



**Committee of the Whole - Council Workshop Meeting Agenda
Tuesday, October 15, 2024, at 5:00 p.m.
Chilton City Hall – First Floor Chambers
42 School Street, Chilton, WI 53014**

Pursuant to Section 19.84(2) and (3) of the Wisconsin State Statutes, notice is hereby given to the public, to the Tri-County News, the official newspaper of Chilton, and to those news media who have filed a written request for this notice that a meeting of the above-referenced was held at the date, time and location listed above.

Notice is hereby given that a majority of the Common Council of the City of Chilton, or any standing committee of that body were present at this meeting to gather information about the subject matter which they have decision making responsibility.

The above governmental body met to discuss and possibly act on the following agenda items as set forth below:

Call to Order – Council President - Rick Jaeckels -

1. Roll Call: Committee members Kathy Schmitzer, Ron Gruett, Peggy Loose, Joe Schoenborn, Debra Meier, Robbie Seipel, and Rick Jaeckels.
2. Pledge of Allegiance:
3. Approval of September 17, 2024, Committee Minutes –
4. Audience Participation –

New Business:

5. Discussion – Mayoral Resignation/Vacancy – Recommendation to Council -
 - A. Options Regarding per WI State Statute 17.23 (1) am –
 - B. Public Announcement of Resignation –
6. Discussion - Chapter 40 – 211(h) & 40 -216 of the City of Chilton Municipal Code – Election Signs – Recommendation to Council –
7. Discussion – Chapters 40-77 & 40-78 of the City of Chilton Municipal Code – Agricultural & Residential Land Uses regarding Animals (Chickens) – Recommendation to Council -
8. Adjournment

NOTICE: In accordance with the requirements of Title I of the Americans with Disabilities Act (ADA), the City of Chilton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance or reasonable accommodations in participating in the meeting or event due to a disability as defined under the ADA, please call the City Clerk's Office at 920-849-2451 at least 48 hours prior to the scheduled meeting or event to request an accommodation.

1. What is the proper procedure for filling vacancies in city or village offices?

City Offices

Except as provided in Wis. Stat. § 9.10 (recall), the common council may fill vacancies in the office of mayor or alderperson in second, third, and fourth class cities by majority vote, appointing a successor to serve for the remainder of the unexpired term or until a special election is held, as ordered by the common council under Wis. Stat. § 8.50, or an office may remain vacant until an election is held. Wis. Stat. § 17.23(1)(am).

Three Options Exist for the City of Chilton:

1. Appoint a successor for the remainder of 2024 and January – April 15, 2025. A special election would need to be held in 2025 with a primary in February if needed and local election on April 1, 2025. Council will need to move on this option no later than November 19, 2024, to ensure information about an election is delivered in time to the County Clerk.
2. Appoint a successor for the remainder of the term which would end on April 21, 2026.
3. The office and position of Mayor would remain Vacant.

Sec. 2-33. Council president; acting mayor.

The council shall, at its regular meeting on the third Tuesday of April following the spring election, elect from its members a president for a one-year term. The president, in the absence or inability of the mayor, shall preside at meetings of the council, and shall have the power and duties of the mayor, except the president shall not approve an act of the council which the mayor has disapproved by filing objections with the clerk. When so officiating, the president shall be referred to as the acting mayor.

Sec. 40-211. General standards and requirements.

- (a) A sign is considered a structure or a part of a structure for the purpose of applying yard and height regulations.
- (b) Except for traffic control, signs and parts of the superstructure may not extend into the required yards and right-of-way without a revocable special permit for temporary signs and decorations granted by the city, subject to the laws of the state.
- (c) Illuminated flashing signs or devices giving off an intermittent or rotating beam consisting of a collection or concentration of rays of light shall not be permitted in any district.
- (d) For the purpose of selling or leasing property in any district, a sign not in excess of 32 square feet per surface (ten square feet in residential districts) may be placed within the front yard of such property to be sold or leased. Such signs shall not be less than 15 feet from the right-of-way line unless flat against the structure.
- (e) The area within the frame shall be used to calculate the square footage except that width of a frame exceeding 12 inches shall constitute advertising space, or should such letters or graphics be mounted directly on a wall or fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure, bound by straight lines connecting the outer-most points thereof, and each surface utilized to display a message or to attract attention shall be measured as a separate sign. Any symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walks, awnings, free standing structures, suspended by balloons or kites or on persons, animals or vehicles shall be considered as a sign.
- (f) Except for temporary signs, signs shall not be attached by an adhesive or painted on a building or fence but shall be on a separate frame or attached by a permanent fixture. Permanent window signs (painted or vinyl occupying no more than 25 percent of the glazed portion of a window) and awning signs are excluded.
- (g) The source of light for any illuminated sign shall not be directed into any street or property used or zoned for residential purposes.
- (h) Election signs are permitted in all districts; provided, however, they shall be removed within 15 days following election days. Election signs shall not be greater than 32 square feet per surface (ten square feet in residential districts).

(Code 2001, § 16.13(1)(b)—(i); Ord. No. 1099, 1-15-2013; Ord. No. 1195 , § 1, 6-7-2022)

Sec. 40-216. Enforcement and penalties.

- (a) Any person, firm or corporation who begins, erects, or completes the erection or construction of any sign controlled by this article prior to the granting of a permit shall be in violation of this chapter.
- (b) If the city finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
- (c) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within 30 days after such notice, the city council may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this article.
- (d) Any person, firm or corporation who violates any provision of this article shall be subject to the penalties prescribed in Section 1-12. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

(Code 2001, § 16.13(6); Ord. No. 1099, 1-15-2013; Ord. No. 1195 , § 1, 6-7-2022)

Sec. 1-12. General penalty.

- (a) *Generally.* Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) *First offense.* Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$1.00 nor more than \$100.00, together with the costs of prosecution. Any person who defaults in the payment of such forfeiture or costs shall be imprisoned in the county jail until the forfeiture and costs are paid but not exceeding 90 days.
 - (2) *Second and subsequent offenses.* Any person found guilty of violating any ordinance or any provision of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 for each such offense, together with costs of prosecution. Any person who defaults in the payment of such forfeiture or costs shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding six months.
- (b) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) *Other remedies.* The city shall have authority to impose all other remedies afforded by state law in addition to the forfeitures and costs or prosecution provided in subsection (a) of this section.
- (d) *Execution against defendant's property.* When a person fails to pay a forfeiture and costs of prosecution upon the order of any court violation of any ordinance of the city, the court may, in lieu of ordering imprisonment or the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for the forfeiture and costs.
- (e) *Restitution.* Any violation of a provision of this Code similar to conduct prohibited by state statute resulting in damage to property or physical injury to a person shall require restitution to be made upon conviction thereof.
- (f) *Statutorily equivalent ordinances.* Notwithstanding other provisions of this Code, when a violation of this Code is similar in nature to a corresponding violation of the state statutes, the city official charging under this Code may use the state judicial conference uniform deposit schedule forfeiture amount, including court costs and assessments, listed for the violation.
- (g) *Other sanctions.* Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by state law to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

(Code 2001, § 20.04; Ord. No. 818, 6-4-1996)

State law reference(s)—Penalties under county and municipal ordinances, Wis. Stats. § 66.0109.

Sec. 40-77. Agricultural/open space uses.

The following uses are considered suitable land uses for agricultural/open space districts:

- (1) *Agriculture.* Land uses that include crop or forage production, nursery, sod, or Christmas tree production, floriculture, forestry operations consistent with DNR best management practices and guidelines, and any other use that the department of agriculture, trade, and consumer protection, by rule, identifies as an agricultural use related to cultivation. Animal husbandry (breeding and raising livestock or wild animals) is not permitted without a conditional use permit. Animal husbandry uses currently in existence will require a conditional use permit for any expansion in operation. Livestock and wild animals shall be defined by Wis. Admin. Code ch. ATCP 17.
- (2) *Animal boarding and breeding services.* The use of land, with related buildings or structures, for the breeding, rearing, grooming, training, selling, or boarding of more than four dogs or other domesticated animals over six months of age.
- (3) *Customary agricultural accessory uses and structures.*
 - a. Buildings, structures, or improvements that are an integral part of, or incidental to, an agricultural use or keeping of horses; and
 - b. Activities or business operations that are an integral part of, or incidental to, an agricultural use.
- (4) *On-site agricultural retail.* Land uses that include operations associated with the sale of agricultural products grown exclusively on the site or exclusively by the farm operator. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site. Roadside stands shall not exceed 12 feet in total height or 200 square feet in floor area, and no portion of any such stand shall be located or erected nearer than 50 feet from any street line (all other setbacks outlined in this chapter must also be followed). In addition, off-street customer parking shall be limited to no more than three vehicle spaces. Any on-site agricultural retail that exceeds these requirements shall be considered through the conditional use process.
- (5) *Horses and accessory private stables.* Keeping, raising, and breeding of horses not to exceed one horse per two acres of land area excluding surface water. This ratio may be exceeded only through conditional use.
- (6) *Horse riding academies, commercial.* Operation of commercial riding schools, academies, including associates' stables, structures, and tracks, and trails.

(Code 2001, § 16.09(2); Ord. No. 1129, 4-5-2016)

Sec. 40-78. Residential land uses.

The following uses are considered suitable land uses for residential districts:

- (1) *Customary residential accessory uses and structures.* Land uses and structures clearly incidental to the primary permitted residential use, such uses as private garages, swimming pools, carports, storage sheds, and decks. A private garage is an accessory building or accessory portion of the principal building which is intended for and used to store the vehicles of families resident upon the premises, and in which no business, service or industry is carried on, provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of none or two car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle. The load capacity of such commercial vehicle shall not exceed one ton.
- (2) *Single-family dwelling.* A detached building designed, arranged or used for and occupied exclusively by one family.
- (3) *Two-family dwelling.* A building designed, arranged or used for and occupied exclusively by two families living independently of each other.
- (4) *Multifamily dwelling.* A building designed, arranged or used for and occupied by three or more families living independently of each other, which may include apartments, condominiums, row housing, and similar units.
- (5) *Dwellings above commercial uses.* Residential units in buildings where commercial uses occupy the lower floors and residential units occupy the second story or higher.
- (6) *Home occupation.* Any gainful occupation or profession engaged in by the occupant of a dwelling or from the dwelling when carried on within the dwelling unit as follows, and not in an accessory building, provided that no signs other than those normally utilized in a residential district are present:
 - a. No stock in trade is stored on the premises, over the counter retail sales are not involved, and entrance to the home occupation is gained from within the structure.
 - b. Such uses may include professional offices, family day care (following all state requirements), minor repair services, photo or art studio, dressmaking, barber shops, beauty shops, or teaching and similar uses; provided, however, a home occupation shall not be interpreted to include tourist homes, restaurants, or similar uses, or any use that produces excessive noise or odors.
 - c. Teaching shall be limited to four students at any given time.
 - d. A home occupation may include one person employed other than the occupant.;
 - e. No home occupation shall be permitted that results in the need for more than two parking spaces at any given time in addition to spaces required by the occupant of the home.
 - f. The home occupation shall be limited to no more than 25 percent of the floor area of the principal building, and shall not utilize any secondary buildings or structures.
 - g. One unlighted sign not over three square feet in area.

(Code 2001, § 16.09(3); Ord. No. 1129, 4-5-2016)

Land Uses	Ru	Ch	Sin	On	R-2	R-D	R-3	M	ult	R-MF-D	C-1	C-2	I-1	I-2
Agricultural/Open Space Land Uses														
	De	fin	ti											
	40-77													
Agriculture—cultivation	(1)													
Animal boarding and breeding services	(2)													
Customary agricultural accessory uses and structures	(3)													
On-site agricultural retail	(4)													
Horses and accessory private stables	(5)													
Horse riding academies—commercial	(6)													
Residential Land Uses														
	40-78													
Customary residential accessory uses and structures	(1)													
Dwelling—single-family	(2)													
Dwelling—two-family	(3)													
Dwelling—multifamily	(4)													
Dwellings above commercial uses	(5)													
Home occupation	(6)													
Commercial Land Uses														
	40-79													
Adult cabaret	(1)													
Bed and breakfast	(2)													
Group day care center	(3)													
Entertainment and service—indoor commercial	(4)													
Greenhouses and nurseries—commercial	(5)													
Indoor lodging—commercial	(6)													
Indoor retail sales activity as an accessory use to industrial, storage, or wholesaling	(7)													
In-vehicle sales and service	(8)													
Maintenance service—indoor	(9)													
Maintenance service—outdoor	(10)													
Outdoor display and sale—long term	(11)													
Parking garage—commercial	(12)													

Proposed Conditions for Animal Boarding & Breeding services within Residential Districts:

- An animal that primarily would not reside within a residential district needs to be approved by a conditional use permit. Conditional use permit fee of \$200 would apply, and the request needs to first be heard by the planning commission and then approved by council.
- All conditional use permits are a privilege and not a right of the owner, meaning that if conditions set forth in the agreement are not upheld, the permit can be revoked.
- All permits need to be applied for by the owner of the property and not a tenant.
- Administration, Public Works, and Police Departments will inspect all premises and give a report to committee and counsel.
- Any former nuisance complaints, fines, or assessments owed to the city will negate the opportunity to secure a permit.
- Quantities of the animals should be set by zone with consideration of larger quantities given to residential areas within rural character zoned property.
- Any livestock reported within the city that is not registered by conditional use permit is subject to immediate fines and forfeitures as dictated by Chapter 1-12 of the City of Chilton Municipal Code.
- Pertaining specifically to Chickens:
 - No free-range option for within certain zones in the city. Aside from rural character zones, all birds would need to be contained in a coup or pen. If a coup is to be constructed, it is to be considered a structure which would entail a building permit and would need to follow setbacks as prescribed by city code.
 - No roosters allowed.
 - 4 chickens per residence maximum, excluding rural character.