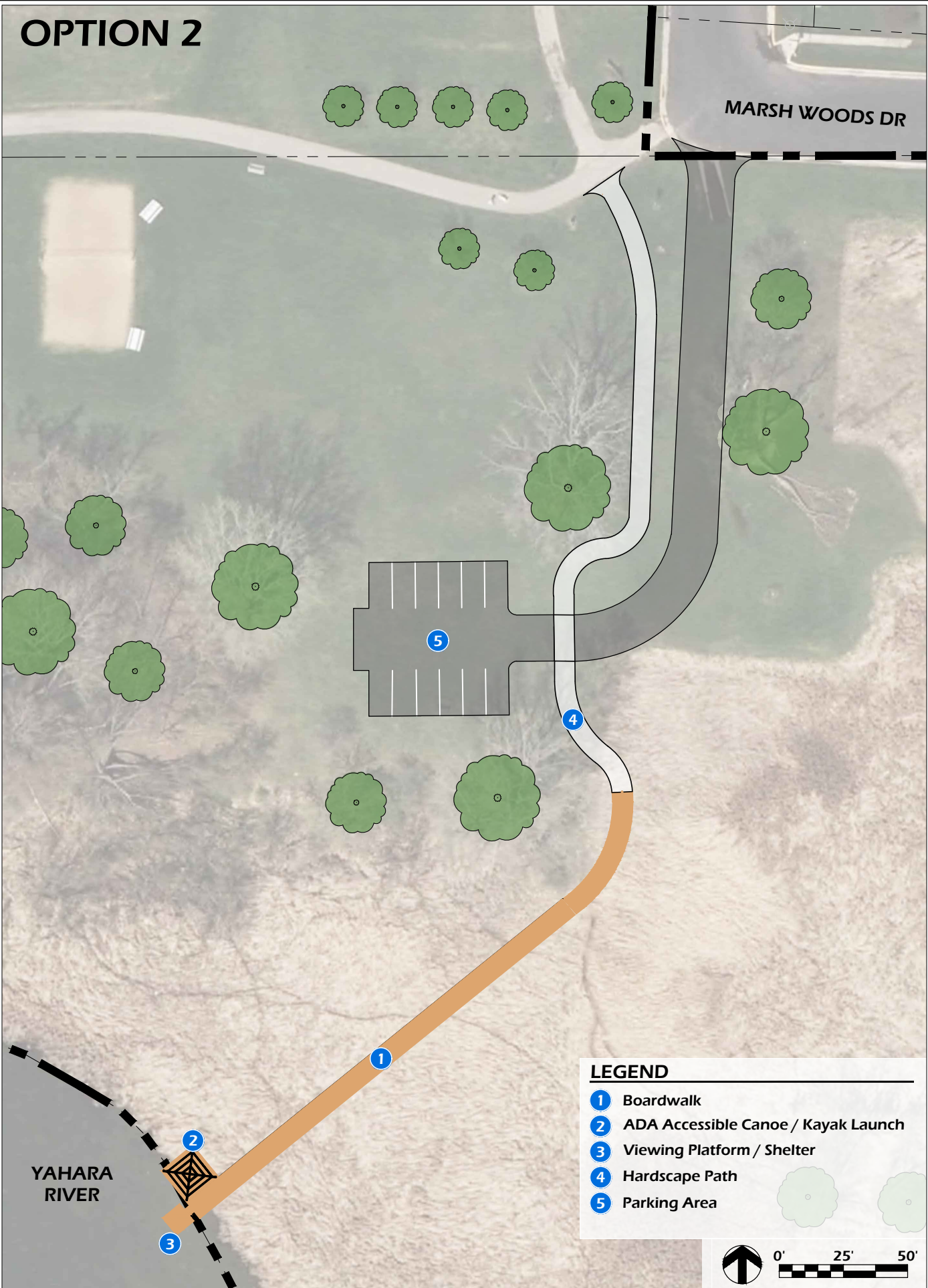
File: V:\22.026 McFarland Lewis Park\CAD\LW.DWG Layout: C101 User: parki Plotted: Aug 03, 2022 - 3:03pm

OPTION 1



1 OPTION 1

OPTION 2



2 OPTION 2

LEGEND

- 1 Boardwalk
- 2 ADA Accessible Canoe / Kayak Launch
- 3 Viewing Platform / Shelter
- 4 Hardscape Path
- 5 Parking Area





PADDLE CRAFT ACCESS TO YAHARA RIVER & MUD LAKE



WILDLIFE VIEWING & ENVIRONMENTAL EDUCATION



LEISURE & RECREATION



**VILLAGE OF
McFarland
SUMMARY SHEET**

MEETING DATE: Monday, September 12, 2022

SECTION: Business

DEPARTMENT: Public Works

CONTACT: Matt Schuenke, Village Administrator

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding amendments to the amplified sound ordinance.

PREVIOUS ACTION:

The Parks, Recreation, and Natural Resources Committee recommended approval of these changes at its meeting on August 2, 2022.

The Public Safety Committee is scheduled to review code changes at their meeting on September 7, 2022.

ISSUE SUMMARY:

Village Staff has been working on revisions to our noise ordinances to improve their utilization and applicability. Specifically within parks, any use of a "sound device" requires prior approval of the Parks and Recreation Committee before it can be allowed. Staff will funnel these requests to the next available meeting but reservations can happen online up until the time the need the space making it difficult to schedule. This has caused some complaints to be generated in the process as most people are not creating a nuisance with planned audio with their rentals. The code changes are meant to shift sound device use within the parks to an administrative function while keep their use within the conservancies similar to what is in place now for approvals.

Two sections of the code are proposed for changes as follows:

- Chapter 20 (Environment), Article III (Noise) - Section 20-77 already establishes the maximum permissible sound levels within the Village. Subsection (a) addresses the Village as a whole while new subsection (b) is meant to address the parks. The new standard for parks are set based on Community Parks (typically larger, more use) versus Neighborhood Parks. The 75 dBA in Community Parks would apply under all circumstances for all noises, regardless of where the sound originates from they cannot exceed it. Likewise in Neighborhood Parks the standard would be 65 dBA consistent with residential areas. The distance to measure the sound would be 150' from the source or property line if less than 150'. The intent here is that sound within the parks is allowed including through amplification provided that it does not exceed these standards. For comparison, a decibel chart showing the intensity of noises is included in the packet for reference.
- Chapter 44 (Parks and Recreation), Article II (Park Regulations) - Section 44-20 sets a variety of different regulations within the park system which is "any area dedicated to the public use as a park, parkway, recreation facility, or conservancy district".



Subsection (b) currently requires all sound amplification requests to be approved in advance by the Parks and Recreation Committee. With the change to Chapter 20 previously noted, this is no longer necessary as the use of sound within parks would be governed according to those standards. Staff still wanted to protect conservancy areas and the code change continues to prohibit sound amplified within the listed areas without prior approval from Committee or through a Special Event Permit. Additionally, the approval to be granted would shift to the Sustainability and Natural Resources Committee which generally oversees these lands. Any sort of amplification within the conservancies is extremely rare and not a common practice. This change helps protect those natural areas where we do not have rentals and frees up the parks where we do have rentals.

The second bullet is most applicable to the Sustainability and Natural Resources Committee as it covers your involvement to manage these types of noise requests in the conservancies.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

References to Village Code are included in the attachments.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended action:

Motion, second to recommend to the Village Board approval of changes to Chapter 20 and 44 regarding amendments to the Village Code ordinance on the use of amplified sound within conservancies.

ATTACHMENTS:

1. Article 3 - Noise
2. Article 2 - Park Regulations
3. Levels-Of-Noise-In-Decibels

ARTICLE III. NOISE

DIVISION 1. GENERALLY

Sec. 20-58. Loud and unreasonable noise prohibited.

No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life, or limb of some person.

(Code 1998, § 11-2-9(a))

Sec. 20-59. Types of loud and unreasonable noises.

The following acts are declared to be loud, disturbing and unreasonable noises in violation of this Section, but this enumeration shall not be deemed to be exclusive, nor a limitation upon the prohibition in Subsection (a):

- (a) *Horns, signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
- (b) *Radios, phonographs, similar devices.* The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unreasonable manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (c) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound, which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (d) *Animals, birds.* The keeping of any animal or bird that causes frequent or long continued unnecessary noise.
- (e) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.

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- (f) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device, which will effectively prevent loud or explosive noises therefrom.
 - (g) *Construction or repair of buildings.* The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 8:00 p.m.; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience, which would result to any party in interest, would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 8:00 p.m. to 7:00 a.m.
 - (h) *Schools, courts, houses of worship, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, house of worship or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
 - (i) *Exceptions.* The provisions of this Section shall not apply to:
 - (1) Any vehicle of the Village while engaged in necessary public business.
 - (2) Excavations or repairs of streets or other public construction by or on behalf of the Village, county, or state at night when public welfare and convenience renders it impossible to perform such work during the day.
 - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(Code 1998, § 11-2-9(b))

Secs. 20-60—20-76. Reserved.

PART II - CODE OF ORDINANCES
Chapter 20 - ENVIRONMENT
ARTICLE III. - NOISE
DIVISION 2. STATIONARY NOISE LIMITS

DIVISION 2. STATIONARY NOISE LIMITS

Sec. 20-77. Maximum permissible sound levels.

- (a) ~~Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.~~

~~Except as provided in sub. (c), noise emanating from any private property within the Village shall be presumed to be unreasonable if it exceeded the following limits as measured at any point on a neighboring (receiving) property.~~

<u>Receiving Parcel Land UseZone</u>	<u>Zoning Districts</u>	<u>Maximum 7:00 am to 9:00 pm Noise Rating Daytime</u>	<u>Maximum 9:01 pm to 6:59 am Noise Rating Nighttime</u>
Urban Residential	<u>RH-1, R-1, R-1A, R-1B, R-2, R-3, R-E, PD, & PD-I not mixed use.</u>	<u>65 60 dBA</u>	<u>60 50 dBA</u>
Commercial	<u>C-C, C-G, C-H, C-L, PD & PD-I mixed use</u>	70 dBA	70 dBA
All O ther <u>Districts</u> zones		75 dBA	75 dBA

- ~~(b) — Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by five db in any octave band to be designated excessive.~~

(b) Noise levels in public parks. Noise generated within public parks shall be presumed to be unreasonable if it exceeds the following limits as measured 150' from the source or at the property line of the park if less than 150':

<u>Community Parks</u>	<u>Maximum Level</u>
<u>Arnold Larson Park</u> <u>Brandt Park</u> <u>Community Park</u> <u>Lewis Park</u> <u>McDaniel Park</u> <u>William McFarland Park</u>	<u>75 dBA</u>
<u>Neighborhood Parks</u>	<u>Maximum Level</u>
<u>Autumn Grove Park</u> <u>Cedar Ridge Park</u> <u>Discovery Garden Park</u> <u>Eco Park</u> <u>Egner Park</u> <u>Jaeger Park</u> <u>Juniper Ridge Park</u> <u>Highland Oaks Park</u> <u>Orchard Hill (Schuetz)</u> <u>Ridgeview Tot Lot</u> <u>Rosewood Fields Park</u> <u>Siggelkow Road Park</u> <u>Urso Park</u> <u>Valley Tot Lot</u> <u>Woodland Estates Park</u>	<u>65 dBA</u>

(c) ~~Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection (a) of this Section, if the subject noise consists primarily of a pure tone or if it is impulsive in character.~~

Exceptions. This section shall not apply in any case where the occupants of all properties receiving noise in excess of the prescribed limits have consented to an exceedance of such limits.

(Code 1998, § 11-2-9(c)(1); Ord. No. 2018-01 , § 14, 3-26-2018)

Sec. 20-78. Construction noise.

Construction equipment in any zone may be operated between the hours of 7:00 a.m. and 7:00 p.m., provided that said equipment does not exceed a maximum sound level of 80 db(a) measured at the property line of the location at which said equipment is in use.

(Code 1998, § 11-2-9(c)(2))

Sec. 20-79. Noise in Residential Districts.

In Residential Zones, the person in violation of this Article shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.

(Code 1998, § 11-2-9(c)(3))

Sec. 20-80. Operation of certain equipment.

Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices, and other nonconstruction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.

(Code 1998, § 11-2-9(c)(4))

Sec. 20-81. Exemptions.

Operations of emergency equipment shall be exempt from this Article. Snow blowers not operated on a commercial basis shall be exempt from this Article when used to gain access to a Village street or clear a sidewalk. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village.

(Code 1998, § 11-2-9(c)(5))

Sec. 20-82. Methods of measuring noise.

- (a) *Equipment.* Noise measurement shall be made with a sound level meter.
- (b) *Location of noise meter.* Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions, and all other sound reflective surfaces.

(Code 1998, § 11-2-9(c)(6))

Sec. 20-83. Appeals.

The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this Article for existing industries.

(Code 1998, § 11-2-9(c)(7))

Secs. 20-84—20-109. Reserved.

ARTICLE II. PARK REGULATIONS

Sec. 44-19. Purpose and definition.

In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses that are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Village.

(Code 1998, § 12-1-1(a))

Sec. 44-20. Specific regulations.

- (a) *Littering prohibited.* No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
- (b) *Sound devices.* No person shall operate or play any amplifying system on the following public lands unless specific authority is first obtained from the Sustainability and Natural Resources Committee Parks and Recreation Committee, unless the person is seeking of the amplifying system is approved as part of a special event license issued under Chapter 36, for which the Public Safety Committee has initial jurisdiction.
 - (1) Babcock Conservancy
 - (2) Grand View Conservancy
 - (3) Indian Mound Conservancy
 - (4) Marsh Woods Conservancy
 - (5) Taylor Road Conservancy
 - (6) Thrun Marsh Conservancy
 - (7) Woodland Commons Conservancy
 - (8) Yahara River Conservancy
- (c) *Pets.* No person shall permit any dog, cat or other pet owned by him to run at large in any park. A dog shall not be considered to be running at large if it is within the fenced enclosure of a designated dog exercise area and under the direct observation and voice control of its owner or other person in lawful custody and control.
- (d) *Bill posting.* No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Parks and Recreation Committee.
- (e) *Throwing stones and missiles prohibited.* No person shall throw stones or other missiles in or into any park.
- (f) *Removal of park equipment prohibited.* No person shall remove benches, seats, tables or other park equipment from any park.
- (g) *Trapping.* No person shall trap in any park unless specific written authority is first obtained from the Parks and Recreation Committee.

-
- (h) *Making of fires.* No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted, provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
 - (i) *Protection of park property.* No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
 - (j) *Motorized vehicles.* Except for authorized maintenance and emergency vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles that have Village authorization for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate any off-the-road vehicle, motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground or other public ground where pathways or trails have been developed and/or designated for walking, hiking, jogging, running, bicycling, cross-country skiing, sledding or other pedestrian use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code.
 - (k) *Snowmobiles.* No person shall operate a snowmobile in a Village park except in designated areas.
 - (l) *Speed limit.* No person shall operate any vehicle in a Village park in excess of 15 mph unless otherwise posted.
 - (m) *Glass beverage bottles in parks prohibited.* No person shall bring into, carry onto or possess while in any public park glass bottles or glass beverage containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol. A glass-lined thermos bottle shall not be construed to be a glass beverage container.
 - (n) *Reckless driving in parks prohibited.* No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
 - (o) *Parking in parks.* No person shall park any motor vehicle in any park in the Village except in a designated parking area.
 - (p) *Horse and carriages.* No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Parks and Recreation Committee is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner, which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse that cannot be held under such control that it may be easily turned or stopped. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within 300 feet horses shall be ridden at slow gait.
 - (q) *Removing tree protectors.* No person shall remove any device for the protection of trees or shrubs.
 - (r) *Golfing and sporting activities.* No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball.
 - (s) *Arrows.* No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
 - (t) *Fees and charges.* The Village Board, upon the recommendation of the Parks and Recreation Committee, shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.

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- (u) *Firearms; hunting.* Possessing or discharging of any firearm or weapon of any kind is prohibited in all Village parks.
 - (v) *Fish cleaning.* Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
 - (w) *Controlled substances.* Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
 - (x) *Camping.* Overnight camping is not permitted in any Village park.
 - (y) *Utility installation and construction.* Any private construction that may in any manner encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of Parks and Recreation Committee and no such installation, repair or construction shall commence without the written permission therefor from the Parks and Recreation Committee. All public works, including construction and installation of power lines, hydrants, sewers and the like shall be commenced only after notice to the Parks and Recreation Committee of the Village's intention to do so. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Parks and Recreation Committee.

(Code 1998, § 12-1-1(b); Ord. No. 2009-14, § 2, 7-13-2009)

Sec. 44-21. Radio-controlled model airplanes prohibited in parks.

No person shall fly a radio-controlled model airplane or helicopter in any park in the Village except in areas specifically designated and posed for such purpose.

(Code 1998, § 12-1-2)

Sec. 44-22. Turf protection on public property.

Except as authorized by the Public Works Director, or designee, no person shall dig into the turf of any Village-owned property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Public Works Director, or designee, the use of metal detectors and digging for buried objects on Village property, except beaches where no vegetation is present, is prohibited.

(Code 1998, § 12-1-3; Ord. No. 2019-01 , § 1, 1-28-2019)

Sec. 44-23. Park hours.

- (a) *Generally.* Except for authorized events and subject to certain exceptions listed below, all Village parks shall be closed from 10:00 p.m. to 6:00 a.m. the following day, and it shall be unlawful to enter in or be upon any park, playground or swimming pool after the hour designated.
- (b) *Exceptions to closing hours.* A person driving through a park on a public road; however, stopping shall not be permitted within a park. The Village Board may modify closing hours for particular events.
- (c) *Park closing and opening dates.* The Village Board will have full authority to open and close any park, swimming pool, recreational facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

(Code 1998, § 12-1-4)

Sec. 44-24. Reservation of park space.

- (a) *Policy on reservation.* The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof in the Village to the end that the general welfare of the Village is protected.
- (b) *Reservation of park space.* A permit is required for any special usage of any park within the Village. An organized gathering desiring to reserve a specific portion of any park in the Village shall constitute a special usage. A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the Village Clerk-Treasurer for a permit for exclusive use of the same. The Village Clerk-Treasurer shall issue permits for the exclusive use of a portion of a park or park shelter, while the Village Board shall issue permits for the exclusive use of the Village parks. Park facilities are reserved on a first-requested, first-reserved basis. Certain proposed uses and gatherings may require the issuance of an event permit, subject to the requirements of Chapter 36, instead of a permit issued under this Section.
- (c) *Application.* Reservation or special use permit applications shall be filed with the Public Works Department at least seven days prior to the date on which the exclusive use of the entire park is requested, or at least three days prior to the date on which a park shelter or a portion of a park is to be reserved, and shall set forth the following information regarding the proposed exclusive use:
 - (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
 - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
 - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
 - (5) The anticipated number of persons to use the said park, area or facility.
 - (6) Any additional information which the Village Board or Village Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
 - (7) Whether applicant contemplates consumption of alcohol beverages and, if so, copies of permits issued pursuant to Sections 11-61, 11-66 and 38-127.
- (d) *Fee.* All applications for reservation of park space, shelters or baseball diamonds for which a permit is required shall pay the application fees established by the Village Board from time to time and provided in Appendix A to this Code.
- (e) *Deposit.* At the time of application, all applicants shall also provide a deposit as established by the Village Board from time to time and provided in Appendix A to this Code, which is refundable in full or in part after completion of the event if the Village incurs expenses of less than the amount of the deposit established by the Village Board from time to time and provided in Appendix A in clean up or repair of the Village facility rented.
- (f) *Reasons for denial.* Applicants may be denied for any of the following reasons:
 - (1) If it is for a use that would involve a violation of federal or state law or any provision of this Code.

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- (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) If the application does not contain the information required by Subsection (c) of this Section.
 - (4) The application is made less than the required days in advance of the scheduled exclusive use.
 - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
 - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.
 - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (g) *Indemnification.* A permit shall be issued only upon condition that the applicant submit to the Village Clerk-Treasurer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$500,000.00 per one person, \$500,000.00 for one accident and property damage coverage of not less than \$500,000.00. The policy shall name the Village as the third party insured.
 - (h) *Permit not required for Village activity.* A permit is not required for exclusive use of the park or a park facility sponsored by the Village.
 - (i) *Permit revocation.* The Village Board and/or Chief of Police after granting a permit may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
 - (j) *Form of permit.* Each permit shall be in a form prescribed by the Village Board and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
 - (k) *Class B fermented malt beverage licenses.* When fermented malt beverages are sold at any event authorized by this Section, a valid fermented malt beverage license shall be obtained and the provisions of Sections 11-44, 11-66 and 38-127 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.

(Code 1998, § 12-1-6; Ord. No. 98-20, § 4, 12-14-1998; Ord. No. 99-24, § 1, 12-13-1999; Ord. No. 2002-02, §§ 7, 8, 1-14-2002; Ord. No. 2003-02, §§ 138—141, 1-27-2002; Ord. No. 2006-01, § 5, 2-23-2006; Ord. No. 2017-12, §§ 133—135, 6-26-2017; Ord. No. 2019-02, § 4, 3-11-2019)

Sec. 44-25. Public piers and access areas.

- (a) *Conduct regulated.* On or at all public piers and public access areas, the following regulations shall apply:
 - (1) Swim at your own risk.
 - (2) No diving from piers.
 - (3) No littering piers or access areas.
 - (4) No rafts allowed in public access areas.

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- (5) No rough play on piers.
 - (6) No profane or obscene language allowed.
 - (b) *Hours.* All public piers and public access areas shall be closed to the public between 10:00 p.m. and 6:00 a.m. unless prior approval for use has been obtained from the Police Department.
 - (c) *Additional regulations.* Pursuant to the authority granted under Wis. Stats. §§ 27.08(2)(a) and 27.13, all public access areas are hereby deemed to be Village parks and shall be subject to all park use regulations adopted in this Chapter.
- (Code 1998, § 12-1-7)

Sec. 44-26. Dog exercise areas.

- (a) *Establishment of dog exercise areas.* The Village Board may establish one or more dog exercise areas. All dog exercise areas shall be designated by erecting adequate fencing to fully enclose such area and by erecting conspicuous signage at the entrance of such area indicating it has been designated as a dog exercise area.
- (b) *Permit.* No person may allow any dog they own or that is within their custody or control to be present in a dog exercise area without having obtained a dog exercise area permit for the dog in accordance with this Subsection. Permits from other jurisdictions shall not be a substitute for a permit from the Village.
 - (1) Permits shall be obtained from the Village Clerk-Treasurer. The Village Clerk-Treasurer shall establish an application form, which shall request all information necessary to determine whether the dog is eligible for a permit. The Village Clerk-Treasurer may, in cooperation with other Village departments, establish self-service application and payment facilities located at any dog exercise area.
 - (2) Permits may be issued on an annual or daily basis. The annual permit shall be issued in the form of a tag made of any durable material that may be worn on a dog's collar. Upon application and payment of the prescribed fee, a copy of the application shall be given to the applicant, which shall serve as a temporary permit until a tag can be issued. For a daily permit, the copy of the application shall constitute the permit.
 - (3) If, upon review of any application, it is determined that any of the information provided is false or if it is determined the dog is not eligible for a permit, the permit shall be considered void and notice thereof shall be sent by regular mail to the applicant. The fee for the permit shall not be refunded.
 - (4) To be eligible for a permit:
 - a. The dog must display a valid dog license tag issued by the Village or other local government where the dog resides. This requirement shall not apply if the jurisdiction where the dog resides does not require the dog to be licensed or if the dog is less than five months of age.
 - b. The dog must be current on rabies vaccinations.
 - c. The dog may not be considered a dangerous dog pursuant to Chapter 5, Article IV, of the McFarland Municipal Code or pursuant to Wis. Stats. §§ 173.21(1)(b) and 173.23(4)(b) or (c) and 174.02(3a).
 - d. The appropriate fee shall be paid. Fees for a dog exercise permit shall be as follows:

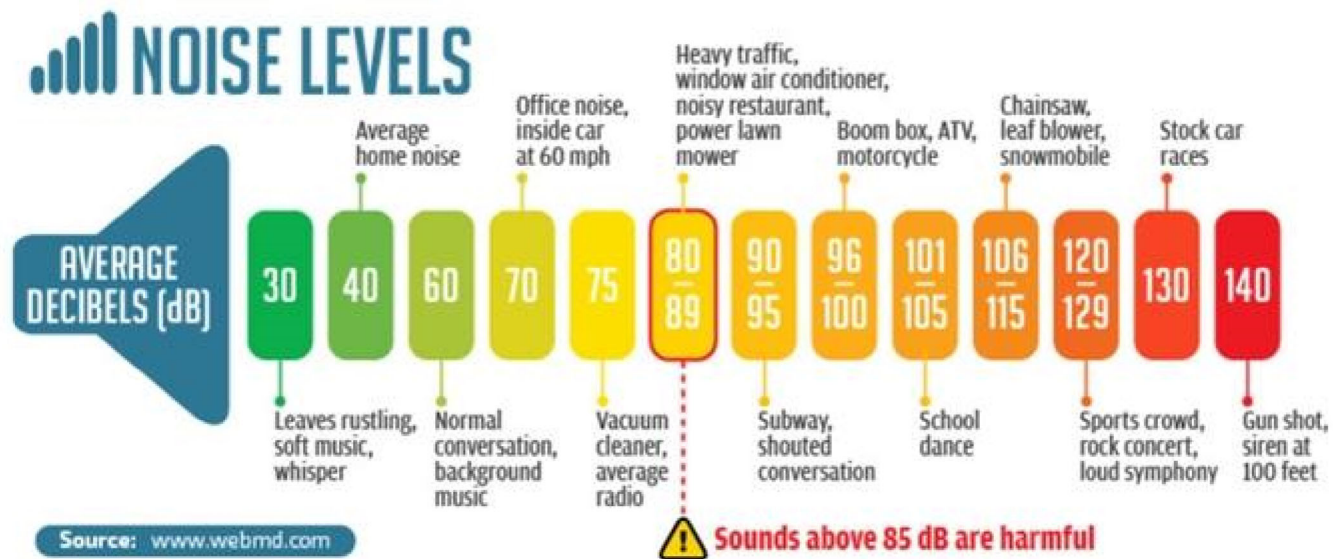
	Village Residents	Nonresidents
Annual permit	\$15.00	\$25.00
Daily permit	3.00	4.00
Seniors (55 and older)	10.00	N/A
Each additional dog	6.00	6.00

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- e. Annual permits shall be renewed each year as of January 1. Fees shall not be prorated; however, permits issued 15 days prior to January 1 shall be valid through the following year.
- (c) *Rules.* The following rules shall be observed at all times. Failure to observe the rules established herein shall be grounds for suspension, revocation, or refusal to issue any dog exercise permit for the individual dog or any dog owned by the person found to be in violation.
- (1) Dogs shall be under the control of the owner or other person in lawful custody at all times.
 - (2) Dogs shall not intimidate, attack or threaten any person or another pet.
 - (3) All feces shall be picked up and placed in designated receptacles.
 - (4) Female dogs in heat are prohibited.
 - (5) At all times while present in the dog exercise area, each dog shall wear the permit tag issued for it or, where no tag has been issued, the owner or person in custody and control shall carry a copy of the permit.
 - (6) Unless expressly provided in this Section, all other Village ordinances applicable to Village parks shall apply to dog exercise areas.
- (d) Notwithstanding Subsections (b)(4)d and (b)(4)e of this Section, annual permits issued prior to December 15, 2009, shall be valid until January 1, 2011. The fee for such permits shall be as follows:

	Village Residents	Nonresidents
Annual permit	\$20.00	\$30.00
Seniors residents (55 and older)	15.00	N/A
Each additional dog	6.00	6.00

(Ord. No. 2009-14, § 3, 7-13-2009; Ord. No. 2017-12 , § 136, 6-26-2017)

Secs. 44-27—44-53. Reserved.



McFarland
SUMMARY SHEET

MEETING DATE: Monday, September 12, 2022

SECTION: Business

DEPARTMENT: Public Works

CONTACT: Sayer Larson, Parks Superintendent, Matt Schuenke, Village Administrator

AGENDA ITEM: Discussion regarding McDaniel Park beach improvements and goose abatement methods.

PREVIOUS ACTION:

The former Parks, Recreation, and Natural Resources Committee reviewed a presentation on this project at its meeting on February 24, 2022.

[Please click on this link to review the packet materials from that meeting.](#)

[Please click on this link to watch the presentation from that meeting.](#)

ISSUE SUMMARY:

Beach Improvements

The 2023-2027 Capital Improvement Plan included funds to improve the beach at McDaniel Park in 2023. These funds are scheduled to be included for consideration within the budget process to begin this Fall. The project is in partnership with Dane County and requires planning, discussion ahead of time on its parameters before we can proceed. Dane County also needs an indication late this Fall if we are proceeding with this work or not so they can align their elements as well. The goal of the project is to be operational on or around June 1, 2023.

Ultimately for the meeting in September we want to reintroduce the project to the Committee as it's been a while since we talked about it and lay out the issues we will need to consider. Then for the October meeting we will ask the Committee whether or not we want to move forward as this will guide how the board considers the item within the budget. Responsibilities for the project are generally laid out as follows:

Dane County

Permitting - 3-6 month process, targeting a January application.

Pump/Filer - They will design and build the pump/filter mechanicals to be used to screen the water within the barrier.

Barrier - They will purchase and set in the first year the booms with curtain that acts as a shield within the water to keep debris and other harmful things out of the swimming area. Future years we will need to contract with them for the annual placement and removal of the barrier.

Agreement - We will need to establish an agreement on operation of the filter/pump and maintenance of the swimming area including the beach. There are responsibilities likely



daily on maintaining the beach, mechanicals, and other elements to keep the swimming area usable. The County will provide funds and support for these elements, but we have to agree to the operational commitments to make sure the improvement can be accessed by the public. The operational component and its costs would be new responsibilities that have to be factored into our consideration.

Village

Structure - The filter/pump has to go inside of a structure. The Engineer is reviewing a prefabricated concrete model for installation. We will also need to create an area for discharge from the structure that works the water back to the lake.

Underground Piping - We would need to install pipes that connect the lake to the filter pump to bring water in for screening, and then pipes that bring the clean water back to the lake.

Beach Improvement - There will be general excavation requirements associated with all of this work including the replacement of the gravel material used on the beach in favor of sand.

Agreement - We will need to consider the agreement with Dane County for the project.

All of the above responsibilities are capital expenditures that are one time actions. There are operational components and the costs for which will be recurring year to year that have to be factored in to our review of the project.

This background is provided again to bring us back to where we left off in February of this year in order to consider whether or not we want to move forward with the Project. Our intent is to introduce these elements in anticipation for making a decision in October.

Goose Abatement

Several efforts have been underway this year like years before to help address geese within McDaniel Park. Staff will discuss what work was done and the effectiveness of these efforts to think about possible future actions.

FINANCIAL/BUDGET IMPACT:

The cost projections for the project are including the CIP at \$250,000 for the Village. Dane County's included costs are between \$75,000-\$100,000 for their responsible items. The project for the Village will be paid for with borrowed money if approved as presented.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Presented for an update and discussion. No action necessary.

ATTACHMENTS:



None

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Monday, September 12, 2022

SECTION: Business

DEPARTMENT: Public Works

CONTACT: Sayer Larson, Parks Superintendent

AGENDA ITEM: Update regarding conservancy management plan

PREVIOUS ACTION:

5/9/2022 - SNR committee recommended award of Conservancy Management Plan Contract to Village Board

5/24/2022 - Village Board awarded contract of Conservancy Management Plan

ISSUE SUMMARY:

This discussion item is a progress update of the conservancy management plan (CMP).

Task Description	Target/Completion Date
Kick-off Meeting	Completed (July 6)
Data Gathering	Completed
Summer 2022 Field Survey	Completed
Progress Meeting	Completed (August 3)
Guided Field Tours	Completed (August 30 and September 6)
Draft CMP Submittal – Staff Review	Early December
Draft CMP Presentation	January SNR Committee Meeting
Stakeholder Engagement Meeting(s)	Mid-January – February
Spring 2023 Field Survey	Mid-April
Final CMP Submittal – Staff Review	Mid-May
Final CMP Presentation	June SNR Committee Meeting
Village Board Approval	June 20, 2022

Guided field tours were led by RES with support from Village staff. The goal of these guided field tours was to spark interest and provide educational opportunities for ecological restoration. The tours provided information and education on plant identification, explanation of invasive and non-native species, the process of ecological restoration, and landscape history.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:



None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This is an update only. No action is required.

ATTACHMENTS:

None