

**CITY OF ELKHORN**  
**Legislative and Regulatory Committee Minutes**  
**First Floor Conference Room, 9 S. Broad Street, Elkhorn, Wisconsin**

**October 22, 2014**

Legislative and Regulatory Committee was called to order at 5:00 p.m. by Alderman Rehberg followed by Roll Call.

**ROLL CALL**

Present: Aldermen Hoss Rehberg, Bruce Lechner, (Absent: Gregory Huss)

Also present: Police Chief Joel Christensen, City Clerk Cairie Virrueta, Library Director Lisa Selje, Kellen Oshelski

**Ordinance Changes Regarding Farm Stands and Direct Sellers**

The suggested Farm Stand ordinance and the current Direct Sellers ordinance conflicted. Alderman Rehberg said he wanted to keep Alderman McClory's suggestion regarding adding "included by not limited to" regarding agricultural products. He was OK with removing Walworth County and keeping Wisconsin in the Farm Stand ordinance. "Sales of produce by a resident of this state" will be removed from the Direct Sellers ordinance (Chapter 12.06(2)(a)) and all sales of ag products will be regulated under the Farm Stands ordinance. The Farm Stands ordinance will require a permit for sales on private and public property. Alderman Rehberg suggested the Direct Sellers license also include liability insurance with a minimum of \$500,000 in addition to auto liability. The clerk was directed to verify with City Attorney Phillips the proper limits for auto and liability insurance to use in the ordinance. Police Chief Christensen asked if the City would be liable for permitting farm stands if someone got sick. Alderman Rehberg said he researched this and they would not; City Clerk Virrueta confirmed.

**Ordinance Changes Regarding Selling in the Parks**

The Selling in the Parks ordinance and Direct Sellers ordinance were at odds for enforcement. The allowing of sales in "parks" will be removed from Direct Sellers. Also, Direct Sellers will specify restrictions for sales in or near parks. Selling within Parks will have the same application requirements as those required of Direct Sellers. It will also add that sellers doing business at events authorized or organized by the City shall be exempt.

**Ordinance Changes Regarding Chapter 12.03 Alcohol Beverages**

Changes in State Statutes have prompted changes. A new "Class A" Intoxicating Liquor-Cider Only license needs to be added. Other changes to the Alcohol Beverages chapter were discussed to clean up language or to follow current City practice.

The Clerk addressed Chapter 12.03(1) "Guidelines for "Class A" Licenses". This section prohibits gas stations, drive-up food or beverage establishments or stores from selling intoxicating beverages, however, it does not restrict the sale of fermented malt beverages at these types of businesses. It was communicated to the Clerk that the City does not desire any type of alcohol at these businesses. This section would need to be changed to confirm that. Police Chief Christensen said this may have been overlooked when the ordinance was made as it was the City's intent to not allow any alcohol sales at these types of businesses. Alderman Rehberg said it is common to see sales of this nature and Alderman Lechner agreed. After discussion, the committee chose to postpone a decision so that they may research it further.

The Clerk was instructed when starting her position that Bartender Operator's licenses needed Common Council approval. This was not addressed in the ordinances and she suggested to add it. The committee decided that as the P.D. performs a background check, it was sufficient confirmation for the Clerk to issue a license and it was not necessary for the Common Council to approve the license.

### **Ordinance Changes Regarding Pet Licensing**

This chapter had changes for pet licensing fees and the wording change also simplifies it to be more easily understood.

### **Discussion Regarding the Keeping of Honeybees and Hives**

The keeping of honeybees is not addressed in the City Ordinances. City Clerk Virrueta said a resident complained that her neighbor had a beehive and she was allergic to bees. She sent a letter to the committee members as well as information on honeybees. Library Director Selje said a local beekeepers association had a program at the library that had a large turnout and that bees are endangered. The committee reviewed Walworth County and other municipality regulations for the keeping of bees. After discussion, they asked that the beekeepers association be invited to a meeting in November and the Clerk provide additional samples of beekeeping regulations.

### **Consider Allowing Chickens in the City Discussion**

Zoning Administrator Schaeffer asked the committee to discuss allowing chickens as she receives numerous inquiries regarding this; City Clerk Virrueta confirmed that City Hall does also. The City Clerk was directed to gather more information and ordinance examples. This topic will be discussed further at a meeting in November.

Alderman Rehberg asked that the committee meet prior to the Common Council meeting on November 2<sup>nd</sup> at 5:00 p.m. so the ordinance changes can be approved and sent to the Council. Alderman Lechner said he prefers meetings on Monday evenings after 5:00 p.m. Items needing further discussion will follow the F&J meeting in November.

### **ADJOURNMENT**

Motion (Lechner/Rehberg ) to adjourn at 5:57 p.m.

Cairie L. Virrueta  
City Clerk