



VILLAGE OF MENOMONEE FALLS
NOTICE OF PUBLIC MEETING
www.menomonee-falls.org

GENERAL GOVERNMENT COMMITTEE
Menomonee Falls Village Hall, Room 2245
W156N8480 Pilgrim Road, Menomonee Falls, WI
Monday, October 19, 2015, 5:30 p.m.

Note: Committee Chairpersons are asked to enter the date in which each item is to go before the Village Board (V.B.) when applicable.

1. Adoption of a Resolution approving the Year 2016 Operating Plan for the Business Improvement District in the Village Centre Area.

Appearance: Village Centre Representatives

V.B. Action 10/19/15 V.B. Report _____ Hold in Committee

2. Recommendation on Application for a 2015-2016 Class B Fermented Malt Beverage and a Class B Liquor License from The Social Haus, LLC, for The Social Haus located at N48W18474 Lisbon Road subject to Building Department, Fire Department and Health Department approvals.

Appearance: Village Attorney

V.B. Action 10/19/15 V.B. Report _____ Hold in Committee

3. Ordinance amending Chapters 14 (Animals) and 42 (Fees) of the Municipal Code regarding permitting and regulating the keeping of domestic chickens on residential properties in the Village.

Appearances: Village Attorney, Police Department Representative

V.B. Action 10/19/15

V.B. Report _____

Hold in Committee

Raymonds (Chairperson), Lemmer, Smolik

THIS AGENDA IS SUBJECT TO REVISION

Members of other Village committees, boards, commissions and authorities may attend and participate at this meeting, but will not take official action unless the notice so provides.

No qualified individual with a disability shall, by reason of that disability, be excluded from participation in or be denied benefits of the services, programs, or activities of the Village of Menomonee Falls, or be subject to discrimination by the Village. If you are disabled and require special accommodation, please advise the Village Clerk's Office at (262) 532-4200 no later than 5 days before the scheduled meeting or activity.



General Government Committee

1.

Meeting Date: 10/19/2015

Topic: Adoption of a Resolution approving the Year 2016 Operating Plan for the Business Improvement District in the Village Centre Area.

From: Gabriel Gilbertson, Planning Technician

Department: Community Development

Presenter: Village Centre Representatives

Information

Subject:

Adoption of a Resolution approving the Year 2016 Operating Plan for the Business Improvement District in the Village Centre Area.

Background Information:

This matter involves the consideration and possible adoption of a resolution that approves the 2016 operating plan proposed by the Village Centre Business Improvement District (BID) Board of Directors. It is on the General Government Committee's agenda for a recommendation to the Village Board of Trustees. It is on the Village Board's agenda for final action.

Under Wisconsin Statutes Section 66.1109, the Village Centre Business Improvement District annually submits its operating plan for the next year to the Village Board for the Village Board's approval. The plan includes a special assessment for applicable non-residential properties. The Village Board's role is limited to either approving or disapproving the operating plan. If the Village Board disapproves the operating plan, the Business Improvement District Board must consider and may make changes to the operating plan and may continue to resubmit the operating plan until the Village Board's approval is obtained.

The agenda packet for this item consists of the follow documents:

- The resolution approving the 2016 operating plan; and
- The proposed 2016 operating plan, with exhibits.

Representatives of the Village Centre BID will be appearing before the General Government Committee to discuss the plan, and any changes from last year's plan.

Key Issues for Consideration:

Action By Committee or Village Board:

The Village Centre BID Board is recommending that the Board of Trustees adopt the resolution approving the 2016 operating plan.

Attachments

BID Operating Plan

Resolution

2016 OPERATING PLAN

**MENOMONEE FALLS, WISCONSIN
VILLAGE CENTRE
BUSINESS IMPROVEMENT DISTRICT**

Adopted by the Village Board
October 2015

BUSINESS IMPROVEMENT DISTRICT 2016 OPERATING PLAN

SECTION I. INTRODUCTION

The following represents the Operating Plan for the Business Improvement District (BID) in the Village of Menomonee Falls, Wisconsin ("Village") for the calendar year 2016. The operating plan has been prepared to define the activities of this Business Improvement District. This operating plan complies with the requirements of §66.1109, Wis. Stats., ("BID Statute") which enables the creation and continuation of Business Improvement Districts. It provides a mechanism to assess property owners in the designated area to develop, manage and promote such district. The fiscal year for the BID coincides with the calendar year. The Business Improvement District is shown on the map attached hereto as Exhibit A.

SECTION II. PURPOSE

The purpose of this Business Improvement District Plan ("BID Plan") is to promote the development, redevelopment, maintenance, operation and promotion of the BID, for the economic benefit of all businesses and property owners within the BID.

The BID was created, and the BID Plan adopted, as a private sector initiative for implementing business recruitment and redevelopment opportunities, to promote the orderly development of the Village, and to carry out the economic development strategies in the "Land Use and Transportation System Plan For the Village of Menomonee Falls: 2010" adopted by the Plan Commission on September 27, 1989; and in the "Overall Economic Development Program Plan" adopted by the Village Board on April 20, 1987; and subsequent amendments and in the "Village Centre Master Plan" adopted by the Village Board on October 15, 1990.

Carrying out this purpose, and the goals set forth below, shall assist in the overall economic development strategy of the Village as identified in such plans. Revitalization and redevelopment in the BID is a key component to the overall master planning and development of the Village.

SECTION III. MISSION STATEMENT

The Mission Statement adopted on October 4, 2006 is stated as follows:

WE EXIST to enhance the economic conditions and the property values of the Village Centre by offering programs of economic development and redevelopment, marketing, maintenance and similar initiatives that meet the need of the businesses and property owners.

WE ARE DEDICATED to enhance the economic viability of the Village Centre and to work cooperatively with the Village of Menomonee Falls municipal government, property and business owners and other groups by implementing strategies that are effective and that have positive outcomes.

OUR FOCUS includes quality of life events for the benefit of the entire community. These events shall enhance tourism and provide a family friendly environment for the entire community.

SECTION IV. GOALS AND ACTIVITIES

The purpose defined above will be carried out by working to achieve these goals:

Goals.

1. To revitalize the downtown area through –

A. Marketing

- 2016 Marketing Plan/Budget
- Event idea generation and planning
- Advertising Public Relations Planning
- Ongoing Website Update
- Social Media Concepts and Execution
- Merchant Communication Plan
- Volunteer Recruitment

B. Merchant Recruitment/Retention

- Keeping recruitment packet current
- Maintain list of potential retail merchants
- Participate in recruitment efforts, including site visits and individual tours.
- Identify ways to provide resources for small business
- Merchant Communications

C. Development/Aesthetics/Signage

- Identify potential developers/investors/brokers –interest in downtown
- Review VC Master Plan, prioritize recommendations, move initiatives forward
- Develop recommendations for aesthetic improvements
- Expand wayfaring signage (with Village)

2. To continue the physical development of the BID to ensure its commercial viability, both functionally and visually, and to specifically work toward minimizing the business vacancy rate, as well as promoting a business mix that is retail focused for the BID.
3. Recommend and maintain a BID Board that is representative of a variety of interests within the BID, to implement this 2016 Operating Plan and budget for the BID.
4. To promote and advance the mission statement of the Village Centre.

Specific Goals for 2016.

1. Enhance the current business mix, attract new downtown retail and restaurant occupants and minimize vacancies through the use of our Marketing and Development committees.
2. Fundraising program or request of village funds for procurement of benches, trash receptacles, umbrellas, and replacement banners.
3. Continue our work with the Community Development Authority to promote the Economic Development Master Fund (EDMF) TID #9 program to effectively encourage development and increase the tax base in the Village Centre.
4. Continue seasonal decoration of the Village Centre.
5. Move ahead with the Village to improve the functionality and aesthetics of all streets and alleys within the Village Centre confines.
6. Initiate a program of sponsorships for events and aspects of events to generate revenue to make events self-sustainable and/or offset operational costs of BID.
7. Keep the Village Centre website www.menomoneefallsdowntown.com current and include resources for new and existing businesses including but not limited to SCORE and WCTC small business information and programs.
8. Monitor and evaluate the BID Director's function and job description.
9. Hold monthly BID Board meetings and increase participation and communications with Village Centre owners and operators.
10. Maintain and nurture a productive working relationship among the BID Board, the Bid owners, and the Village officials to better facilitate and communicate the growth and development of the BID.
11. Maintain the position of Director of the BID and evaluate the job function and job description. Time to be spent on assisting soliciting new development and implement the goals, activities and projects of the BID as directed by the Board.

12. Continue working with the Village Community Development Authority ("CDA"), and the Village Board, long term and short term physical improvements that can be made in the BID—such as improvements to parking and infrastructure, to make the BID more physically and economically attractive for use by all property owners within the BID, and their customers.
13. To take all further actions needed to carry out the general purposes of this BID Plan as are allowed by the BID Statute.
14. Activities as listed in Exhibit B –2016 BID Marketing Plan

Projects.

1. Continue to execute a multi-media marketing program for the BID which promotes an inviting image of the BID.
2. Working with WEDC and the Connect Community program to enhance the riverfront area including extending the Bugline and signage for users.
3. Work with First Bank Financial to promote the Small Business Loan Pool Program.
4. To reevaluate the projects and events of the BID on a timely fashion to determine if the goals of the current year's BID Plan are being met and to determine if these projects and events should be continued.
5. To provide the annual report and audit of the BID as requested by the BID Statute.
6. To take the assessments identified herein and collected by the Village, and apply them to the costs of carrying out this BID Plan.

SECTION V. METHOD OF FINANCING 2016 OPERATING PLAN SPECIAL ASSESSMENT METHOD

The projects proposed in the 2016 Operating Plan will be funded during the calendar year 2016 by:

- a) The remainder of the budgeted amount shown below, by the special assessment process defined in the BID Statute, as applied below; and
- b) The application of any contributions received by the BID Board, and the proceeds of any special grants, or special financing discovered by the BID Board.
- c) A sponsorship program

The BID assessment is hereby levied by the Village, which shall be a lien against each of the tax parcels of real property contained in the BID, unless exempted as identified herein, under the power of §66.1109, Wis. Stats, calculated by multiplying the assessed value of the real property, as shown in the official records of the Village Assessor on January 1 of the year in which the BID Plan is adopted, by \$3.50 per one thousand dollars (\$1,000.00) of assessed valuation, as adjusted for the Cap formula that follows. If the calculation of the special assessment using this formula would result in an assessment of more than \$3,100.00 ("Cap") for any one tax key number, then the assessment for such tax key number shall be \$3,100.00. If more than one tax key number is owned by the identical entity or person, and is

used as one functional unit, such parcels are effectively one economic unit, and the Cap formula shall apply to such parcels as if they were one tax key number.

This cap is imposed because it is difficult to apportion the benefits of the BID's activities to each property within the BID. The benefits accruing to BID members from the expenditure of these funds cannot be precisely quantified. Therefore, it is assumed that the burdens and benefits are shared equally by each member up to the level of the cap. For the purpose of the BID assessment, Tax Key Numbers 11.099 and 11.133.001 are considered one functional and economic unit and are assessed as such.

The assessments for 2016 are shown on Exhibit "D", attached. Such special assessments are hereby levied by the Village by adoption of this BID Plan. Beginning in 1995, and for any future years of the BID District, the amount of the assessment shall be given to the Village 60 days before the commencement of the year for which the new BID Plan is adopted, and the Village shall insert the amount of special assessment on the tax bill for each tax parcel in the BID. The assessment shall then be due with the first installment of real estate taxes, and shall carry the same penalties and interest if not so paid.

The Village shall collect such BID assessments, and release them to the BID Board by the 15th of each month following the month in which they are collected, along with an accounting of the amounts received, and the tax key numbers for which they were collected. While the Village is holding such assessments, they shall be held in a segregated account. The BID funds will be maintained and controlled by the BID Board which has all powers necessary to implement this BID operating plan.

Special assessments will be levied against all parcels of real property in the BID, except that tax exempt properties, as defined below, shall be excluded from the BID, and except that property used exclusively for residential purposes shall not be assessed. Property used exclusively for manufacturing purposes will be subject to BID assessments.

Private Property Owners and Organizations

The BID will accept and solicit contributions, including contributions from private property owners and from property owners and organizations outside of the BID.

Owners of noncommercial property within the BID, and property owners and organizations not located within the BID may become associate members of the BID. Associate members shall be assessed a membership fee determined at a suggested rate of \$0.25 per square foot of retail/commercial space, with the membership fee capped at \$125 for home based businesses, \$75.00 for non-profits, and \$325 for all others. The retail/commercial space square footage shall be calculated by using the records on the assessment roll with the Village of Menomonee Falls Assessing Department or in the case of Manufacture the State of Wisconsin Department of Administration. Invoices will be sent dated December 1, 2015 and must be paid by December 31, 2015 to qualify for 2016 membership privileges. Associated members joining mid-year will be pro-rated using a 12 month calculation and have 30 days to pay.

Associate members shall participate in fund raisers to contribute to their operating budget. Associate members are eligible to be appointed as at large members of the BID Board of Directors as long as membership fees are paid for by December 31st for the following year membership.

SECTION VI. PROPOSED EXPENDITURES - 2016

The expenditures proposed in this 2016 Operating Plan, all of which will occur in 2016 and in, or for the benefit of the BID, are:

**2016
Menomonee Falls BID
Operating Budget**

REVENUE	Total
BID Assessment & Assoc. BID	78,316
Event Income	18,950
Income other than Events	2,410
Carryover	10,042
TOTAL	109,718
EXPENSES	
Promotion/Advertising/Events	\$ 35,268
Flowers/Decorations/special project	3,859
Rent/Office & Garage	5,910
Office Expenses/Supplies/Audit	5,856
Communication (phone, internet, etc.)	3,025
Expenses, Dues and Conferences	2,650
Liability Insurance	3,850
BID Management	40,400
Marketing	4,900
Payroll Taxes	3,500
Workers Comp	500
TOTAL	109,718

These expenditures will cover the following types of costs:

1. Retaining a BID Director and any necessary staff or outside contractors to undertake and perform specific activities and functions as determined by the BID Board to carry out this BID Plan.
2. Maintain BID office space to carry out these functions, and perform other requirements as dictated by the BID Statute.
3. Implement the goals as detailed in this 2016 BID Operating Plan and budgeted for in the 2016 BID Budget.
4. Contracting costs of the marketing/recruitment/development consultant.

SECTION VII. GENERAL

Legal opinion is shown in Exhibit C verifying that State statutes have been followed in preparation of this plan.

The BID is within the Village, and is composed of contiguous parcels subject to general real estate taxes. Parcels of property located within the boundaries of the BID as shown on Exhibit A, but not subject to general real estate taxes, on the date the BID Plan for each year is adopted by the Village Board, are hereby excluded from the BID by definition, and are not assessed.

The BID Board shall prepare and present to the Village each year, as required by the BID Statute, an accounting of funds previously expended, recommendations for any seats on the BID Board becoming vacant, and a proposed budget and Plan for the following calendar year, containing such amendments as they feel are proper.

The Village Manger should continue to designate a Village employee to record the meetings of the Board of Directors of the BID.

SECTION VIII. GENERAL AUTHORITY OF THE BOARD OF DIRECTORS

As authorized by Wisconsin Statue Section 66.1109(3)(d), the Board of Directors of the BID shall have all powers necessary or convenient to implement the operating plan, including the authority to contract.

EXHIBIT A

Menomonee Falls Business Improvement District (Village Centre)

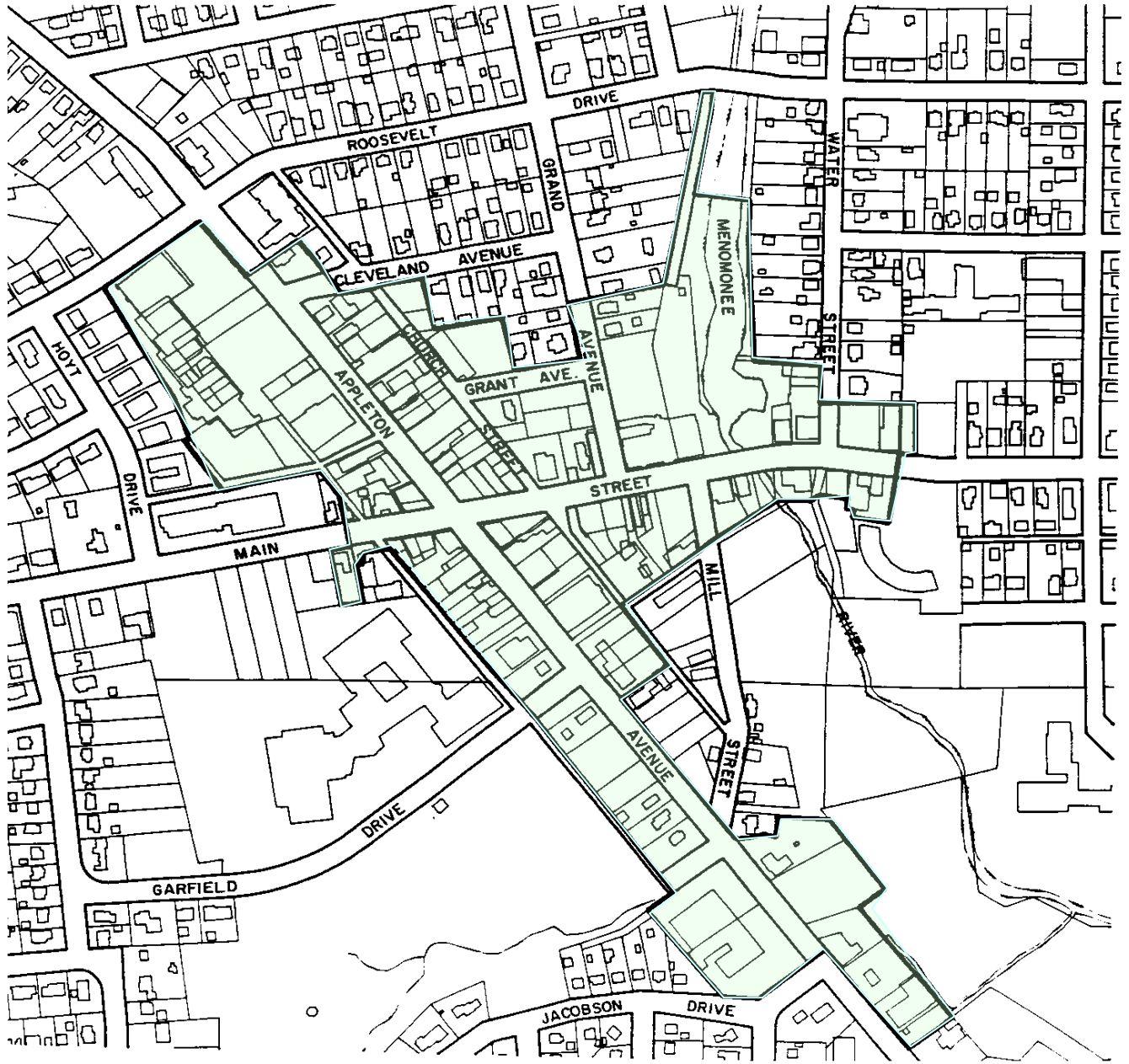


EXHIBIT B

2016

DOWNTOWN MENOMONEE FALLS EVENT LISTING

- **February 12 & 13, 2016 – CHILLY FEST** Come on out and enjoy winter – chili competitions, ice sculptures, kids games, apparel, raffles, and more!
- **April 2016 – EASTER HOP & SHOP** throughout downtown.
- **May 28, 2016 – SIDEWALK MARKET** – Sidewalk sales day / Art on the Walk juried art show – Rubber Ducky Race
- **May 4 – October 26 – WEDNESDAY FARMERS MARKET** 8:00 am – 3:00 pm– On Main St. one block west of Appleton Ave.
- **June - August 2016 – SUMMER CONCERT SERIES IN THE PARKS** – Food and beverages available at all concerts.
- **July 20, 2016 – DOWNTOWN BLOOD DRIVE** – 2:00 pm – 7:00 pm At St. Mary's Parish Center.
- **August 7, 6- October 30, 2016 – SUNDAY FARMERS' MARKET** 9:00 am – 2:00 pm– On Main St. one block west of Appleton Ave.
- **OCTOBER 27, 2016 – HALLOWEEN TRICK OR TREAT 4PM – 7PM**
- **NOVEMBER 26, 2016 – CHRISTMAS DOWNTOWN** includes merchant Open Houses and celebrating Small Business Saturday, entertainment, Santa, and tree lighting at 4:00 in Centennial Plaza.
- **November 27, 2016 – Parade (4:30)**

CONTINUE OR EXPAND -

- ❖ KEEP THE WEBSITE CURRENT
- ❖ DISTRIBUTION OF DIRECTORIES THROUGHOUT THE 4 COUNTY REGION
- ❖ USE OF PROPERTY AVAILABLE SIGNS
- ❖ SANDWICH BOARD SIGNS
- ❖ WELCOMING OF NEW MERCHANTS
- ❖ THREE CUSTOMER APPRECIATION DAYS AT THE FARMERS MARKET
- ❖ BUSINESS DIRECTORY LISTING ALL BID BUSINESSES WITH MAP
- ❖ MONTHLY NEWSLETTER
- ❖ BUSINESSES INTERACTING DOWNTOWN FUNCTION(S) INCLUDING EDUCATIONAL/MARKETING IDEAS FOR ALL DOWNTOWN BUSINESSES.
- ❖ KEEP THE FACEBOOK PAGE CURRENT AND ANY OTHER SOCIAL MEDIA WE EXPAND TO.
- ❖ PROMOTE THE BUSINESS LOAN POOL PROGRAM
- ❖ PROMOTE THE FAÇADE GRANT PROGRAM
- ❖ CARRY OUT THE REQUIREMENTS OF THE CONNECT COMMUNITIES PROGRAM THROUGH WEDC



*Village of Menomonee Falls
Office of the Village Attorney*

*W156 N8480 Pilgrim Road
Menomonee Falls WI 53051-3140*

EXHIBIT C

*Telephone: 262.532.4240 FAX 262.532.4249
Email: ls@menomonee-falls.org*

October 14, 2015

Mr. Mark Fitzgerald, Village Manager
Village of Menomonee Falls
W156N8480 Pilgrim Road
Menomonee Falls, WI 53051

Re: Review of 2016 Operating Plan of the Village Centre Business Improvement District
as Required by Wis. Stats. §66.1109(1)(f)5

Dear Mr. Fitzgerald:

I have reviewed the 2016 Operating Plan submitted by the Menomonee Falls Business Improvement District. My review indicates the plan contains the information required by Wis. Stats. §66.1109(1)(f). It would therefore be my conclusion that the plan complies with Wis. Stats. §66.1109(1)(f)1-4.

A copy of the plan I reviewed is part of the Village Board packet for the October 19, 2015 General Government and Village Board meetings. A copy of this letter will be attached to that 2016 Plan as Exhibit C.

Very truly yours,

VILLAGE OF MENOMONEE FALLS

Michael J. Morse
Village Attorney

cc: Village Centre BID Manager
Director of Community Development

Village of Menomonee Falls, WI
Village Centre Business Improvement District
2016 Operating Plan

EXHIBIT D

JUR	PARID	TAXYR	OWN1	LAND	IMPROVEMENT	TOTAL	LOCATION	CLASS	RATE	BID AT 3.5 (Proposed rate for new budget)	FINAL BID W/ MAX \$3100
MNFV	0011098	2015	CALVIN L BRANDOW	\$63,700	\$90,300	\$154,000	N89W16667 GRANT AVE	A	0.00000	\$0.00	\$0.00
MNFV	0011107	2015	SCOTT PROELL REAL ESTATE LLC	\$61,600	\$69,500	\$131,100	N89W16745 CLEVELAND AVE	A	0.00000	\$0.00	\$0.00
MNFV	0011277	2015	BRAYTON DEVCO LLC	\$77,600	\$138,300	\$215,900	N87W16585 APPLETON AVE	A	0.00000	\$0.00	\$0.00
MNFV	0011280002	2015	BRAYTON DEVCO LLC	\$19,800	\$163,600	\$183,400	N87W16543 MILL ST	A	0.00000	\$0.00	\$0.00
MNFV	0011280003	2015	BRAYTON DEVCO LLC	\$19,800	\$185,700	\$205,500	N87W16545 MILL ST	A	0.00000	\$0.00	\$0.00
MNFV	0011280004	2015	BRAYTON DEVCO LLC	\$19,800	\$0	\$19,800	N87W16527 MILL ST	A	0.00000	\$0.00	\$0.00
MNFV	0011280005	2015	BRAYTON DEVCO LLC	\$19,800	\$0	\$19,800	N87W16529 MILL ST	A	0.00000	\$0.00	\$0.00
MNFV	0011280006	2015	BRAYTON DEVCO LLC	\$19,800	\$0	\$19,800	W165N8735 MILL ST	A	0.00000	\$0.00	\$0.00
MNFV	0011280007	2015	BRAYTON DEVCO LLC	\$19,800	\$0	\$19,800	W165N8737 MILL ST	A	0.00000	\$0.00	\$0.00
MNFV	0011280008	2015	BRAYTON DEVCO LLC	\$45,400	\$88,100	\$133,500	N87W16505 APPLETON AVE	A	0.00000	\$0.00	\$0.00
MNFV	0011280009	2015	BRAYTON DEVCO LLC	\$45,400	\$121,000	\$166,400	N87W16521 APPLETON AVE	A	0.00000	\$0.00	\$0.00
MNFV	0011280010	2015	BRAYTON DEVCO LLC	\$45,400	\$102,900	\$148,300	N87W16531 APPLETON AVE	A	0.00000	\$0.00	\$0.00
MNFV	0011354004	2015	WILLIAM B RAMSEY	\$22,500	\$113,400	\$135,900	W164N8925 WATER ST - UNIT 301	A	0.00000	\$0.00	\$0.00
MNFV	0011354005	2015	TIMOTHY T CORKUM	\$22,500	\$138,900	\$161,400	W164N8925 WATER ST	A	0.00000	\$0.00	\$0.00
MNFV	0011354006	2015	ROSEMARY LENNARTZ	\$22,500	\$112,700	\$135,200	W164N8925 WATER ST - #303	A	0.00000	\$0.00	\$0.00
MNFV	0011354007	2015	JOSEPH J CADRETTE	\$22,500	\$125,600	\$148,100	W164N8925 WATER ST - 304	A	0.00000	\$0.00	\$0.00
MNFV	0011354008	2015	GORDON DAILY	\$22,500	\$114,100	\$136,600	W164N8925 WATER ST - 305	A	0.00000	\$0.00	\$0.00
MNFV	0011354009	2015	CAROLINE L POLSTER	\$22,500	\$119,700	\$142,200	W164N8925 WATER ST - 306	A	0.00000	\$0.00	\$0.00
MNFV	0011354010	2015	ELIZABETH J MOORE	\$22,500	\$109,800	\$132,300	W164N8925 WATER ST - #307	A	0.00000	\$0.00	\$0.00
MNFV	0011354011	2015	SCOTT E NELSON	\$22,500	\$131,400	\$153,900	W164N8925 WATER ST - #308	A	0.00000	\$0.00	\$0.00
MNFV	0011354012	2015	BRIAN E GOULD	\$22,500	\$131,000	\$153,500	W164N8925 WATER ST - 309	A	0.00000	\$0.00	\$0.00
MNFV	0011354013	2015	JUDITH E HAAS	\$22,500	\$128,200	\$150,700	W164N8925 WATER ST - 310	A	0.00000	\$0.00	\$0.00
MNFV	0011354014	2015	DARLENE J EISEN	\$22,500	\$128,100	\$150,600	W164N8925 WATER ST - 401	A	0.00000	\$0.00	\$0.00
MNFV	0011354015	2015	RUTH A JEFFORDS	\$22,500	\$136,700	\$159,200	W164N8925 WATER ST - 402	A	0.00000	\$0.00	\$0.00
MNFV	0011354016	2015	BRENDA A CLINE	\$22,500	\$112,700	\$135,200	W164N8925 WATER ST - 403	A	0.00000	\$0.00	\$0.00
MNFV	0011354017	2015	JACQUELINE M GIERACH	\$22,500	\$125,600	\$148,100	W164N8925 WATER ST - 404	A	0.00000	\$0.00	\$0.00
MNFV	0011354018	2015	CHRISTINE B KORTA	\$22,500	\$114,100	\$136,600	W164N8925 WATER ST #405	A	0.00000	\$0.00	\$0.00
MNFV	0011354019	2015	DAVID R MATUSZCZAK	\$22,500	\$119,700	\$142,200	W164N8925 WATER ST #406	A	0.00000	\$0.00	\$0.00
MNFV	0011354020	2015	JUDITH E WOLFGRAM	\$22,500	\$110,400	\$132,900	W164N8925 WATER ST - 407	A	0.00000	\$0.00	\$0.00
MNFV	0011354021	2015	BERNHARD SCHMIDT	\$22,500	\$131,400	\$153,900	W164N8925 WATER ST - 408	A	0.00000	\$0.00	\$0.00
MNFV	0011354022	2015	RONALD D WHITT	\$22,500	\$131,000	\$153,500	W164N8925 WATER ST - 409	A	0.00000	\$0.00	\$0.00
MNFV	0011354023	2015	RAY & CAROLE ANDERSON TRUST DATED AUGUST	\$22,500	\$130,900	\$153,400	W164N8925 WATER ST #410	A	0.00000	\$0.00	\$0.00
MNFV	0011354024	2015	RICHARD PAUTZ	\$22,500	\$182,600	\$205,100	W164N8925 WATER ST - 501	A	0.00000	\$0.00	\$0.00
MNFV	0011354025	2015	PENELOPE A COTTON	\$22,500	\$146,700	\$169,200	W164N8925 WATER ST - #502	A	0.00000	\$0.00	\$0.00
MNFV	0011354026	2015	MIKE JENKINS	\$22,500	\$208,100	\$230,600	W164N8925 WATER ST - 503	A	0.00000	\$0.00	\$0.00
MNFV	0011354027	2015	PAUL R MERTEN	\$22,500	\$168,900	\$191,400	W164N8925 WATER ST #504	A	0.00000	\$0.00	\$0.00
MNFV	0011354028	2015	PAUL WICKESBERG	\$22,500	\$215,700	\$238,200	W164N8925 WATER ST - 505	A	0.00000	\$0.00	\$0.00
MNFV	0011065006	2015	COLONIAL APPLETON AVENUE LLC	\$805,900	\$1,359,300	\$2,165,200	N89W16895 APPLETON AVE	B	0.00350	\$7,578.20	\$3,100.00
MNFV	0011093001	2015	BRAYTON DEVCO LLC	\$114,500	\$623,000	\$737,500	N88W16586 MAIN ST	B	0.00350	\$2,581.25	\$2,581.25
MNFV	0011095	2015	SHAMROCK HOLDINGS LLC	\$10,500	\$88,900	\$99,400	N88W16606 MAIN ST	B	0.00350	\$347.90	\$347.90
MNFV	0011096	2015	MINDYS MAIN STREET BUILDING LLC	\$165,900	\$135,900	\$301,800	N88W16616 MAIN ST	B	0.00350	\$1,056.30	\$1,056.30
MNFV	0011099	2015	MEDICAL ASSOCIATES INC	\$160,900	\$10,900	\$171,800	W167N8921 GRAND AVE	B	0.00350	\$601.30	\$601.30
MNFV	0011106	2015	J&L NELESSEN LLC	\$128,900	\$338,100	\$467,000	N89W16688 GRANT AVE	B	0.00350	\$1,634.50	\$1,634.50
MNFV	0011107001	2015	JBB ENTITIES INC	\$5,100	\$3,500	\$8,600	W167N8950 CHURCH ST	B	0.00350	\$30.10	\$30.10
MNFV	0011133001	2015	MEDICAL ASSOCIATES INC	\$829,500	\$2,299,200	\$3,128,700	N88W16554 MAIN ST	B	0.00350	\$10,950.45	\$3,100.00

Village of Menomonee Falls, WI
Village Centre Business Improvement District
2016 Operating Plan

EXHIBIT D

MNFV	0011207	2015	MCMAIN STREET LLC	\$44,000	\$125,000	\$169,000	N88W16662 MAIN ST	B	0.00350	\$591.50	\$591.50
MNFV	0011209	2015	HANSON WATER WORKS INC	\$53,200	\$142,000	\$195,200	N88W16712 APPLETON AVE	B	0.00350	\$683.20	\$683.20
MNFV	0011210	2015	HARVEY A FRIESS	\$59,500	\$200,300	\$259,800	N88W16718 & 16716 APPLETON AVE	B	0.00350	\$909.30	\$909.30
MNFV	0011211	2015	MIREDA LLC	\$51,200	\$253,000	\$304,200	N88W16726 APPLETON AVE	B	0.00350	\$1,064.70	\$1,064.70
MNFV	0011213	2015	JBB ENTITIES INC	\$96,100	\$297,400	\$393,500	N89W16744 APPLETON AVE	B	0.00350	\$1,377.25	\$1,377.25
MNFV	0011214	2015	APPLETON AVENUE MOY FAMILY LLC	\$53,100	\$182,600	\$235,700	N89W16754 APPLETON AVE	B	0.00350	\$824.95	\$824.95
MNFV	0011215	2015	WHITE CEDAR PROPERTIES LLC	\$87,700	\$204,900	\$292,600	N89W16764 APPLETON AVE	B	0.00350	\$1,024.10	\$1,024.10
MNFV	0011216	2015	SCOTT PROELL REAL ESTATE LLC	\$108,200	\$154,100	\$262,300	N89W16776 APPLETON AVE	B	0.00350	\$918.05	\$918.05
MNFV	0011217	2015	COLBALT MANAGEMENT LLC	\$92,000	\$252,400	\$344,400	N89W16790 APPLETON AVE	B	0.00350	\$1,205.40	\$1,205.40
MNFV	0011218	2015	PEACE YOGA STUDIO LLC	\$61,300	\$102,000	\$163,300	N89W16800 APPLETON AVE	B	0.00350	\$571.55	\$571.55
MNFV	0011219	2015	ABDUL HAQ	\$135,900	\$200,200	\$336,100	N89W16812 APPLETON AVE	B	0.00350	\$1,176.35	\$1,176.35
MNFV	0011228	2015	PRALLE BUILDING LLC	\$63,800	\$118,100	\$181,900	N89W16811 APPLETON AVE	B	0.00350	\$636.65	\$636.65
MNFV	0011229	2015	FPOC LLC	\$434,100	\$749,200	\$1,183,300	N89W16785 APPLETON AVE	B	0.00350	\$4,141.55	\$3,100.00
MNFV	0011233	2015	LJB INVESTMENTS LLC	\$60,600	\$122,900	\$183,500	N88W16761 APPLETON AVE	B	0.00350	\$642.25	\$642.25
MNFV	0011234	2015	BRADLEY PROPERTY HOLDINGS II LLC	\$77,000	\$3,000	\$80,000	N88W16747 APPLETON AVE	B	0.00350	\$280.00	\$280.00
MNFV	0011235	2015	BRADLEY PROPERTY HOLDINGS LLC	\$30,700	\$224,400	\$255,100	N88W16731-33 APPLETON AVE	B	0.00350	\$892.85	\$892.85
MNFV	0011236	2015	CW FRASER BUILDING LLC	\$20,600	\$213,800	\$234,400	N88W16723 APPLETON AVE	B	0.00350	\$820.40	\$820.40
MNFV	0011237001	2015	ROSSO PROPERTIES LLC	\$74,000	\$102,700	\$176,700	N88W16748 MAIN ST	B	0.00350	\$618.45	\$618.45
MNFV	0011237002	2015	ROSSO PROPERTIES LLC	\$13,800	\$52,200	\$66,000	N88W16748 MAIN ST	B	0.00350	\$231.00	\$231.00
MNFV	0011238	2015	KATHLEEN V PAPE	\$17,100	\$29,600	\$46,700	N88W16784 MAIN ST	B	0.00350	\$163.45	\$163.45
MNFV	0011260	2015	FALLS MAIN STREET PROPERTY LLC	\$44,800	\$78,100	\$122,900	N88W16791 MAIN ST	B	0.00350	\$430.15	\$430.15
MNFV	0011261001	2015	MCLARIO TRUST	\$17,100	\$182,100	\$199,200	N88W16783 MAIN ST	B	0.00350	\$697.20	\$697.20
MNFV	0011262	2015	MBG PROPERTY LLC	\$29,400	\$66,000	\$95,400	N88W16749 MAIN ST	B	0.00350	\$333.90	\$333.90
MNFV	0011263	2015	BONNIE L HANRAHAN	\$27,500	\$72,900	\$100,400	N88W16739 MAIN ST	B	0.00350	\$351.40	\$351.40
MNFV	0011264	2015	MOHRHAVEN LLC	\$23,400	\$77,500	\$100,900	N88W16733 MAIN ST	B	0.00350	\$353.15	\$353.15
MNFV	0011265	2015	SAL N DAQUISTO	\$90,600	\$239,400	\$330,000	N88W16697 APPLETON AVE	B	0.00350	\$1,155.00	\$1,155.00
MNFV	0011266	2015	MCLARIO TRUST	\$30,500	\$51,700	\$82,200	N88W16691 APPLETON AVE	B	0.00350	\$287.70	\$287.70
MNFV	0011269004	2015	BRAYTON BLOCK 6 LLC	\$59,200	\$148,400	\$207,600	N88W16683 APPLETON AVE	B	0.00350	\$726.60	\$726.60
MNFV	0011269005	2015	BRAYTON DEVCO LLC	\$71,500	\$405,000	\$476,500	N88W16669-61-53 APPLETON AVE	B	0.00350	\$1,667.75	\$1,667.75
MNFV	0011274	2015	MENOMONEE FALLS FESTIVALS CORP	\$77,400	\$162,600	\$240,000	N88W16621 APPLETON AVE	B	0.00350	\$840.00	\$840.00
MNFV	0011287	2015	GARAGE MAHAL LLC	\$32,000	\$120,100	\$152,100	W164N8859 MILL ST	B	0.00350	\$532.35	\$532.35
MNFV	0011288	2015	MENOMONEE FALLS MAIN & MILL LLC	\$228,800	\$1,406,500	\$1,635,300	N88W16521 MAIN ST	B	0.00350	\$5,723.55	\$3,100.00
MNFV	0011290	2015	BRAYTON DEVCO LLC	\$19,600	\$135,800	\$155,400	N88W16551 MAIN ST	B	0.00350	\$543.90	\$543.90
MNFV	0011291	2015	ALICE MOERCHEN	\$29,900	\$124,800	\$154,700	N88W16557 MAIN ST	B	0.00350	\$541.45	\$541.45
MNFV	0011292	2015	BRAYTON DEVCO LLC	\$49,300	\$114,100	\$163,400	N88W16565 MAIN ST	B	0.00350	\$571.90	\$571.90
MNFV	0011293	2015	GAI LLC	\$75,300	\$314,900	\$390,200	N88W16573 MAIN ST	B	0.00350	\$1,365.70	\$1,365.70
MNFV	0011295	2015	JBRESIDENTIAL LTD PARTNERSHIP	\$68,000	\$298,200	\$366,200	N88W16593 MAIN ST	B	0.00350	\$1,281.70	\$1,281.70
MNFV	0011296	2015	TONY SGROI	\$72,900	\$5,500	\$78,400	N88W16683 MAIN ST	B	0.00350	\$274.40	\$274.40
MNFV	0011297	2015	JB RESIDENTIAL LTD PTRNSHP	\$10,700	\$12,100	\$22,800	N88W16597 MAIN ST	B	0.00350	\$79.80	\$79.80
MNFV	0011302	2015	TONY SGROI	\$81,900	\$302,900	\$384,800	N88W16683 MAIN ST	B	0.00350	\$1,346.80	\$1,346.80
MNFV	0011304	2015	HOCK LLC	\$124,600	\$143,200	\$267,800	N88W16654 APPLETON AVE	B	0.00350	\$937.30	\$937.30
MNFV	0011305	2015	KAL LIMITED PARTNERSHIP	\$124,600	\$300,800	\$425,400	N88W16644 APPLETON AVE	B	0.00350	\$1,488.90	\$1,488.90
MNFV	0011306	2015	VILLAGE OF MENOMONEE FALLS	\$85,100	\$4,600	\$89,700	N88W16634 APPLETON AVE	B	0.00350	\$313.95	\$313.95
MNFV	0011307	2015	LEAP PROPERTIES LLC	\$190,000	\$610,700	\$800,700	N88W16624 APPLETON AVE	B	0.00350	\$2,802.45	\$2,802.45
MNFV	0011308	2015	BANK WISCONSIN	\$293,000	\$290,400	\$583,400	N88W16586 APPLETON AVE	B	0.00350	\$2,041.90	\$2,041.90
MNFV	0011319	2015	DIGGIE RUGGER LLC	\$68,700	\$7,000	\$75,700	N89W16353 MAIN ST	B	0.00350	\$264.95	\$264.95
MNFV	0011320	2015	DIGGIE RUGGER LLC	\$48,300	\$5,400	\$53,700	N89W16371 MAIN ST	B	0.00350	\$187.95	\$187.95
MNFV	0011321	2015	DIGGIE RUGGER LLC	\$34,100	\$220,300	\$254,400	N89W16389 MAIN ST	B	0.00350	\$890.40	\$890.40

Village of Menomonee Falls Resolution No. _____-R-15

A RESOLUTION APPROVING THE YEAR 2015 OPERATING PLAN AND THE AMENDED BYLAWS FOR THE BUSINESS IMPROVEMENT DISTRICT IN THE VILLAGE CENTRE AREA OF THE VILLAGE OF MENOMONEE FALLS, WISCONSIN PURSUANT TO WISCONSIN STATUTES§66.1109

WHEREAS, on December 20, 1993 the Village Board of Trustees of the Village of Menomonee Falls, Wisconsin adopted Resolution #1026-R-93 creating a Business Improvement District (BID) in the Village Centre area; and

WHEREAS, the Village President annually appoints members to the Business Improvement District Board of Directors (BID Board) subject to the approval by the Board of Trustees; and

WHEREAS, the BID Board has reviewed and considered an operating plan for the Year 2016; and

WHEREAS, the BID Board has submitted that operating plan for the Year 2016 to the Village Board of Trustees; and

WHEREAS, a copy of this operating plan for the Year 2016 is attached as an exhibit to this resolution; and

WHEREAS, the BID Board also has submitted its amended bylaws to the Village Board of Trustees, and a copy of the bylaws also is attached as an exhibit to this resolution; and

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Village of Menomonee Falls that the attached Business Improvement District Operating Plan for the Year 2016 for the Village Centre area is hereby approved; and

BE IT FURTHER RESOLVED by the Board of Trustees of the Village of Menomonee Falls that the attached amended bylaws of the Business Improvement District for the Village Centre area are hereby approved.

Adopted by the Board of Trustees of the Village of Menomonee Falls on the 19th day of October, 2015.

By: _____
Joseph Helm, Village President

Attest: _____
Janice Moyer Village Clerk



General Government Committee

2.

Meeting Date: 10/19/2015
Topic: 2015-2016 Class B Fermented Malt Beverage and a Class B Liquor License for The Social Haus
From: Michael Morse, Village Attorney
Department: Legal
Presenter: Village Attorney
Date of Committee Action (if required): 10/19/2015
Date of Village Board Action (if required): 10/19/2015

Information

Subject:

Recommendation on Application for a 2015-2016 Class B Fermented Malt Beverage and a Class B Liquor License from The Social Haus, LLC, for The Social Haus located at N48W18474 Lisbon Road subject to Building Department, Fire Department and Health Department approvals.

Background Information:

See Village Attorney's memorandum.

Key Issues for Consideration:

See Village Attorney's memorandum.

Action By Committee or Village Board:

See Village Attorney's memorandum.

Attachments

Village Attorney's Memorandum

Application

Measurement of Distances to Nearby Schools

Petition



VILLAGE OF MENOMONEE FALLS

Office of the Village Attorney

Memorandum

To: Mark Fitzgerald
Village Manager

From: Michael J. Morse
Village Attorney

CC: Village Board Matt Carran Chief Ruzinski
Janice Moyers Community Ast. Chief Waters
Village Clerk Development Police Dept.

Date: October 16, 2015

Re: **October 19, 2015 General Government Committee and Village Board**
Agenda: Application for a 2015-2016 Class B Fermented Malt Beverage and a Class B Liquor License from The Social Haus, LLC for The Social Haus located at N48W18474 Lisbon Road subject to Building Department, Fire Department and Health Department approvals.

INTRODUCTION

At the October 5 Board meeting, the Trustees removed this item from the consent agenda and referred to the General Government Committee for review and a recommendation to the full Board. This item is on the Committee's agenda for that review and recommendation. It is on the Board's agenda for final action should the Committee make a recommendation. I am providing this memorandum to the trustees to set out the legal standards that guide their decisions on whether to grant the licenses requested by The Social Haus, LLC (the applicant).

FACTUAL BACKGROUND

The Community Development Department and the Clerk's office provided the following information.

1. The Applicant

The applicant is a Wisconsin limited liability company created in August of this year. It has applied for a Class "B" Fermented Malt Beverage license and a "Class B" Liquor license to operate a bar and restaurant on a property located at N48W18474 Lisbon Road (the "property"). The applicant intends to lease a commercial building on the property for the bar and restaurant. These Class B licenses generally authorize the sale of fermented malt beverages (the Class "B" license) and liquor (the "Class B" license) for consumption on the premises. They are typically issued to restaurants and bars so these establishments can serve those beverages to patrons.

The agenda packet for this item contains copies of several documents the applicant filed with the Clerk's office. These documents include:

- The one page alcohol beverage retail license application;
- Two one page auxiliary questionnaires related to two officers of the applicant; and
- A one page Schedule for Appointment of an Agent by a limited liability company.

The Clerk's office also received confirmation of the following from the applicant:

- Wisconsin Sellers Permit/Registration;
- Proof of completion of the Responsible Beverage Training course in the last two years or that the licensee or the licensee's agent has held an alcohol beverage license in the last two years.
- Payment of the applicable fees.

Finally, the agenda packet for this item contains copies of letters collectively described as a petition from some of the owners of properties in the area around the property.

2. The Property

The Community Development Department provided the following information concerning the property.

The property is currently zoned C-1 Neighborhood Business. It appears the property has been zoned for some type of commercial use under Village zoning since at least 1962. At some point between 1946 and 1962 the property contained a home, a tavern, and a service station. Currently there are two structures on the property.

One is a home. It was built in 1946. It is my understanding that the property owner currently uses the home as a residence.

The other is a commercial building that has been used as a tavern and restaurant. The initial tavern building was built in the 1930's. A tavern has been in operation on the property at various times and under various names since then. Records indicate that in about 1969 the tavern building expanded into the service station area.

A restaurant known as The Lodge began operations in 2011. It served breakfast and lunch only; and did not serve alcohol beverages. The Lodge closed in the summer of 2015. The applicant began renovating the building this fall, intending to open a bar and restaurant.

Property owners have received several conditional use permits related to the commercial use of the property. In 1969 Conditional Use Permit 4-33-69 was granted to allow a tavern to expand into the service station area. In 1980 Conditional Use Permit 4-33-69 was amended to allow a motor vehicle salvage facility as well as a tavern. In 1999, Conditional Use Permit 12-33-99 was granted to allow a residence and a tavern on the same parcel. The latest conditional use permit was granted in 2010 (Conditional Use Permit 12-33-99-A), and authorized the tavern to use an outside patio area between the hours of 11 AM to 10 PM.

LEGAL STANDARDS GOVERNING DECISIONS ON APPLICATIONS FOR LICENSES FOR THE RETAIL SALE OF ALCOHOL BEVERAGES

1. Introduction

As noted in Section 2 below, it appears the application of The Social Haus, LLC meets the qualifications and requirements under applicable state statutes and local ordinances. As is discussed in more detail in Section 3 below, state statutes delegate to the Village Board the discretionary authority to grant a license for the retail sale of alcohol beverages from a specified location within the Village to such persons *otherwise entitled to a license* under Chapter 125 as the Village Board deems proper. The legal standards governing this discretionary decision are set out Section 3 below.

NOTE: The Village Board's discretionary authority discussed in Section 3 applies to applications seeking licenses for the *retail sale* of alcohol beverages from a specified location within the Village. That discretionary authority does not apply to decisions concerning applications for operator's, manager's and agent licenses to *serve* alcohol beverages. Operator's, manager's and agent licenses should be denied only for the failure to meet statutory or ordinance imposed qualifications. General public policy considerations would not normally be involved in denying these licenses.

2. The application appears to meet the qualifications and requirements under applicable state statutes and Village ordinances.

State statutes and related Village ordinances¹ require that applicants for fermented malt beverage and liquor licenses meet certain qualifications. Information from the Clerk's office indicates the applicant appears to have met these qualifications:

- **Eligibility of a Limited Liability Company to obtain alcohol licenses.** Limited liability companies such as The Social Haus, LLC are eligible to receive Class B fermented malt beverage and liquor licenses under Wisconsin Statutes §§ 125.26 and 125.51.
- **Age.** The members, managers and agents of a limited liability company applicant must be of legal drinking age.
- **Arrest or conviction record.** The members, managers and agents of a limited liability company applicant may not have an arrest or conviction record, subject to certain restrictions under the Wisconsin Fair Employment Act².
- **State seller's permit.** All applicants for retail alcohol licenses must provide proof that they are in good standing for sales tax purposes.
- **Residency.** Under state law, the agents of a limited liability company applicant must have continually resided in Wisconsin for at least 90 days.
- **Responsible beverage server training course.** The agents of a limited liability company applicant must have successfully completed a Department of Revenue approved beverage server training course.

¹ Wisconsin Statutes §§ 125.26, 125.51 and 125.04(5); and Village Ordinance §6-29.

² Wisconsin Statutes §§ 111.321, 111.322 and 111.335.

State statutes and related Village ordinances³ also impose certain additional requirements on applicants for fermented malt beverage and liquor licenses. Information from the Clerk's office indicates the applicant appears to have met these requirements:

- **Applications.** All applicants must apply on forms provided by the Wisconsin Department of Revenue.
- **Waiting period.** All applications for licenses to sell alcohol beverages must be filed 15 days prior to the granting of the license.
- **Publication of notice.** Applications for permanent retail alcohol licenses must be published at least once in a weekly paper prior to issuance of the license.
- **Health requirements.** Class B retail liquor licenses may be granted but cannot be issued until the premises meet the requirements of the Wisconsin Department of Health Services (DHS). If the operation involves the sale of food, an inspection of the premises will be conducted by (DHS), or the municipal or county officials issuing the restaurant license. I understand that any proposed motion to approve the application will be subject to Health Department approvals.
- **Location Restrictions.** Under Wisconsin Statutes § 125.68(3), unless waived by a majority vote of the governing body, a liquor license may not be issued for an establishment located within 300 feet of the main entrance of any church, school, or hospital. The distance between the licensed premises and the church, school or hospital is measured by the shortest route along the highway from the main entrance of the church, school or hospital to the main entrance of the licensed premises.⁴ The staff has determined that the applicant's location meets this restriction.⁵

3. Standards governing the exercise of the Village Board's decision to grant or deny an application for a retail license to sell alcohol beverages.

- a. Village Board has discretionary authority to grant or deny an application for a retail license to sell alcohol beverages.

The State of Wisconsin has broad authority under its inherent police powers to regulate alcohol beverages. Exercising that authority, the state legislature has adopted a fairly complex scheme of alcohol beverage regulations in Chapter 125 of the Wisconsin Statutes. As part of that statutory scheme, the state legislature delegated to local governments such as the Village fairly broad authority to regulate the retail sales of alcohol beverages.

Under Wisconsin Statutes § 125.10(1), local governments may enact regulations incorporating any part of Chapter 125, and may prescribe additional regulations for the sale of alcohol beverages not in conflict with that chapter. In addition, Chapter 125

³ Wisconsin Statutes §§125.04(3), 125.68(5), 254.64, and 254.65; Village Ordinance §6-33.

⁴ League of Wisconsin Municipalities, *Municipal Licensing and Regulation of Alcohol Beverages* (5th Edition, December 2014) at §(II) (F)(8); and Aaron R. Gary, *Alcohol Beverages Regulation in Wisconsin* (2012) at §3.43.

⁵ Included in the packet materials for this item is a document generated by the staff that shows the various distances from the main entrance of the commercial building on the property to the respective entrances to two nearby schools.

delegates explicit authority to local governments to grant or deny local licenses authorizing the retail sale of such beverages. Wisconsin Statutes § 125.26(1) provides in pertinent part that “(e)very municipal governing body may issue Class "B" licenses for the sale of fermented malt beverages from premises within the municipality ... to be consumed either on the premises where sold or off the premises.” Wisconsin Statutes § 125.51(1)(a) provides in pertinent part that “(e)very municipal governing body may grant and issue ... "Class B" licenses for retail sales of intoxicating liquor ... from premises within the municipality to persons entitled to a license under this chapter as the issuing municipal governing body deems proper....”

The ability of an applicant in Wisconsin to obtain a license for the retail sale of alcohol beverages is at best a privilege.⁶ There is no vested right to engage in the liquor business.⁷ Chapter 125 does not confer on an otherwise qualified applicant any right to a local license for the retail sale of alcohol beverages.⁸

Municipal governing bodies have broad discretion whether to issue a license to a particular applicant for the retail sale of alcohol beverages.⁹ Wisconsin courts have long held that the local decision to grant or deny an application for a license for the retail sale of alcohol beverages is committed to the sound discretion of the municipal governing body.¹⁰ Courts have frequently said that the denial of such an application may only be set aside if the municipality acted arbitrarily and capriciously.¹¹

b. Standards guiding the exercise of the Village Board’s discretion.

When a governing body decides not to issue a new alcohol beverage license, it must notify the applicant in writing and set forth the reasons for the denial.¹² One purpose of this disclosure is to inform the applicant, who may seek to re-apply, or may appeal the determination to the circuit court under Wisconsin Statutes § 125.12(2)(d). The other is to allow for proper review by the courts. As is discussed below, those reviews are typically based on the record before the governing body. In those instances, the facts that lie within the knowledge of the governing body must be disclosed in the record so that the record is complete and adequate for a judicial review.¹³

The procedure for appeal to the circuit court under Wisconsin Statutes § 125.12(2)(d) is known as statutory certiorari. Under this procedure, the court has a limited ability to take additional evidence. Typically, the court does not take additional evidence, but simply reviews the record upon which the governing body made its decision.

⁶ *Marquette Sav. & Loan Ass’n v. Village of Twin Lakes*, 38 Wis.2d 310, 315, 156 N.W.2d 425, 427-428 (1968).

⁷ *Bjordan v. Town Bd. of Town of Delavan*, 230 Wis. 543, 284 N.W. 534, 536 (1939).

⁸ *State ex rel. Smith v. City of Oak Creek*, 139 Wis.2d 788, 800-801, 407 N.W.2d 901, 906 (1987).

⁹ League of Wisconsin Municipalities, *Municipal Licensing and Regulation of Alcohol Beverages* (5th Edition, December 2014) at § (II) (J)(1)(a).

¹⁰ *Rawn v. City of Superior*, 242 Wis. 632, 636-637, 9 N.W.2d 87, 9 N.W. 87, 89 (1943); *Norton v Town of Sevastopol*, 108 Wis.2d 595, 598, 323 N.W.2d 158, 150 (Ct. App. 1982); Aaron R. Gary, *Alcohol Beverages Regulation in Wisconsin* (2012) at §3.59.

¹¹ *State ex rel. Higgins v. City of Racine*, 220 Wis. 107, 111-112, 264 N.W. 490, 492 (1936).

¹² Wisconsin Statutes § 125.12(3m).

¹³ *State ex rel. Ruffalo v. Common Council of City of Kenosha* 38 Wis.2d 518, 524, 157 N.W.2d 568, 571 (1968).

Statutory certiorari review accords a presumption of correctness and validity to the municipal governing body's decision. The scope of a court's review is limited to whether: (1) the governing body kept within its jurisdiction; (2) the governing body acted according to law; (3) the governing body's action was arbitrary, oppressive, or unreasonable, and represented its will, and not its judgment; and (4) the evidence was such that the governing body might reasonably make the order or determination in question.¹⁴

The first criterion requires that the Village Board have jurisdiction or authority to make the decision in the first place. Chapter 125 of the Wisconsin Statutes specifically delegates the authority to the Village Board to grant or deny an application for a license for the retail sale of alcohol beverages.

The second criterion requires that the Village Board's decision be in accordance with applicable state statutes and Village ordinances, and comply with any required procedures. Chapter 125 gives the Village Board the discretion to approve or deny a particular license. Based on the information provided to me, it appears that the process used to date has complied with applicable procedures.

The third criterion is the one most often used to challenge local government decisions in this area. A decision is arbitrary or capricious if it is unreasonable or does not have a rational basis.¹⁵ The criterion therefore requires that the local government's action or decision have a rational basis.¹⁶ The Wisconsin Court of Appeals has noted that decisions made on a rational basis can consider opinions and predictions based on experience.¹⁷ Decisions made on a rational basis should consider appropriate factors or concerns. A decision to approve or deny an application would therefore not be arbitrary if it is based on public health, safety and welfare concerns.¹⁸

The League of Wisconsin Municipalities has suggested that appropriate considerations might include the following: (1) impact on traffic; (2) impact on the peace, quiet and cleanliness of the neighborhood where the establishment is located; (3) parking for patrons; (4) proximity to other licensed establishments, residential areas, schools, churches or hospitals; (5) the ability or inability of the police to provide law enforcement services to the new establishment and the impact of the new establishment on the ability of the police to provide law enforcement services to the balance of the community at all times.¹⁹

The fourth criterion requires that there be some reasonable basis in the record for the Board's decision. This includes information in any reports or documents supplied to the

¹⁴ *Nowell v. City of Wausau*, 2013 WI 88 at ¶24.

¹⁵ *Olson v. Rothwell*, 28 Wis.2d 233, 239, 137 N.W.2d 86, 89 (1965).

¹⁶ *J.F. Ahern Co. v. Wisconsin State Building Commission*, 114 Wis.2d 69, 96, 336 N.W.2d 679, 692 (Ct.App.1983).

¹⁷ *J.F. Ahern Co. v. Wisconsin State Building Commission*, *supra*.

¹⁸ The Village's statutory home rule power under Wisconsin Statutes § 61.34(1) authorizes the Village Board to "act for the government and good order of the village, for its commercial benefit and for the health, safety, welfare and convenience of the public..."

¹⁹ League of Wisconsin Municipalities, *Municipal Licensing and Regulation of Alcohol Beverages* (5th Edition, December 2014) at § (II) (J)(1)(b).

trustees. It should also include an individual trustee's reasoning or observations in support of the trustee's decision.

c. Ability of Village Board to consider the proposed location in making a decision whether to grant a license for the retail sale of alcohol beverages.

One consideration suggested by the League of Wisconsin Municipalities is the impact on the surrounding neighborhood. I could not find any published decisions of a Wisconsin appellate court specifically addressing this issue under the particular facts surrounding this application. However, courts have considered challenges to local alcohol licensing decisions in other contexts where the location was a factor. A review of those decisions suggests that, under appropriate circumstances applicable to the particular situation surrounding a specific application, the Village Board may consider the proposed location in making a decision whether to grant a license for the retail sale of alcohol beverages.

In *State ex rel. Higgins v. City of Racine*²⁰ the city council denied an application for a retail alcohol license based upon the location of the proposed tavern. The applicant appealed the denial to the circuit court, which upheld the city's decision. The applicant then appealed the circuit court's decision to the Wisconsin Supreme Court, which affirmed the decision of the circuit court.

The Supreme Court noted that alcohol beverage regulations usually vest in licensing authorities a discretionary power that may be reasonably exercised in granting or refusing to issue a license. An ordinance or statute providing for granting such licenses to qualified applicants does not prevent a licensing authority either from giving due consideration to the proposed location of a tavern; or from denying a license because, by reason of its surroundings, the proposed location is not a proper place for the carrying on of such an enterprise.

The Supreme Court also noted that implicit in the obligation resting on municipal authorities to protect public safety and promote public welfare is the authority to regulate the operation of taverns in a reasonable manner. Under this authority, a municipal governing body could determine the feasibility, with relation to public welfare, of locations in which such business may be carried on.

Applying these standards, the Supreme Court concluded that the evidence of record supported a determination that the city council did not act arbitrarily or capriciously in denying the application based on its proposed location. Specific circumstances cited by the Supreme Court included: (1) the proposed location was in a residential neighborhood where no tavern existed; (2) there were places of amusement for children and others near the proposed location; and (3) the conclusion of the city council that the welfare of the community could be served only by denying the application.

In *State ex rel. Edge v. Meyer*²¹ the applicant sought to transfer a previously received retail alcohol license from a location in the village business district to a new location in a residential district near village's the western border. The Village Board denied the application on the grounds that it would not be in the public good nor reasonably possible

²⁰ 220 Wis. 107, 264 N.W. 490 (1936).

²¹ 249 Wis. 154, 23 N.W.2d 599 (1946).

to maintain peace and order or extend police supervision to a location so far removed from the business district where all the village's bars were then located and where the only police patrol was maintained.

The Wisconsin Supreme Court found that, under the alcohol beverage statutes then in effect, the standard applicable to the transfer of retail alcohol licenses was the same discretionary standard that court applied to decisions whether to grant a license. Applying that standard, the Supreme Court concluded that the village board did not act arbitrarily, and upheld the village board's decision. The Supreme Court found that the additional daily police patrol that would be required if the tavern moved from the business district into outlying district was alone sufficient to justify the board's decision.

In *Alberti v. City of Whitewater*²² the applicant sought to double the size of his then existing tavern by acquiring a building next door and cutting through the wall between the two locations. The applicant applied to amend a previously received retail alcohol license to add the premises of the building next door. The city council denied the request to amend the license on the grounds that the city already had difficulty controlling tavern patrons in the vicinity of the current tavern building, and that expansion could have a negative effect on retail businesses in the area.

The applicant appealed the city's decision to the circuit court. The circuit court ordered the city to amend the license as requested by the applicant. The city then appealed the circuit court order to the Wisconsin Court of Appeals. The Court of Appeals reversed the circuit court, and upheld the city's decision to deny the application to amend the license.

In doing so, the Court of Appeals concluded that the expansion of a premises under the then existing law was analogous to a transfer of a license to a new location, and applied the same discretionary standard used by the Wisconsin Supreme Court in *State ex rel. Edge v. Meyer*. Applying that standard, the Court of Appeals concluded that the city council was entitled to consider the effect that an expansion of the original tavern would have on the quality of the neighborhood where it was located, and that it was within the city council's discretion to deny the expansion request.

In *Rawn v. City of Superior*²³ the applicant sought intoxicating liquor and fermented malt beverage licenses to operate a bar in a part of the City of Superior known as the East End. At the time of the application, four taverns were already in business in the East End. The applicant met all requirements of the city and of state statutes to obtain the licenses. The building for the bar was found to be suitable for tavern purposes, and had been previously used and licensed as a tavern.

The city council denied the application on the sole ground that four taverns were sufficient for the East End. The applicant appealed the city's decision to the circuit court. Both the circuit court and the Wisconsin Supreme Court upheld the city's decision, concluding that granting liquor licenses under state statutes was within the discretion of the city; and while it may not act capriciously or arbitrarily, it may grant or refuse licenses in the exercise of a sound discretion.

²² 109 Wis.2d 592, 327 N.W.2d 150 (Ct. App. 1982).

²³ 242 Wis. 632 9 N.W. 2d 87 (1943).

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning October 1st 2015 ;
 ending June 30th 2016

TO THE GOVERNING BODY of the: Town of } Menomonee Falls
 Village of }
 City of }

County of Waukesha 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): Della, Daniel, J / Brooks, Mark S / The Social Haus LLC

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	<u>Mr.</u>	<u>Daniel J. Della</u>	<u>4140 Lilly Rd</u>	<u>53005</u>
Vice President/Member	<u>Mr.</u>	<u>Mark S Brooks</u>	<u>NS2W14018 Aberdeen Dr.</u>	<u>53051</u>
Secretary/Member				
Treasurer/Member				
Agent		<u>DAN DELLA</u>		
Directors/Managers				

3. Trade Name The Social Haus Business Phone Number 414-507-8653
 4. Address of Premises N48 W18474 Lisbon Rd Post Office & Zip Code WI 53051

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 employe 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
 (a) Corporate/limited liability company applicants only: Insert state WI and date 8/21/15 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.) Bar, restaurant, upstairs storage, patio (once approved)

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 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
 13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [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 26th day of August, 2015

[Signature]
 (Clerk/Notary Public)

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

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

My commission expires 4/24/16

(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	

Applicant's WI Seller's Permit No.	FEIN Number:
	<u>47-4885314</u>
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>91.74</u>
<input type="checkbox"/> Class C wine <u>PROV</u>	\$ <u>15.00</u>
<input type="checkbox"/> Class A liquor	\$
<input checked="" type="checkbox"/> Class B liquor	\$ <u>458.37</u>
<input checked="" type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>30.00</u>
TOTAL FEE	\$ <u>595.11</u>

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of Menomonee Falls County of Waushara
 City

The undersigned duly authorized officer(s)/members/managers of The Social Haus LLC
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as The Social Haus
(trade name)

located at N48 W18474 Lisbon Rd

appoints Daniel J Deller
(name of appointed agent)
4140 Lilly Rd, Brookfield, WI 53005
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 40 years

Place of residence last year 4140 Lilly Rd Brookfield, WI 53005

For: The Social Haus LLC
(name of corporation/organization/limited liability company)

By: [Signature]
(signature of Officer/Member/Manager)

And: [Signature]
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Daniel J. Deller
(print/type agent's name), hereby accept this appointment as agent for the

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 8/11/2015 Agent's age 40
(signature of agent) (date)
4140 Lilly Rd Brookfield, WI 53005 Date of birth 3/28/1975
(home address of agent)

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

VILLAGE OF MENOMONEE FALLS
Report of Police Investigation of License Applicant

To Be Completed By Village License Clerk

License Type(s): **Class B Beer & Liquor (New)**

Date Needed: **9/28/2015**

Applicants Name: **Mark S. Brooks**

DOB: [REDACTED]

Current Address: **N52W14018 Aberdeen Dr.
Menomonee Falls, WI, 53051**

Referred to Police Department on: **9/14/2015** by **Joan Hintze**
License Application(s) attached

To Be Completed By Police Department

Received on: 9/16/15 by JKW

Record Check:

DOT by JKW Date 9/16 () No Record; Record Attached

CIBR by JKW Date 9/16 No Record; () Record Attached

Residence Jurisdiction by JKW Date 9/16

MFPD No Record; () Record Attached

Other

WISIS by JKW Date 9/16 No Record; () Record Attached

_____ by _____ Date _____ () No Record; () Record Attached

_____ by _____ Date _____ () No Record; () Record Attached

MFPD by JKW Date 9/16 No Record; () See Below

MFPD Record:

<u>Date</u>	<u>Charge</u>	<u>Disposition</u>	<u>Date</u>

Reviewed by LT. EGN Investigator, Date 9-21-15

() Special Report Attached

Recommendation:

No Police concern regarding this applicant.

() Committee should review this application.

() License cannot be granted pursuant to State Law or Municipal Ordinance.

CAPT. TERRY S. HANSEN
Chief of Police

Completed and returned to License Clerk on 09-21-15

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Brooks		Mark		Steven	
Home Address (street/route)		Post Office	City	State	Zip Code
N52W14018 Aberdeen dr.			Menomonee falls	WI	53051
Home Phone Number			Age	Date of Birth	Place of Birth
			53		Milwaukee, WI

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Officer of Social Haus LLC
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 53 Years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Borton + Mayer	W140N9000 Lilly Rd	4/1998	Present
Employer's Name	Employer's Address	Employed From	To

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 26th day of August, 2015
Jan M. Hentze
(Clerk/Notary Public)

My commission expires 4/24/16

Mark A. Brooks
(Signature of Named Individual)



Printed on Recycled Paper

VILLAGE OF MENOMONEE FALLS
Report of Police Investigation of License Applicant

To Be Completed By Village License Clerk

License Type(s): **Class B Beer & Liquor (New)**

Date Needed: **9/28/2015**

Applicants Name: **Daniel J. Della**

DOB: [REDACTED]

Current Address: **4140 Lilly Road**
Brookfield, WI, 53005

Referred to Police Department on: **9/14/2015** by **Joan Hintze**

License Application(s) attached

To Be Completed By Police Department

Received on: 9/16/15 by dkw

Record Check:

DOT by dkw Date 9/16 () No Record; (X) Record Attached
 CIBR by dkw Date 9/16 (X) No Record; () Record Attached
 Residence Jurisdiction by dkw Date 9/16, 9/21 (BFPD)
WKSD () No Record; () Record Attached

Other
WISIS by dkw Date 9/16 (X) No Record; (X) Record Attached
by _____ Date _____ () No Record; () Record Attached
by _____ Date _____ () No Record; () Record Attached
 MFPD by dkw Date 9/16 (X) No Record; () See Below

MFPD Record:

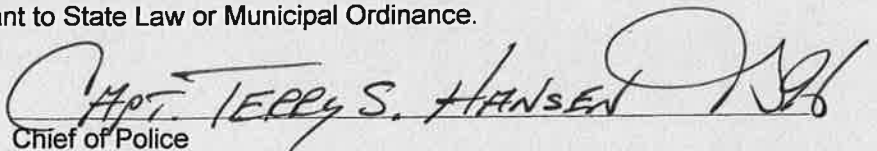
<u>Date</u>	<u>Charge</u>	<u>Disposition</u>	<u>Date</u>

Reviewed by DKW Investigator, Date 9-25-15

() Special Report Attached

Recommendation:

- No Police concern regarding this applicant.
- () Committee should review this application.
- () License cannot be granted pursuant to State Law or Municipal Ordinance.


Chief of Police

Completed and returned to License Clerk on 09-25-15

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Joseph DELLA		Daniel		Joseph	
Home Address (street/route)		Post Office	City	State	Zip Code
4140 Lilly Rd		53005	Brookfield	WI	53005
Home Phone Number			Age	Date of Birth	Place of Birth
			40		WI

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Daniel Della of The Social Hours
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 40 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
J.W. Lounsbury		March 2015	Present
City of Brookfield		March 2014	November 2014

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

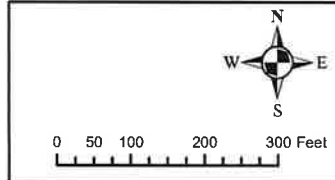
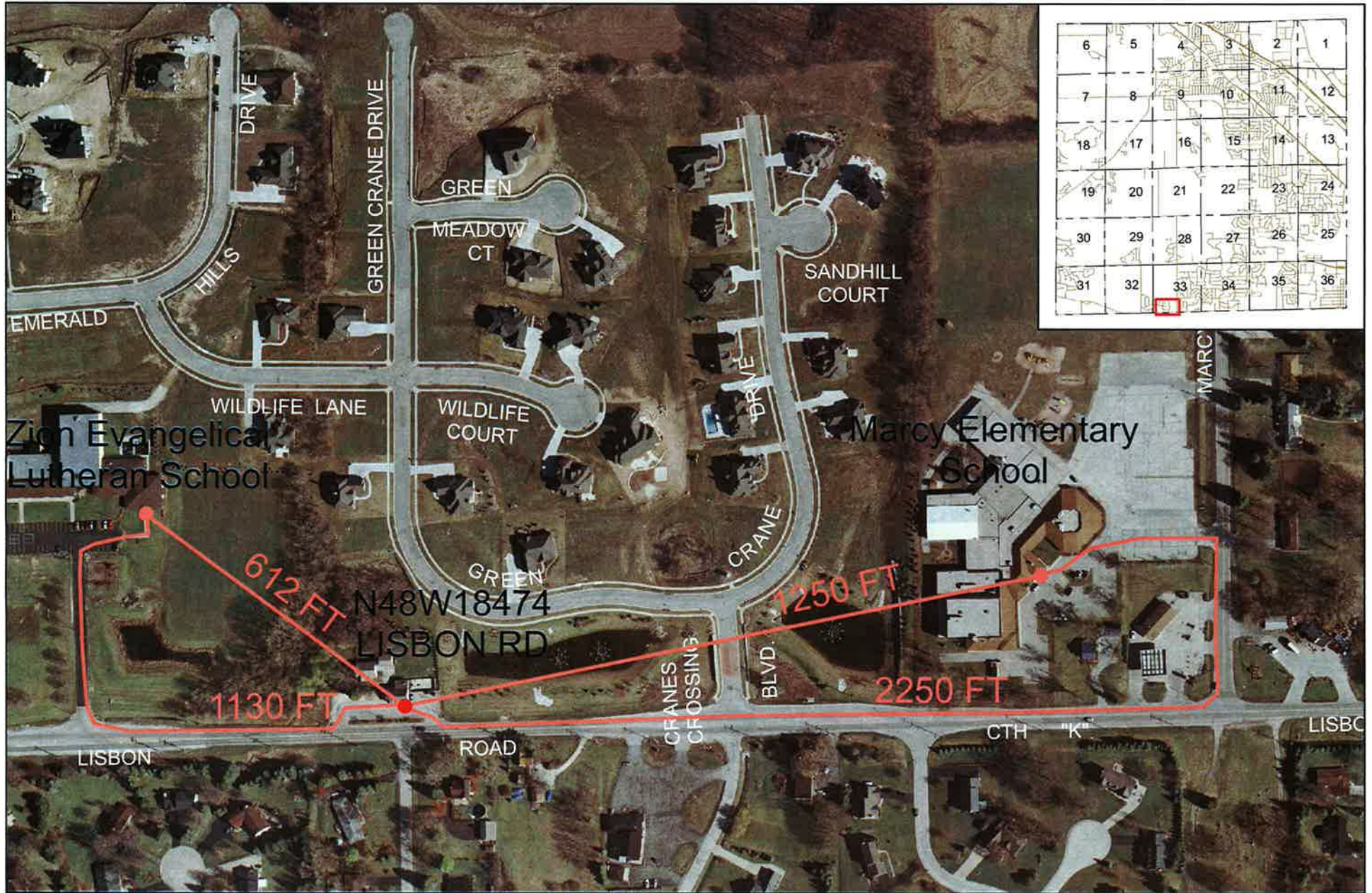
this 28th day of August, 2015
James M. Hartog
(Clerk/Notary Public)

Daniel J. Della
(Signature of Named Individual)

My commission expires 4/24/16



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N48W18474 LISBON RD

This map is intended for informational purposes only and does not replace the need for land or field survey. The Village of Menomonie Falls makes no representations regarding map accuracy or fitness for any use. This map does not represent an expressed or implied contract with the Village of Menomonie Falls. All parties must obtain the permission of the Village of Menomonie Falls before re-releasing this map or copies of the information displayed on or derived from it.

Map Accuracy: National Map Accuracy Standards
 Coordinate System: State Plane Coordinate System
 Datum: North American Datum, 1927

October 5, 2015

To the Menomonee Falls Planning Commission,

It has come to our attention that the "Social Haus", a C-1 zoned building, has filed a request to be permitted to remain open until 2:30 am. Further, the Social Haus is requesting to be allowed to play music and serve food outside until 11pm, and be allowed to build a fire pit and bocce ball area.

The undersigned strongly oppose the Social Haus' request and respectfully ask that you deny the permits and require a public hearing. The Social Haus is next to a number of residential subdivisions and is within a block of both a public and a parochial elementary school. The Social Haus is zoned a "C-1 neighborhood business" and requires a variance to operate such a bar. Given the building's location and proximity to homes and places where children congregate it would be inappropriate to grant such variance.

We request to be further heard on this issue at a public hearing.

<u>Karen M. Chaffee</u>	SIGNATURE	_____	SIGNATURE
<u>KAREN M. CHAFFEE</u>	NAME	_____	NAME
<u>W182 N4886 GREEN CRAWLER</u>	ADDRESS	_____	ADDRESS
_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS
_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS
_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS

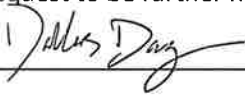
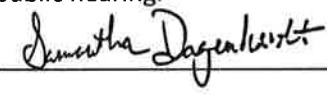
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We request to be further heard on this issue at a public hearing.

	SIGNATURE		SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS
_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS
_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS
_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS


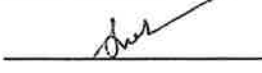
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We request to be further heard on this issue at a public hearing.

	SIGNATURE		SIGNATURE
10/4/15		10/4/15	
SUNDAR TAMMA	NAME	SNEHA TAMMA	NAME
W184 N4935 GREEN CRANE DR	ADDRESS	W184 N4935 GREEN CRANE DR	ADDRESS
MENOMONEE FALLS, WI 53051		MENOMONEE FALLS, WI 53051	
_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS
_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS
_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS

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We request to be further heard on this issue at a public hearing.

[Signature] SIGNATURE [Signature] SIGNATURE

JEFFREY BORNEMANN NAME KIMBERLY BORNEMANN NAME

148 W 18398 Green Cove Dr ADDRESS 148 W 18398 GREEN CRANE DR ADDRESS

[Signature] SIGNATURE [Signature] SIGNATURE

Lisa Marmet NAME Lisa Marmet NAME

182 N 1841 Green Crane ADDRESS 182 N 1841 Green Crane ADDRESS

_____ SIGNATURE _____ SIGNATURE

_____ NAME _____ NAME

_____ ADDRESS _____ ADDRESS

_____ SIGNATURE _____ SIGNATURE

_____ NAME _____ NAME

_____ ADDRESS _____ ADDRESS

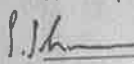
October 5, 2015

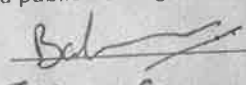
To the Menomonee Falls Planning Commission,

It has come to our attention that the "Social Haus", a C-1 zoned building, has filed a request to be permitted to remain open until 2:30 am. Further, the Social Haus is requesting to be allowed to play music and serve food outside until 11pm, and be allowed to build a fire pit and bocce ball area.

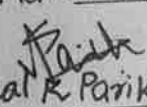
The undersigned strongly oppose the Social Haus' request and respectfully ask that you deny the permits and require a public hearing. The Social Haus is next to a number of residential subdivisions and is within a block of both a public and a parochial elementary school. The Social Haus is zoned a "C-1 neighborhood business" and requires a variance to operate such a bar. Given the building's location and proximity to homes and places where children congregate it would be inappropriate to grant such variance.

We request to be further heard on this issue at a public hearing.

 SUDHAMAN SRINIVASAN & BALA GANESHAN SIGNATURE
 N48 W18364 GREEN CRANE DR ADDRESS
 MENOMONEE FALLS, WI 53051 NAME

 JAGMAN SEKHON & BALJINDER SINGH SIGNATURE
 W184 N4833 Green Crane Dr. ADDRESS
 Menomonee falls, WI 53051 NAME

 Anand Parikh & Keyur H Parikh SIGNATURE
 N49 W18445 Wildlife ct NAME
 Menomonee Falls, WI 53051 ADDRESS

 Anand Parikh & Keyur H Parikh SIGNATURE
 W184N4903 Green Crane Dr. NAME
 Menomonee Falls, WI 53051 ADDRESS

_____ SIGNATURE
 _____ NAME
 _____ ADDRESS

October 5, 2015

To the Menomonee Falls Planning Commission,

It has come to our attention that the "Social Haus", a C-1 zoned building, has filed a request to be permitted to remain open until 2:30 am. Further, the Social Haus is requesting to be allowed to play music and serve food outside until 11pm, and be allowed to build a fire pit and bocce ball area.

The undersigned strongly oppose the Social Haus' request and respectfully ask that you deny the permits and require a public hearing. The Social Haus is next to a number of residential subdivisions and is within a block of both a public and a parochial elementary school. The Social Haus is zoned a "C-1 neighborhood business" and requires a variance to operate such a bar. Given the building's location and proximity to homes and places where children congregate it would be inappropriate to grant such variance.

We request to be further heard on this issue at a public hearing.

<u>Roberta M. Kerrick</u>	SIGNATURE	<u>Peter A. Kerrick</u>	SIGNATURE
<u>Roberta M. Kerrick</u>	NAME	<u>Peter A. Kerrick</u>	NAME
<u>W185 N4938 Emerald Hills Dr.</u>	ADDRESS	<u>W185 N4938 Emerald Hills Dr.</u>	ADDRESS

_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS

_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS

_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS

October 5, 2015

To the Menomonee Falls Planning Commission,

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The undersigned strongly oppose the Social Haus' request and respectfully ask that you deny the permits and require a public hearing. The Social Haus is next to a number of residential subdivisions and is within a block of both a public and a parochial elementary school. The Social Haus is zoned a "C-1 neighborhood business" and requires a variance to operate such a bar. Given the building's location and proximity to homes and places where children congregate it would be inappropriate to grant such variance.

We request to be further heard on this issue at a public hearing.

Issue Schank SIGNATURE _____ SIGNATURE _____
Issue Schank NAME _____ NAME _____
W147 N6537 Ash Dr. ADDRESS _____ ADDRESS _____

_____ SIGNATURE _____ SIGNATURE _____
_____ NAME _____ NAME _____
_____ ADDRESS _____ ADDRESS _____

_____ SIGNATURE _____ SIGNATURE _____
_____ NAME _____ NAME _____
_____ ADDRESS _____ ADDRESS _____

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_____ ADDRESS _____ ADDRESS _____

October 5, 2015


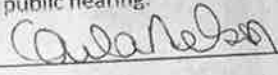
To the Menomonee Falls Planning Commission,

5

It has come to our attention that the "Social Haus", a C-1 zoned building, has filed a request to be permitted to remain open until 2:30 am. Further, the Social Haus is requesting to be allowed to play music and serve food outside until 11pm, and be allowed to build a fire pit and bocce ball area.

The undersigned strongly oppose the Social Haus' request and respectfully ask that you deny the permits and require a public hearing. The Social Haus is next to a number of residential subdivisions and is within a block of both a public and a parochial elementary school. The Social Haus is zoned a "C-1 neighborhood business" and requires a variance to operate such a bar. Given the building's location and proximity to homes and places where children congregate it would be inappropriate to grant such variance.

We request to be further heard on this issue at a public hearing.

	SIGNATURE		SIGNATURE
RONNIER NELSON	NAME	CARLA NELSON	NAME
W18214866 GREEB CROWE DR	ADDRESS	W18214866 GREEB CROWE DR	ADDRESS



_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS

_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS

_____	SIGNATURE	_____	SIGNATURE
_____	NAME	_____	NAME
_____	ADDRESS	_____	ADDRESS

October 5, 2015

To the Menomonee Falls Planning Commission,

It has come to our attention that the "Social Haus", a C-1 zoned building, has filed a request to be permitted to remain open until 2:30 am. Further, the Social Haus is requesting to be allowed to play music and serve food outside until 11pm, and be allowed to build a fire pit and bocce ball area.

The undersigned strongly oppose the Social Haus' request and respectfully ask that you deny the permits and require a public hearing. The Social Haus is next to a number of residential subdivisions and is within a block of both a public and a parochial elementary school. The Social Haus is zoned a "C-1 neighborhood business" and requires a variance to operate such a bar. Given the building's location and proximity to homes and places where children congregate it would be inappropriate to grant such variance.

We request to be further heard on this issue at a public hearing.

Jessica Zeratsky SIGNATURE _____ SIGNATURE
Jessica Zeratsky NAME _____ NAME

W182N4909 Green Crane Dr ADDRESS _____ ADDRESS
Men Falls, WI

SIGNATURE _____ SIGNATURE
NAME _____ NAME

ADDRESS _____ ADDRESS

SIGNATURE _____ SIGNATURE
NAME _____ NAME

ADDRESS _____ ADDRESS

SIGNATURE _____ SIGNATURE
NAME _____ NAME

ADDRESS _____ ADDRESS

October 12, 2015

To the Menomonee Falls Planning Commission and General Government Committee,

It has come to our attention that the "Social Haus", a C-1 zoned building, has filed a request to obtain a Liquor License to operate as a bar. Few residents opposed this in the Village board meeting on October 5, 2015 and this issue was referred to General Government Committee to be discussed on October 19, 2015.

Further, the Social Haus is asking to remain open until 2:30 am. The undersigned strongly oppose the Social Haus' requests and respectfully ask that you deny the Liquor License to operate as a bar. The Social Haus is next to a number of residential subdivisions and is within a block of both a public and a parochial elementary school. We foresee a lot of issues with the "Social Haus" operating as bar such as loud noise, disorderly patrons, parking issues, property values and quality of life in general.

We request to be further heard on this issue at a public hearing.

<u>Balinder S</u> SIGNATURE	<u>Jagman</u> SIGNATURE
<u>BALJINDER SINGH</u> NAME	<u>Jagman Sobhna</u> NAME
<u>W184 N 4833 Green Crane</u> ADDRESS	<u>W184 N 4833 Green Crane Dr</u> ADDRESS
<u>Eric</u> SIGNATURE	<u>Colleen</u> SIGNATURE
<u>Eric Grans</u> NAME	<u>Colleen Grans</u> NAME
<u>W184 W4868 Green Crane</u> ADDRESS	<u>W184 N4868 Green Crane</u> ADDRESS
<u>Suresh V. Venka</u> SIGNATURE	<u>Colleen</u> SIGNATURE
<u>SURESH V. VENKA</u> NAME	<u>Colleen</u> NAME
<u>N49 W18445, Wild life Ct.</u> ADDRESS	<u>W184 N4868 Green Crane</u> ADDRESS
<u>Dinjan</u> SIGNATURE	<u>Amy Retzer</u> SIGNATURE
<u>Dinjan Duvvuru</u> NAME	<u>Amy Retzer</u> NAME
<u>N49 W18445 Wild life Ct</u> ADDRESS	<u>N49 W18403 Wildlife Ct</u> ADDRESS

[Signature] SIGNATURE John Spornia SIGNATURE

Craig Hicks NAME John Spornia NAME
N49 W18358 Wildl. Pk. ADDRESS N49 W18382 Wildl. Pk. ADDRESS

Melissa L. Johnson SIGNATURE [Signature] SIGNATURE
N49 W18452 Wildl. Pk. NAME KEYUR H. PARIKH NAME

Lisa (Melissa) ADDRESS W184 N4903 Green Crane Dr ADDRESS
[Signature] SIGNATURE [Signature] SIGNATURE

SUNDAR TAMMAM NAME ANVAL K. PARIKH NAME
W184 N4935 Green Crane Dr ADDRESS W184 N4903 Green Crane Dr ADDRESS

[Signature] SIGNATURE [Signature] SIGNATURE
SNEHA MADHAVAPEDDI NAME Erin Coster-Mullen NAME

W184 N4935 Green Crane Drive ADDRESS W187 N4984 Herond ADDRESS
Bala Ganeshan SIGNATURE [Signature] SIGNATURE

BALA GANESHAN NAME SUDHAMAN SRINIVASAN NAME
N48 W18364 GREEN CRANE DR, MENOMONIE FALLS, ADDRESS N48 W18364 GREEN CRANE DR ADDRESS

____ SIGNATURE _____ SIGNATURE
____ NAME _____ NAME

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____ NAME _____ NAME
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____ SIGNATURE _____ SIGNATURE
____ NAME _____ NAME

____ ADDRESS _____ ADDRESS

Jeff Bornermann SIGNATURE _____ SIGNATURE

JEFF BORNERMANN NAME _____ NAME

N48 W18388 GREEN CRANE DRIVE ADDRESS _____ ADDRESS

Kimberly Burnemann SIGNATURE _____ SIGNATURE

KIMBERLY BURNEMANN NAME _____ NAME

N48 W18398 GREEN CRANE DR. ADDRESS _____ ADDRESS

Justin Bergner SIGNATURE _____ SIGNATURE

Justin Bergner NAME _____ NAME

N48 W18444 Green Crane Dr. ADDRESS _____ ADDRESS

Ling Chong SIGNATURE _____ SIGNATURE

Ling Chong NAME _____ NAME

N48 W18444 Green Crane Dr. ADDRESS _____ ADDRESS

Lisa Marmet SIGNATURE _____ SIGNATURE

Lisa Marmet NAME _____ NAME

W182 N4841 green crane dr. ADDRESS _____ ADDRESS

Lisa Marmet SIGNATURE _____ SIGNATURE

Lisa Marmet NAME _____ NAME

W182 N4841 green crane ADDRESS _____ ADDRESS

_____ SIGNATURE _____ SIGNATURE

_____ NAME _____ NAME

_____ ADDRESS _____ ADDRESS

_____ SIGNATURE _____ SIGNATURE

_____ NAME _____ NAME

_____ ADDRESS _____ ADDRESS



General Government Committee

3.

Meeting Date: 10/19/2015
Topic: Ordinance regulating the keeping of domestic chickens on residential properties
From: Michael Morse, Village Attorney
Department: Legal
Presenter: Village Attorney, Police Department Representative
Date of Committee Action (if required): 10/19/2015
Date of Village Board Action (if required): 10/19/2015

Information

Subject:

Ordinance amending Chapters 14 (Animals) and 42 (Fees) of the Municipal Code regarding permitting and regulating the keeping of domestic chickens on residential properties in the Village

Background Information:

See Village Attorney's memorandum.

Key Issues for Consideration:

Action By Committee or Village Board:

See Village Attorney's memorandum.

Attachments

Village Attorney's Memorandum

Appendix A: Revised Draft of Ordinance

Appendix B1: Redlined Draft of Revised Alternative Ordinance

Appendix B2: Clean Draft of Revised Alternative Ordinance

Appendix C: Ordinance Creating Permit Fee

Appendix D: Ordinance Adding Definitions



Memorandum

To: Mark Fitzgerald
 Village Manager

From: Michael J. Morse
 Village Attorney

CC: Village Board Matt Carran Chief Ruzinski
 Janice Moyers Community Ast. Chief Waters
 Village Clerk Development Police Dept.

Date: October 14, 2015

Re: **October 19, 2015 General Government Committee and Village Board**
Agenda: Adoption of an ordinance amending Chapters 14 (Animals) and 42 (Fees) of the Municipal Code regarding permitting and regulating the keeping of domestic chickens on residential properties in the Village.

INTRODUCTION

This item is on the Committee’s agenda to enable the Committee to continue its discussion and possibly to recommend a potential course of action to the Board. It is on the Board’s agenda for action should the Committee make a recommendation. The agenda packet for this item consists of this memorandum and the following appendices:

Appendix	Description	No. of pages
A	A revised draft of the ordinance set out in Appendix A of the 10/05 Committee agenda packet.	4
B	Appendix B consists of redlined (B-1) and clean (B-2) drafts of a revised alternative ordinance that is based on a similar ordinance in Wauwatosa (Appendix B of the 10/5 Committee agenda packet).	B-1: 5 B-2: 5
C	An ordinance amending Section 42-14 of the Municipal Code to create a \$25 fee for the domestic chicken permit.	1
D	Definitions to be added to Section 14-1 of the Municipal Code if the Board were to adopt either the proposed ordinance in Appendix A or the alternative draft in Appendix B.	1

On page 2 I have provided a summary overview of these appendices, and laid out possible courses of action for the Committee’s consideration.

SUMMARY OVERVIEW OF THE APPENDICES

1. Appendix A: revised draft of proposed ordinance.

At the October 9 meeting, I submitted for the Committee's review an Appendix A, which contained a redlined revision of a draft ordinance that the Committee reviewed and discussed on September 21. The redlining highlighted possible revisions based on input from the committee at the September 21 meeting. The clean draft submitted with this memorandum accepts all the redlined changes that at least two committee members did not object to, and makes some stylistic changes to make the numbering more consistent.

2. Appendices B-1 and B-2: revised alternative based on a similar Wauwatosa ordinance.

At the October 9 meeting, I also submitted for the Committee's review an Appendix B, which contained an alternative ordinance based largely on similar ordinances in Wauwatosa and Milwaukee. The Committee reviewed the alternative ordinance at that meeting, and I received comments about possible revisions to the draft. I have submitted two appendices that contain revisions suggested by Committee members. Appendix B-1 is a redlined draft that highlights revisions suggested by committee members to the alternative ordinance. Appendix B-2 is a clean draft that accepts all the redlined changes highlighted in Appendix B-1 and makes some stylistic changes to some of the headings to make them consistent with the format used in the Village Municipal Code.

3. Appendix C: ordinance creating a \$25 permit.

Appendix C contains an ordinance amending Section 42-14 of the Municipal Code to create a twenty-five dollar fee for the domestic chicken permit. This ordinance was part of the packet for the October 5 meeting.

4. Appendix D: ordinance amending Section 14-1 to add definitions related to the domestic chicken permit.

Appendix D contains an ordinance amending Section 14-1 of the Municipal Code to add eight definitions related to the domestic chicken permit. It has not changed since the committee received the first draft in September. This ordinance was also part of the packet for the October 5 meeting.

POSSIBLE COMMITTEE ACTIONS

1. Determine whether the current draft of Appendix A or the alternative draft (Appendix B-2) needs additional revisions, or whether either draft is ready to report out to the Board of Trustees.
2. Decide whether to report either the current draft of Appendix A or the alternative draft (Appendix B-2) to the Board with or without a Committee recommendation.
3. Determine whether to recommend that the Board of Trustees hold one or more public hearings on any draft ordinance reported out of the Committee.

APPENDIX A

ARTICLE III KEEPING DOMESTIC CHICKENS

Sec. 14-40 Purpose and Intent.

- (a) The purpose of this section is to outline conditions under which village residents living on lands not devoted exclusively to agricultural use may safely keep or maintain a limited number of chickens. The regulations contained in this section are intended to assure appropriate structures in which to house chickens; to prevent nuisances and conditions that are unsanitary or unsafe; and to protect the health, safety, and welfare of the general population of the Village.
- (b) Restricted Covenants. This ordinance is not intended to interfere with any restrictive covenants otherwise applicable.
- (c) If the authorization to keep, maintain or own chickens under this article is repealed, no party shall have the right to keep chickens based on a claim of a nonconforming use status obtained under this article.

Sec. 14-41 Permit Required

- (a) No person shall keep, own or maintain chickens within the corporate limits of the Village; nor construct any coop or chicken run without first obtaining a permit hereunder.
 - (1) No more than one such permit may be issued for any parcel or household.
 - (2) One permit will allow the permit holder to keep, own and maintain of up to four (4) hens per quarter acre.
- (b) *Chickens not allowed on certain lands.* Chickens are not allowed to be kept or maintained upon the following:
 - (1) Mobile home parks.
 - (2) Vacant lots unless the person requesting the permit resides on the abutting property and the coop cannot be easily seen from the street.
 - (3) Lands containing more than one dwelling unit.
 - (4) Lands located in a commercial, industrial or institutional zoning district per Chapter 122 of the municipal code.
- (c) *Chickens allowed without a permit on certain lands.* This Article does not apply to lands lawfully and exclusively used for agricultural purposes.

Sec. 14-42 Permit Requirements

- (a) *Application.* An applicant for a chicken permit shall apply on forms obtained from the Department of Community Development.
- (b) *Fee.* The fee required in Section 42-14 of the municipal code shall be paid by the applicant when the application is filed.
- (c) *Site Plan.* The application shall include a Site Plan that complies with the provisions of this Article.
- (d) *Required Permissions or Approvals to be filed with application.* If the applicant is not the owner of the property, the applicant must present a signed statement from the property owner

consenting to the applicant's proposal for keeping chickens on the premises. The property owner's signature must be notarized.

- (e) The application shall be accompanied with satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agricultural Trade and Consumer Protection pursuant to §95.51, Wis. Stats. and ATCP 17, Wis. Adm. Code.
- (f) *Deficient Application.* If an application fails to meet the requirements of this Article, the Department of Community Development shall notify the applicant of the deficiency or failing. The applicant shall have thirty (30) days from the date of the notice to correct the deficiency or failing. The failure or inability to timely cure the deficiency or failing shall be grounds for denying the application
- (g) *Term.* Annual permits shall commence on January 1 or thereafter and expire December 31 of the same year.

Sec. 14-43 Enclosures

- (a) Chicken enclosures shall include a coop and an outdoor "run."
- (b) Chicken enclosures shall meet the following requirements:
 - (1) Chickens shall be provided with a sanitary and adequately sized coop and shall be kept in the coop or a sanitary and adequately accessible fenced run at all times. Chicken coops and runs together shall be large enough to provide at least sixteen square feet of space per chicken.
 - (2) Chicken coops and runs shall be constructed of nondestructive materials such as metal; and shall be structurally sound, enclosed, well-ventilated, predator proof, and designed to be easily accessed for cleaning. In addition, chicken coops shall be moisture-resistant, sturdy, constructed in a workmanlike manner, and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel. The coop shall also be constructed as to prevent rodents from being harbored underneath or within the walls of the coop.
 - (3) Chicken enclosures shall be located in the rear yard only, a minimum of twenty-five (25) feet from all lot lines, a minimum of twenty (20) feet from any occupied structure on the same parcel, and a minimum of one hundred (100) feet from all residential dwellings on abutting properties.
 - (4) Chicken coops shall be constructed and runs maintained to reasonably prevent the collection of standing water and shall be cleaned of droppings, uneaten feed, feathers and other waste daily and as soon as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
 - (5) *Food Containers.* All food supplies maintained for the coop and the run must be kept in secure and rodent proof, tightly covered, metal containers. The chicken run must have dedicated feed containers.
 - (6) Fencing for the chicken run shall be no taller than 6 feet measured from the ground to the top of the fence.

Sec. 14-44 General Regulations.

In addition to any other regulations in this Article, all persons receiving a chicken permit must comply with the following general regulations:

- (a) No more than four hens may be kept per quarter acre. No roosters shall be kept on parcels less than three acres.
- (b) No chicken shall be slaughtered.
- (c) The permit holder shall abide by all state laws and regulations for livestock premises registration, including applicable sections of Wisconsin Statute 95.51, and Wisconsin Administrative Code Chapter ATCP 17 and any applicable amendments thereto. Permit holder shall also follow state law regarding import, purchase and sales of live poultry as set forth in ATCP 10.40 and ATCP 10.42 of the Wisconsin Administrative Code and any applicable amendments thereto.
- (d) Chicken eggs may not be sold, traded, or hatched for commercial purposes.
- (e) Food and Water. Chickens shall be provided with fresh water and adequate amounts of feed regularly.
- (f) *Waste*. Chicken coops and runs shall be cleaned of droppings, uneaten feed, feathers and other waste daily and as soon as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
- (g) Public health requirements.
 - (1) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
 - (2) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Department of Community Development.
 - (3) The Director of Community Development may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.

Sec. 14-45 Penalties and Revocation of Permit

- (a) *Forfeiture*. Any person who violates this article shall be subject to a penalty as provided in section 1-7 of this Municipal Code.
- (b) *Permit Revocation*.
 - (1) In addition to any other remedy or penalty, a permit issued under this article is subject to revocation upon failure to comply with any provision under this Article or any applicable provision of this Chapter. Once a permit is revoked, a permit shall not be reissued for the same parcel or same applicant for at least one year from the date the original permit was revoked.
 - (2) Revocation by the Municipal Court. A permit issued under this Section may be revoked by the Municipal Court upon the conviction of the permit holder of a violation of this Article or of any applicable provisions of this Chapter.

- (3) Administrative Revocation or Refusal to Renew a Permit. The Department of Community Development may revoke or refuse to renew a permit at any time, upon a finding by the Director of Community Development of any of the following:
- i. The permit holder is not following the one or more regulations set forth in this Article or has violated one or more of the applicable provisions in this Chapter;
or
 - ii. The permit holder is not maintaining the chickens, coops, or enclosures in a clean and sanitary condition.

Appendix B-1: Redlined Revision of Alternative Draft Based on Wauwatosa Ordinance

Article III Keeping Domestic Chickens

Sec. 14-40 – Purpose and Intent.

- (a) The Board of Trustees of the Village of Menomonee Falls desires to provide for the health, safety, and well-being of its residents, to ensure and maintain property conditions and values, and to provide a domestic and sustainable source of nourishing food through limited chicken egg production in a residential environment respecting its urban surroundings and rural origins.
- (b) The purpose of this Article is to outline conditions under which village residents living on lands devoted residential use may safely keep or maintain a limited number of chickens.
 - (1) The regulations contained in this Article are intended to assure appropriate structures in which to house chickens; to prevent nuisances and conditions that are unsanitary or unsafe; and to protect the health, safety, and welfare of the general population of the Village.
 - (2) The provisions of this Article are not intended to authorize or permit the keeping or maintaining of chickens on lands not devoted to residential use.
 - (3) This Article does not apply to or regulate lands lawfully and exclusively used for agricultural purposes. Chickens are allowed on such lands without a permit issued under this Article.
- (c) *Restricted Covenants.* This ordinance is not intended to interfere with any restrictive covenants otherwise applicable.
- (d) If the authorization to keep, maintain or own chickens under this article is repealed, no party shall have the right to keep chickens based on a claim of a nonconforming use status obtained under this Article.

Sec. 14-41 Permit, application, enforcement, penalty.

(a) Permit Required.

(1) No person shall keep live chickens in the village without first obtaining a valid permit from the Department of Community Development.

(a) The permit process requires a completed application on forms obtained from the Department of Community Development and accompanied with a fee as set forth in Section 42-14 of the Municipal Code.

(b) The permit application is also subject to neighborhood approval and other requirements as set forth below.

(c) Chickens not allowed on certain lands. Chickens are not allowed to be kept or maintained upon the following:

1. Mobile home parks.

2. Vacant lots unless the person requesting the permit resides on the abutting property and the coop cannot be easily seen from the street.

3. Lands containing more than one dwelling unit.

(2) Permit. Each owner shall obtain a village issued permit prior to acquiring any live chicken. No more than one such permit may be issued for any single residential parcel or household. A permit and fee shall be required for each parcel.

(3) No permit fee may be refunded in whole or in part or be transferable.

(4) A permit is subject to revocation upon failure to comply with any provision under this Article. Once a license is revoked, a permit shall not be reissued.

(5) The permit shall be renewed and fee shall be paid annually. There shall be a penalty added to the permit fee for late payment of the permit fee as set forth in Section 42-14 of the Municipal Code.

(6) *Deficient Application.* If an application fails to meet the requirements of this Article, the Department of Community Development shall notify the applicant of the deficiency or failing. The applicant shall have thirty (30) days from the date of the notice to correct the deficiency or failing. The failure or inability to timely cure the deficiency or failing shall be grounds for denying the application

(b) Neighborhood Approval and Site Plan Required.

(1) Before aan initial permit is issued a resident for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where chickens shall be kept and the owners of all adjoining or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of the application. Consent of the owners of adjoining or abutting properties is not required for a renewal application.

(2) The applicant must also submit a site plan that complies with the provisions of this Article at the time ofwith the initial and any renewal application. ~~which complies with the provisions of this chapter.~~

(c) Keeping of Chickens Allowed. The keeping of up to four hens is allowed on a residential property, under the following provisions:

(1) No roosters shall be kept.

(2) No chicken shall be slaughtered.

(3) Chickens shall be provided with fresh water and adequate amounts of feed regularly.

- (4) Chickens shall be provided with a sanitary and adequately sized covered enclosure or coop and shall be kept in the covered enclosure or coop or a sanitary and adequately accessible fenced enclosure at all times.
- (5) Chicken coops shall be moisture-resistant, sturdy, constructed in a workmanlike manner, and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
- (6) Chicken coops shall be constructed and yards maintained to reasonably prevent the collection of standing water and shall be cleaned of droppings, uneaten feed, feathers and other waste daily and as soon as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
- 7) Chicken coops and yards together shall be large enough to provide at least sixteen square feet of space per chicken.
- (8. No enclosure or coop shall be located closer than twenty-five feet to any residential dwelling on an adjacent lot unless consent is given by the owner of the adjacent lot.
- (9) No enclosure or coop shall be located in the front yard of a residential parcel. [Chicken enclosures shall be located in the rear yard only.](#)
- (10) In addition to compliance with the requirements of this Article, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat, or otherwise interfere with the normal use of property in the enjoyment of life by humans or animals.
- (11) Chicken eggs may not be sold, traded, or hatched for commercial purposes.

D. Public Health Requirements.

- (1) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
 - (2) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Department of Community Development.
 - (3) The Director of the Department of Community Development may order testing, quarantine, isolation, vaccination, or humane euthanasia of ill chickens or chickens believed to be a carrier of communicable disease.
- (e) Enforcement; Penalty.
1. Any person violating any provision of this Article shall be subject to a penalty as provided in Section 1-7 of the Municipal Code.
 - (2) Removal of Chicken. Any chicken may be impounded or removed from the village for violations of this chapter. The chicken's owner shall be responsible for costs of the impoundment or removal.
 - (3) The Department of Community Development and the Police Department shall enforce the provisions of this article.

Appendix B-2: Revision of Alternative Draft Based on Wauwatosa Ordinance

Article III Keeping Domestic Chickens

Sec. 14-40 – Purpose and Intent.

- (a) The Board of Trustees of the Village of Menomonee Falls desires to provide for the health, safety, and well-being of its residents, to ensure and maintain property conditions and values, and to provide a domestic and sustainable source of nourishing food through limited chicken egg production in a residential environment respecting its urban surroundings and rural origins.
- (b) The purpose of this Article is to outline conditions under which village residents living on lands devoted residential use may safely keep or maintain a limited number of chickens.
 - (1) The regulations contained in this Article are intended to assure appropriate structures in which to house chickens; to prevent nuisances and conditions that are unsanitary or unsafe; and to protect the health, safety, and welfare of the general population of the Village.
 - (2) The provisions of this Article are not intended to authorize or permit the keeping or maintaining of chickens on lands not devoted to residential use.
 - (3) This Article does not apply to or regulate lands lawfully and exclusively used for agricultural purposes. Chickens are allowed on such lands without a permit issued under this Article.
- (c) *Restricted Covenants.* This ordinance is not intended to interfere with any restrictive covenants otherwise applicable.
- (d) If the authorization to keep, maintain or own chickens under this article is repealed, no party shall have the right to keep chickens based on a claim of a nonconforming use status obtained under this Article.

Sec. 14-41 Permit, application, enforcement, penalty.

(a) *Permit Required.*

- (1) No person shall keep live chickens in the village without first obtaining a valid permit from the Department of Community Development.
 - (a) The permit process requires a completed application on forms obtained from the Department of Community Development and accompanied with a fee as set forth in Section 42-14 of the Municipal Code.
 - (b) The permit application is also subject to neighborhood approval and other requirements as set forth below.
 - (c) Chickens not allowed on certain lands. Chickens are not allowed to be kept or maintained upon the following:
 1. Mobile home parks.
 2. Vacant lots unless the person requesting the permit resides on the abutting property and the coop cannot be easily seen from the street.
 3. Lands containing more than one dwelling unit.
- (2) *Permit.* Each owner shall obtain a village issued permit prior to acquiring any live chicken. No more than one such permit may be issued for any single residential parcel or household. A permit and fee shall be required for each parcel.
- (3) No permit fee may be refunded in whole or in part or be transferable.
- (4) A permit is subject to revocation upon failure to comply with any provision under this Article. Once a license is revoked, a permit shall not be reissued.

- (5) The permit shall be renewed and fee shall be paid annually. There shall be a penalty added to the permit fee for late payment of the permit fee as set forth in Section 42-14 of the Municipal Code.
 - (6) *Deficient Application.* If an application fails to meet the requirements of this Article, the Department of Community Development shall notify the applicant of the deficiency or failing. The applicant shall have thirty (30) days from the date of the notice to correct the deficiency or failing. The failure or inability to timely cure the deficiency or failing shall be grounds for denying the application
- (b) *Neighborhood Approval and Site Plan Required.*
- (1) Before an initial permit is issued a resident for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where chickens shall be kept and the owners of all adjoining or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of the application. Consent of the owners of adjoining or abutting properties is not required for a renewal application.
 - (2) The applicant must also submit a site plan that complies with the provisions of this Article with the initial and any renewal application.
- (c) *Keeping of Chickens Allowed.* The keeping of up to four hens is allowed on a residential property, under the following provisions:
- (1) No roosters shall be kept.
 - (2) No chicken shall be slaughtered.
 - (3) Chickens shall be provided with fresh water and adequate amounts of feed regularly.
 - (4) Chickens shall be provided with a sanitary and adequately sized covered enclosure or coop and shall be kept in the covered enclosure or

coop or a sanitary and adequately accessible fenced enclosure at all times.

- (5) Chicken coops shall be moisture-resistant, sturdy, constructed in a workmanlike manner, and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
- (6) Chicken coops shall be constructed and yards maintained to reasonably prevent the collection of standing water and shall be cleaned of droppings, uneaten feed, feathers and other waste daily and as soon as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
- 7) Chicken coops and yards together shall be large enough to provide at least sixteen square feet of space per chicken.
- (8) No enclosure or coop shall be located closer than twenty-five feet to any residential dwelling on an adjacent lot unless consent is given by the owner of the adjacent lot.
- (9) No enclosure or coop shall be located in the front yard of a residential parcel. Chicken enclosures shall be located in the rear yard only.
- (10) In addition to compliance with the requirements of this Article, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat, or otherwise interfere with the normal use of property in the enjoyment of life by humans or animals.
- (11) Chicken eggs may not be sold, traded, or hatched for commercial purposes.

D. *Public Health Requirements.*

- (1) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

- (2) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Department of Community Development.
 - (3) The Director of the Department of Community Development may order testing, quarantine, isolation, vaccination, or humane euthanasia of ill chickens or chickens believed to be a carrier of communicable disease.
- (e) *Enforcement; Penalty.*
- 1. Any person violating any provision of this Article shall be subject to a penalty as provided in Section 1-7 of the Municipal Code.
 - (2) Removal of Chicken. Any chicken may be impounded or removed from the village for violations of this chapter. The chicken's owner shall be responsible for costs of the impoundment or removal.
 - (3) The Department of Community Development and the Police Department shall enforce the provisions of this article.

APPENDIX C

Ordinance creating Domestic Chicken Permit Fee

Amend Section 42-14 [Animals] of Article I [In General] of Chapter 42 [Fees] to by adding subsection (c) [Domestic chicken permit fees]

- **Sec. 42-14. - Animals.**

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(c) *Domestic chicken permit fees.*

(1) The fees for all domestic chicken permit issued under Article III of Chapter 14 shall be twenty-five dollars.

(2) The applicant shall be subject to a late fee of \$5 from every owner of a hen eight weeks of age or older if the applicant fails to obtain a license prior to March 1 of each year, or within 30 days of acquiring ownership of a licensable hen.

APPENDIX D

Definitions to be added to Village Ordinance 14-1 for Proposed Chicken Regulations

Amend Section 14-1 [Definitions] to add the following definitions:

Abutting Property means property that borders land belonging to someone else, with the exception of public streets.

Chicken means a domestic fowl of any age of the subspecies *Gallus gallus domesticus*. This definition does not include other kinds of fowl including but not limited to ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus, or ostriches.

Hen means a female chicken of any age, including chicks.

Keep means either the owning, keeping, possessing or harboring of a chicken.

Rooster means a male chicken of any age, including a capon or otherwise neutered male chicken.

Coop means a new or existing enclosed accessory structure, building or pen designed or modified for the keeping of chickens and meeting the requirements of Section 14-43 of the Municipal Code.

Chicken Run means a fenced cage attached to a coop, meeting the requirements of Section 14-43 of the Municipal Code.

Rear yard shall be defined the same as Section 122-2 of the Municipal Code.