

## **POLICIES, PROCEDURES AND ORDINANCE COMMITTEE MEETING MINUTES, APRIL 26, 2010**

The meeting was called to order by Committee Chairman Cindy Corley at 5:15 PM. Present a roll call were: Cindy Corley and Bev Anderson. Absent was: John Sonsalla. Also present were: Mayor Dave Breunig, Bill McDaniel, Dan O'Brien, Jason King and Phil Risseeuw.

Motion by Anderson second by Corley that the meeting notice and agenda were properly posted. Motion carried. Motion by Anderson second by Corley to approve the minutes of the previous meeting. Motion carried.

Under comments from citizens present, Mayor Breunig asked Chief King about the garage sale property on Galena Street, and how many sales he has had so far this year. Chief King stated counting last weekends City wide garage sale, the Galena Street property has had two garage sales, and he can have four sales total in one year. Additional discussion was held concerning that property, regarding yard use for storage and garbage placement along the curb prior to garbage pickup day. John Sonsalla arrived at the meeting at 5:19 PM.

Under unfinished business, discussion was held concerning proposed changes to Chapter 13, Public Nuisances of the Municipal Code of the City of Darlington related to noxious weeds and storage of recreational equipment. A copy of the proposed ordinance change was included in the agenda packet. Attorney McDaniel presented the proposed changes to this ordinance. This proposal reduces the height of weeds and grass considered a violation from twelve inches to eight inches. It also allows storage of recreational equipment in residential driveways within the front setback provided the sidewalk is not blocked. The proposal also regulates storage of firewood and clarifies rules for abatement of nuisances after notice. After discussion and consideration, motion by Sonsalla second by Anderson to accept the proposed changes to Chapter 13, Public Nuisances of the Municipal Code of the City of Darlington related to noxious weeds and storage recreational equipment as presented; and recommend approval by the City Council. Motion carried.

Discussion was then held concerning proposed changes to Chapter 13, Public Nuisances of the Municipal Code of the City of Darlington related to property maintenance. A copy of the proposed ordinance change was included in the agenda packet. Attorney McDaniel explained this is a new section for the municipal code that provides for minimum standards of property maintenance to protect the health, safety and general welfare of persons occupying or using land, buildings and structures in the City. Chief King stated enforcement actions will be taken right away after approval of this ordinance change. Violations will be considered not only by premises, but also by property owner. Steve Pickett arrived at the meeting at 6:18 PM.

Discussion items included the following:

- How will this new ordinance be enforced? There is a need to inform current rental property owners of this ordinance change prior to enforcement.
- Who is responsible, the tenant or the landlord? How much time will they be given to correct the problem?

- What about repeat offenders? How much time will they be given to correct a problem?
- What about people who don't have the money to make the property improvements? Are there grant funds available for property improvements?
- This new ordinance section should be approved as printed, and can be amended in the future if problems arise.

After discussion and consideration, motion by Anderson second by Sonsalla to accept the proposed changes to Chapter 13, Public Nuisances of the Municipal Code of the City of Darlington related to property maintenance as printed; and recommend approval by the City Council. Motion carried. Dan O'Brien left the meeting at 6:18 PM.

Under other unfinished business, the following concerns were raised that may require other ordinances changes, or enforcement of current ordinances: vehicles blocking the sidewalk; cars parked in front yards; and number of people living in houses.

Under new business, discussion was held concerning proposed changes to Chapter 13, Public Nuisances of the Municipal Code of the City of Darlington related to the new smoking ban law. A copy of the proposed ordinance change was included in the agenda packet. Attorney McDaniel explained the State of Wisconsin passed an indoor smoking ban law, and this proposed ordinance change relates to that new law. The state law goes into effect on July 5, 2010. Attorney McDaniel stated this ordinance change authorizes City Police Officers to issue citations related to the new smoking ban law.

Since this is a new addition to the ordinance code, several questions were asked by those present. Attorney McDaniel explained the state law is an indoor smoking ban; however smoking can also be banned on publicly owned outdoor property as well. This includes a specific number of feet from public buildings, outdoor arenas, bleachers and grandstands for use by spectators at sporting and other public events. Mayor Breunig left the meeting at 6:25 PM, and Bev Anderson left the meeting at 6:30 PM.

Attorney McDaniel then stated the Committee does not need to take action on the smoking ban ordinance at this meeting. Committee members can review the proposed ordinance change at their leisure, and the matter can be discussed again at a future meeting of this committee.

There being no further business for this meeting, motion by Sonsalla second by Corley to adjourn the meeting at 6:35 PM. Motion carried.

CITY OF DARLINGTON

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Philip A. Risseuw, Clerk-Treasurer