



156 East First Street
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September 24, 2018

TO ALL MEMBERS OF THE PUBLIC SAFETY COMMITTEE:

**Scottie Ard
Jim Jackson
Ron Volkert**

There will be a meeting of the Public Safety Committee on Tuesday, September 25, 2018, at 4:30 p.m. in the South Conference Room of the Civic Center, 156 East First Street, New Richmond.

Agenda:

- 1. Roll Call**
- 2. Adoption of Agenda**
- 3. Approval of minutes from the previous meeting, June 27, 2018**
- 4. CBD Oil Update**
- 5. UTV/ATV and Golf Cart Use on Roadways**
- 6. Mobile Field Force MOU**
- 7. Police Department Fees**
- 8. Communications and Miscellaneous**
- 9. Adjournment**

**Mike Darrow
City Administrator**

Copies:

**Fred Horne
Jim VanderWyst
Northwest Community Communications
Matt Melby**

**Craig Yehlik
The News
City of New Richmond Website**

A majority of the members of the New Richmond City Council may be present at the above meeting.

Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2nd 408 (1993) such attendance may be considered a meeting of the City Council and must be noticed as such, although the Council will not take action at this meeting.

PUBLIC SAFETY COMMITTEE MEETING

June 27, 2018

Members Present: Scottie Ard, Ron Volkert and Jim Jackson

Others Present: Chief Craig Yehlik, Chief Jim VanderWyst and Marie Bannink

Scottie Ard called the meeting to order at 4:30 p.m. Roll call was taken.

Jim Jackson moved to adopt the agenda as presented, seconded by Ron Volkert and carried.

Jim Jackson moved to approve the minutes from the previous meeting of February 22, 2018, seconded by Ron Volkert and carried.

Election of Chairman

Ron Volkert stated he asked to have this on the agenda; he would like to see everyone rotated through. Scottie Ard opened for nominations for chairman. Ron Volkert nominated Jim Jackson for Chairman, nominations were closed. All members voted yes, Jim Jackson is the Chairman and Scottie turned the meeting over to him.

Collaboration with St. Croix County on K-9 Agility Equipment & Location

Chief Yehlik explained agility-training needs to be done with Storm our K-9. The closest is located behind the government center in Hudson. The three K-9s for St. Croix County live closer to New Richmond and the county is proposing setting up a training facility in New Richmond. The county is willing to do a 75/25 split for equipment. The City's portion would be \$389.00 and this would come out of the K-9 fund. Chief Yehlik is proposing the location be the green space next to their parking lot. We will be contacting the high school on building the equipment. Scottie Ard moved to approve taking the \$389.00 from the K-9 fund and use the use of city property for the agility training, seconded by Ron Volkert and carried.

Squad Car Camera Discussion

Chief Yehlik gave background information on the current camera system the department has. The company we currently use is going out of business and parts are difficult to find. The sheriff from Barron County has given us what they had and Sgt. Jake Sather is working on piecing things together. They have been able to put a camera together for Katie's car. The cameras help protect our officers. There was discussion on partnering with St. Croix County for purchasing cameras. Chief Yehlik explained the County is currently using their cell phones for the body camera. Chief Yehlik was asked to bring numbers in for body and car cameras with live stream & redaction to the next meeting.

Less Lethal Options/Transition

Chief Yehlik stated all officers have a locked weapon system in their squad cars. All squad cars with the exception of the Chief's and Lieutenant's have the AR-15. The State currently does not have certification for shotguns. Chief Yehlik is proposing converting the shotguns to beanbag rounds. This will be brought back to the next meeting with conversion cost, training requirements and rounds cost.

Park Art Fair Update

There were no issues. Scottie Ard stated she had shared the training manual for alcohol serving consumption liability with Rob Kreibich at the Chamber. The alcohol consumption seems to be monitored better. Rob has all of those serving go through the training.

Fun Fest Update & K-9 Safety

Having busses and taxis available at end time has helped keep people from driving. There are usually three officers on foot patrol at the fairgrounds and Aaron is on bike patrol on the walking/bike paths. There is also an officer paying visits to the ballfields. Katie will be out with Storm and there will be some K-9 demos. The Citizens Academy will have a booth.

Car Wash Code Information

Chief Yehlik gave the history on the officers washing the squad cars. Chief Yehlik had contacted Solum car wash to see if they had any package deals, they offer unlimited washes for \$20.00 per car. He contacted Steve Lewis and they offer a municipal deal on the \$7.00 wash for \$4.00 and you are only billed on what you use. The committee recommends using both car washes and starting immediately.

School Resource Officer Update

The full council approved a school resource officer. The school's full legal team is reviewing the MOU, when the City gets it back, the city attorney will review for final approval. We had three officers who applied for the SRO, and interviews with a panel of ten will be held on July 11. We hope to make an offer to the highest person on the eligibility list tomorrow.

National Night Out

This will be held on August 7 at the Police Department. Officer Cramlet and Officer Radtke are working on this. There will be K-9 demos, fire department, EMS and possibly the blood mobile.

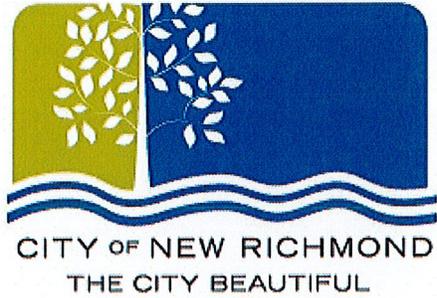
Communications and Miscellaneous

Officer Lubow will be on his own starting July 15.

Ron Volkert moved to adjourn the meeting, seconded by Scottie Ard and carried.

Meeting adjourned at 5:27 p.m.

Minutes by Marie Bannink



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MEMORANDUM

TO: Public Safety Committee
FROM: Craig Yehlik, Chief of Police
DATE: 09/24/2018
SUBJECT: CBD oil update

Background

Earlier this spring, the Public Safety Committee and ultimately the entire City Council voted to approve an ordinance on CBD oil possession.

Since the original memo came from the Attorney General Brad Schimmel's Office, there has been some legislative change.

Chief Yehlik will give a brief update on the potential changes and how that may affect our ordinance.

Action

No action is needed at this time.



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MEMORANDUM

TO: Public Safety Committee
FROM: Craig Yehlik, Chief of Police
DATE: 09/24/2018
SUBJECT: UTV/ATV and Golf Cart Use on Roadways

Background

Back in July of 2018, Alderman Jackson had some questions on Golf cart use in the City. I did reference State Statute 349.18 to assist in answering questions.

Alderman Jackson requested this item be on this Public Safety Committee agenda. I have attached 349.18. I also did some preemptive discussion with other municipalities in the area. Somerset has adopted an ordinance (attached) recently and North Hudson is working on an ordinance in their village as well (draft attached). It also sounds as though Glenwood City, Roberts, Woodville, Baldwin, Hammond have adopted some form of UTV/ATV use on some public streets. The only one that I could find that allows any golf cart use on streets is Woodville, however, I have not formally spoken with everyone.

Action

Committee's option

(1) Any city, village or town, by ordinance, may:

(a) Designate the number of persons that may ride on a motor bicycle at any one time and the highways upon which a motor bicycle or moped may or may not be operated.

(b) Establish a golf cart crossing point upon a highway within its limits. An ordinance enacted under this paragraph shall require that a golf cart stop and yield the right-of-way to all vehicles approaching on the highway before crossing the highway. The ordinance may require that a golf cart be equipped with reflective devices as specified in the ordinance. The city, village or town shall place a sign of a type approved by the department to mark the crossing point on both sides of the highway.

(c) Regulate the operation of a golf cart to and from a golf course for a distance not to exceed one mile upon a highway under its exclusive jurisdiction. The city, village or town shall place a sign of a type approved by the department to mark any golf cart travel route designated by the ordinance.

(d) Establish a time earlier than that specified in s. [346.94 \(23\) \(d\)](#) after which a person may not drive a commercial quadricycle occupied by passengers within the city, village, or town.

(1m)

(a) Except as provided in par. [\(c\)](#), a municipality may, by ordinance, allow the operation of golf carts on any highway that has a speed limit of 25 miles per hour or less and that is located within the territorial boundaries of the municipality, regardless of whether the municipality has jurisdiction, for maintenance purposes, over the highway.

(b) Except as provided in par. [\(c\)](#), a county may, by ordinance, allow the operation of golf carts on any highway that has a speed limit of 25 miles per hour or less and that is under the jurisdiction, for maintenance purposes, of the county.

(c)

1. An ordinance under this subsection may not allow the operation of golf carts on or, except as provided in subd. [2.](#), across any state trunk highway or connecting highway.

2. A municipality or county may, by ordinance, allow the operation of golf carts across a state trunk or connecting highway if the state trunk or connecting highway has a speed limit of 35 miles per hour or less, the highway crossing will connect highways designated for golf cart operation under par. [\(a\)](#) or [\(b\)](#), and the municipality or county provides sufficient funds to the department to cover the costs of erecting and maintaining highway crossing signs. If a highway crossing is established under this subdivision, the department shall erect and maintain any signs necessary to mark the crossing.

(d) An ordinance under this subsection may include a definition of the term "golf cart."

(2) Any city, town or village may by ordinance enacted pursuant to s. [349.06](#) regulate the operation of bicycles and motor bicycles and may by ordinance require registration of any bicycle or motor bicycle owned by a resident of the city, town or village, including the payment of a registration fee.

(3) Any county, by ordinance, may require the registration of any bicycle or motor bicycle owned by a resident of the county if the bicycle or motor bicycle is not subject to registration under sub. [\(2\)](#). Such ordinance does not apply to any bicycle or motor bicycle subject to registration under sub. [\(2\)](#), even if the effective date of the ordinance under sub. [\(2\)](#) is later than the effective date of the county ordinance. A county may charge a fee for the registration.

History: [1977 c. 116, 288](#); [1983 a. 243, 288, 343, 538](#); [1985 a. 135, 197, 298, 332](#); [1989 a. 167](#); [1993 a. 246](#); [1995 a. 138](#); [1997 a. 27](#); [2013 a. 20, 106](#); [2015 a. 125](#).

Cities and villages cannot license bicyclists, create bicycle courts, or impound bicycles in the absence of express legislative authorization. 66 Atty. Gen. 99.

TITLE 10, CHAPTER 4. - ALL-TERRAIN VEHICLES AND OFF-ROAD MOTOR VEHICLE OPERATION

Sec. 10-4-1. - Adoption of state statutes regarding all-terrain vehicles.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

23.33 (2)	Registration
23.33 (3)	Rules of operation [including Subsections (a) through (i)]
23.33 (4)	Operation on or near highway [including Subsections (a) through (e)]
23.33 (5)(a) (c)	Age restrictions
23.33 (6)	Equipment requirements [including Subsections (a) through (e)]
23.33 (7)	Accidents [including Subsections (a) and (b)]
23.33 (1)	Definitions [including Subsections (a) through (n)]

Sec. 10-4-2. - Unauthorized off-road operation prohibited.

(a) *Purpose.*

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
- (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(b) *Definitions.* For purposes of this Section, the terms below shall be defined as follows:

- (1) *Unauthorized* shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
- (2) *Off-Road* shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
- (3) *Operation* shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

(4) *Motor Vehicle* shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:

- a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
- b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
- c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(c) *Unauthorized Off-road Operation Prohibited.*

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobile or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

Sec. 10-4-3. - All-terrain vehicle and utility terrain vehicle route ordinance.

- (a) *Title and Purpose.* The Village of Somerset, St. Croix County adopts the following All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) Route Ordinance (the "ordinance") for the operation of ATVs and UTVs upon the highways listed in Section 10-4-3(e).

Following due consideration of the recreational value to connect trail opportunities and potential impacts to the public's health, safety, and welfare, this ordinance is created and enacted.

- (b) *Statutory Authority.* This ordinance and the routes are created pursuant to Village authority, as authorized by Sections 23.33(8)(b) and 23.33(11)(a), Wis. Stats.

The applicable provisions of [Section] 23.33 regulating ATV and UTV operation on ATV routes are adopted herein by this ordinance.

(c) *Definitions.*

- (1) *All-terrain vehicle* shall have the meaning as specified under Sec. 340.01(2g), Wis. Stats.
 - (2) *All-terrain vehicle routes* or *ATV routes* means a highway or portion of a highway in the Village's corporate boundaries designated for use by all-terrain vehicle and utility terrain vehicle operators by the Village of Somerset as authorized under this ordinance, listed in Section 10-4-3(e).
 - (3) *Operator* has the same meaning as is set forth in Sec. 23.33(1)(iw), Wis. Stats., and shall further be defined as meaning a person who "operates" an all-terrain vehicle or utility terrain vehicle as the term "operate" is defined at Sec. 23.33(1)(ir), Wis. Stats.
 - (4) *Utility terrain vehicle* shall have the meaning as specified under Sec. 23.33(1)(ng), Wis. Stats.
 - (5) *Village* shall mean the Village of Somerset, St. Croix County, Wisconsin.
- (d) *Operation of All-Terrain Vehicles and Utility Terrain Vehicles.* Pursuant to Sec. 23.33(4)(d)4., Wis. Stats., except as otherwise provided in Sec. 23.33(4), Wis. Stats., no person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway in the Village except on roadways or highways that are designated as all-terrain vehicle routes by this ordinance.

The statutory provisions describing and defining regulations with respect to all-terrain vehicles and utility terrain vehicles in Sec. 23.33, Wis. Stats. are hereby adopted by reference and made part of this ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this ordinance. Any future amendments, revisions, or modifications of Sec. 23.33, Wis. Stats., incorporated herein by reference, are intended to be made part of this ordinance.

- (e) *All-Terrain Vehicle Routes.* The following highways are designated as all-terrain vehicle routes:
- (1) LaGrandeur Road from the intersection of 190th Avenue south to State Trunk Highway 35.
 - (2) 180th Avenue/Parent Street from the intersection of State Trunk Highway 35 west on Parent Street to the intersection of State Trunk Highway 35/Church Hill Road/Main Street.
 - (3) Main Street from the intersection of State Trunk Highway 35/Churchill Road/Main Street southwest to a point no further west than the intersection of Main Street and Depot Street.
 - (4) Depot Street from the intersection with Main Street south to Cloutier Drive, and Cloutier Drive south and east to the intersection of Cloutier Drive and Sunrise Drive/County Highway I.
 - (5) Sunrise Drive/County Highway I from the intersection with Cloutier Drive south to the corporate limits of the Village of Somerset.
 - (6) Rivard Street from the intersection of LaGrandeur Road east to the intersection of Aspen Drive.

Operation of any ATV or UTV on any portion of an All-Terrain Vehicle Route not lying in the Village's corporate boundaries shall require approval and authorization of the Town of Somerset, St. Croix County, Wisconsin.

- (f) *Conditions and Requirements.* As a condition for and requirement of the use of the all-terrain vehicle routes, the following restrictions are placed on the use of the Village's all-terrain vehicle routes designated by this ordinance and shall apply to all operators (and passengers where applicable):
- (1) Operation of ATVs and UTVs shall be subject to Sec. 23.33, Wis. Stats. and any other applicable regulations, which is adopted as a part of this ordinance by reference, pursuant to Sec. 23.33(11), Wis. Stats.
 - (2) Anyone under the age of twelve (12) shall not operate an all-terrain vehicle and utility terrain vehicle on a designated route. Anyone between the age of twelve (12) years and sixteen (16) years shall not operate an all-terrain vehicle on a designated route without a valid Wisconsin Department of Natural Resources-issued safety certification and must be accompanied by an adult

parent or designated guardian that provides the operator with continuous verbal direction or control. Utility terrain vehicle operators shall be licensed drivers over the age of sixteen (16).

- (3) All all-terrain vehicle routes in the Village shall be posted with a maximum speed limit of thirty-five (35) miles per hour unless posted at a lower speed for vehicular traffic. All all-terrain vehicle and utility terrain vehicle operators shall observe the posted roadway vehicle speed limit, unless all-terrain vehicle and utility terrain vehicle speed limits are posted. If all-terrain vehicle and utility terrain vehicle speed limits are posted, then all-terrain vehicle and utility terrain vehicle operators shall observe posted all-terrain vehicle and utility terrain vehicle speed limits. Notwithstanding the above and regardless of the signage posted, no ATV or UTV shall be operated at a speed greater than thirty-five (35) miles per hour.
- (4) All all-terrain vehicle and utility terrain vehicle operators under the age of eighteen (18) shall wear a helmet.
- (5) Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs in accordance with Sec. 23.33(8)(e), Wis. Stats. and Wis. Admin. Code NR 64.12(7). No person shall do any of the following in regard to signs marking Village all-terrain vehicle routes:
 - a. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized member of the Somerset ATV Club. Authorized member of the Somerset ATV Club must obtain approval of the Chief of Police before moving any signs.
 - b. Possess any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard of the type established by the Wisconsin Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard in

a lawful manner. Possession of a uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

- (6) All ATV and UTV operators shall ride single file.
 - (7) All all-terrain vehicle and utility terrain vehicle operators shall operate only on the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
 - (8) On paved roadways, all-terrain vehicles and utility terrain vehicles shall be operated on the paved portion of the roadway and not on the gravel shoulder or ditch.
 - (9) All ATV and UTV operators shall slow the vehicle to ten (10) mph or less when operating within one hundred (100) feet of a person not on a vehicle or machine.
 - (10) All all-terrain vehicle and utility terrain vehicle operators shall stop at each roadway or highway to be crossed and yield the right-of-way to all motor vehicles approaching on each such roadway or highway.
 - (11) All all-terrain vehicles and utility terrain vehicles operated on the ATV routes shall be equipped with a working white-lighted headlamp and a red-lighted tail lamp. The headlamp and tail lamp shall be lighted at all times while operating on the ATV routes.
 - (12) All all-terrain vehicles and utility terrain vehicles are required to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. Forest Service.
 - (13) No person may operate an all-terrain vehicle or utility terrain vehicle in such a manner that noise emitted from the machine is louder than ninety-six (96) decibels when measured on the "A" scale; measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, entitled Measurement of Exhaust Sound Levels of Stationary Motorcycles.
- (g) *Enforcement.* This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.
- (h)

Penalties. Wisconsin State All-Terrain Vehicle and Utility Terrain Vehicle penalties as found in Sec. 23.33(13)(a), Wis. Stats., are adopted by reference. The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violation of this ordinance relating to roadway use except as herein provided.

- (i) *Severability.* The provision of this ordinance shall be deemed severable and it is expressly declared that the Village of Somerset would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.
- (j) *Other Regulations.* If any provision of this ordinance is in conflict with or is addressed by another Village ordinance, Wisconsin State Statute or regulation, the most restrictive ordinance, statute, or regulation shall apply.
- (k) *Effective Date.* Section 10-4-3(e) becomes effective upon passage and publication and shall remain effective until January 23, 2019, on a trial basis, and may be terminated at any earlier time by affirmative vote of the Village Board.

(Ord. No. 639, 5-16-2017; Ord. No. A-646, 1-23-2018)

VILLAGE OF NORTH HUDSON

ORDINANCE NO. 02-2018

ATV and UTV Operation and Routes

Sections:

90-190 Intent

90-191 Statutory Authority

90-192 Routes

90-193 Conditions

90-194 Enforcement

90-195 Penalties

90-196 Severability

90-197 Effective Date

90-190 Intent

The Village Board of the Village of North Hudson hereby adopts the following all-terrain vehicle (ATV) and utility terrain vehicle (UTV) ordinance and routes for the operation of all-terrain vehicles and utility terrain vehicles as those terms are defined in Wis. Statute Sec. 23.33(1) upon the roadways listed in Section 90-192.

Following due consideration of the recreational value to connect trail opportunities and promoting various forms of transportation and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, the routes have been created.

90-191 Statutory Authority

These routes are created pursuant to Village authority as authorized by 23.33 (8) (b), and 23.33(11) Wis. Stats.

Further, Stat 23.33 (11) authorizes the Village to create ordinances to regulate ATV's and UTV's on trails or routes that are designated by the Village.

90-192 Routes

This ordinance designates all Village roads within the corporate limits of the Village with a speed limit of 35 mph or less including the Ferry Landing Park Pedestrian Mall, but excluding State and County highways and private roads, as ATV and UTV vehicle routes.

90-193 Conditions

As a Condition for the use of these route(s), the following shall apply to all operators:

- A. Those provisions and requirements set forth in Wisconsin Statute Sec 23.33 are hereby adopted by reference and in addition the conditions listed below are adopted.

- B. Speed limits: 35 MPH, or as otherwise posted for automobile traffic whichever is lower. 10 MPH when pedestrians are present.
- C. All ATVs and UTVs and their operators must be covered by liability insurance.
- D. All ATV and UTV operators shall ride single file on the right side of the road unless making a left turn.
- E. No person may operate an ATV or UTV on any route in the Village without a valid Class D (or equivalent if issued by a jurisdiction other than Wisconsin) driver's license.
- F. No person under the age of 18 may operate or ride on an ATV or UTV without wearing a helmet approved by the State of Wisconsin for that purpose.

90-194 Enforcement

This ordinance shall be enforced by any law enforcement officer of the Village or any other officer authorized to enforce the laws of the State of Wisconsin.

90-195 Penalties

Wisconsin state all-terrain and utility terrain vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

90-196 Severability

The provisions of the ordinance shall be deemed severable and it is expressly declared that the Village of North Hudson would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

90-197 Effective Date

This ordinance becomes effective the day after passage and publication as provided by law.

This ordinance shall take effect on the day after passage and posting as provided by law.

Enacted this day of , 2018.

Village of North Hudson

ATTEST: The Village Board, Village of North Hudson, St. Croix County, Wisconsin, passed
this ordinance
at a duly noticed and convened meeting held on ,2018.

Melissa Luedke, Village Administrator/ Clerk



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MEMORANDUM

TO: Public Safety Committee

FROM: Craig Yehlik, Chief of Police

DATE: 09/24/2018

SUBJECT: Mobile Field Force

Background

Back in May or June the State made some grant money available for groups around the state to provide a “mobile field force” for times of civil unrest. This would help in areas outside of Milwaukee and Madison WI that have large contingencies of officers that are well trained in crowd management, directional movement, protests etc.

Chief Steve Roux from the Rice Lake Police Department indicated at an area Chiefs meeting that he would like to take the lead on this grant if he had support from some of the areas larger departments such as New Richmond, Hudson and River Falls. They were looking for agencies in the area that could afford to have up to four officers trained and be available to send 2 or 3 of them in times of civil unrest. The grant money would be enough to pay for all initial training and equipment. Chief Roux indicated he would send two of his officers to the “train the trainer” course and lead the group. For the grant we need to commit to a group of at least 13 officers. With each of the agencies committing to 4 officers trained that would be 16 total trained and geared for the grant money. This group would then be called on for any civil unrest within northwest Wisconsin. The group would also train together periodically to keep skills fresh.

I have attached the most recent draft of the MOU with Rice Lake Police Department. There is an opt-out option on a yearly basis and it would take a majority of the Chiefs involved to agree to deploy the group.

Action

Does the Public Safety Committee see value in this collaboration and should the Committee continue with the MOU finalization and present at a later date for full council approval?



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MEMORANDUM

TO: Public Safety Committee
FROM: Craig Yehlik, Chief of Police
DATE: 09/24/2018
SUBJECT: Department Fees

Background

This information could potentially affect the entire City, not just the Police Department. It has recently come to my attention that there is an opinion for Attorney General Brad Schimmel's office that many agencies (not just police) are charging fees that are too high. I have attached our current fee schedule and some of the open records Statute to the packet and Memo. I also reached out to Attorney Remzy Bitar for his opinion, and he agreed that fees should be reviewed. The Attorney General's press release on fees is attached.

Action

Read the below information and recommend keeping fees the same or looking at changes. This would not affect PD policy as specific fees are not addressed. This could again affect all aspects of fees for the entire City so it would seem appropriate that fees are evaluated for photocopying, etc., throughout the City.

From Statute 19.35 (3) reads;

(3) FEES. (a) An authority may impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law. (b) Except as otherwise provided by law or as authorized to be prescribed by law an authority may impose a fee upon the requester of a copy of a record that does not exceed the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying. (c) Except as otherwise provided by law or as authorized to be

prescribed by law, an authority may impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more. (d) An authority may impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester. (e) An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest. (f) An authority may require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5. If the requester is a prisoner, as defined in s. 301.01 (2), or is a person confined in a federal correctional institution located in this state, and he or she has failed to pay any fee that was imposed by the authority for a request made previously by that requester, the authority may require prepayment both of the amount owed for the previous request and the amount owed for the current request. (g) Notwithstanding par. (a), if a record is produced or collected by a person who is not an authority pursuant to a contract entered into by that person with an authority, the authorized fees for obtaining a copy of the record may not exceed the actual, necessary, and direct cost of reproduction or transcription of the record incurred by the person who makes the reproduction or transcription, unless a fee is otherwise established or authorized to be established by law.

Q: How much can a governmental entity charge for copies of records requested under the Open Records Law?

A: Copy fees are limited to the "actual, necessary and direct cost" of reproduction unless otherwise provided by law. Sec. 19.35(3)(a), Stats. The policy of the Wisconsin Department of Justice is that photocopies should cost around 15 cents per page; any charge in excess of 25 cents per page is considered unusually high. Wisconsin Department of Justice, Wisconsin Public Records Law: Wis. Stat. §§ 19.31-19.39 Compliance Outline 32-33 (2005).

If a custodian must locate a record, requesters may not be charged for location fees unless they exceed \$50, and only the actual, necessary and direct location costs are permitted. See sec. 19.35(3)(c), Stats. Mailing and shipping fees may be charged, although they are also limited to actual, necessary and direct costs. See sec. 19.35(3)(d), Stats. A custodian may require prepayment of fees totaling \$5 or more, and he or she may withhold copies of requested records until payment has been received. See Sec. 19.35(3)(f), Stats., and State ex rel. Hill v. Zimmerman, 196 Wis. 2d 419, 429-30, 538 N.W.2d 608 (Ct. App. 1995).

If confidential parts of a record must be separated, or "redacted," the Wisconsin Attorney General maintains that the costs of redacting generally should be borne by the custodian. Wisconsin Department of Justice, Wisconsin Public Records Law: Wis. Stat. §§ 19.31-19.39 Compliance Outline 33 (2005); see 72 Wis. Op. Att'y Gen. 99 (1983) (OAG 28-33).

Disclaimer: The Frequently Asked Questions and Answers on the Wisconsin FOIC website are provided by Godfrey & Kahn, S.C. (LaFollette Godfrey & Kahn is the Madison office of Godfrey & Kahn, S.C.).

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NEW RICHMOND POLICE DEPARTMENT

PUBLIC RECORDS ACCESS POLICY

The public may obtain information and access to records of the Police Department by making requests either in writing or in person to the Chief of Police, New Richmond Police Department, 156 E. First Street, New Richmond, WI 54017, during regular office hours. Regular office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, holidays excluded.

If the Chief of Police is not available, information and access to records may be obtained from the Lieutenant of Police, who is authorized to act as legal custodian for the New Richmond Police Department, in the absence of the Chief of Police.

A fee will be imposed upon the requester for the actual, necessary and direct cost, as outlined below.

Prepayment may be required for requests when the total reaches \$5.00 or more.

1. Finger Printing\$6.00/card
2. Photographs.....\$1.50 per picture (Digital)
35 mm – Actual Cost
3. Civil Paper Service.....\$30.00
4. Criminal History Checks.....\$5.00 per record check
 - a. Licenses & Permits
5. Photocopies
 - a. Black & White\$.25 per page (single page)
\$.25/side(two-sided copies)
 - b. Color Copies\$.30 per page(single page)
\$.30/side(two-sided copies)
6. Mail Service Costs.....Actual Cost
7. Recordings (Video & Audio).....\$3.00 per CD/DVD
8. Department History (records).....\$5.00 & cost of copies
9. Reproduction CostActual Cost

Date Effective: May 29, 2009

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Wisconsin Attorney General



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Madison, WI 53707-7857

NEWS FOR IMMEDIATE RELEASE

August 8, 2018

**Office of Open Government Advisory:
Charging Fees under the Wisconsin Public Records Law**

MADISON, Wis. – The Wisconsin Department of Justice (DOJ) Office of Open Government (OOG) routinely receives inquiries, from authorities and requesters alike, about fees that may be charged for records under the Wisconsin Public Records Law. Recently, there has been a noticeable and concerning increase of inquiries pertaining to high fees being charged for records. This fee advisory is being issued to notify all interested persons about permissible fee practices under the public records law.

An authority may only charge a fee for the actual, necessary, and direct costs of *four specific tasks*: (1) reproduction and transcription; (2) photographing and photographic processing; (3) locating; and (4) mailing or shipping. An authority may *not* charge for the time it takes to redact records, and an authority may not make a profit on its response to a public records request. As a general rule, the rate for an actual, necessary, and direct charge for staff time should be based on the pay rate of the *lowest* paid employee capable of performing the task. An authority also may require prepayment for the costs associated with responding to a public records request if the total amount exceeds \$5.00.

The OOG has recently received inquiries pertaining to the high fees that some authorities have charged for copying records. An authority may impose a fee for copies of a record that do not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law. Each authority's actual, necessary and direct costs of reproduction and transcription may vary, and an authority may, of course, adjust fees to account for inflation or increasing expenses.

In an effort to identify actual costs, and to account for a recently updated copier and servicing contract, DOJ recently undertook an analysis of its actual per-page costs. This analysis was based on DOJ's contract with the copier company and the price of printer paper.

DOJ's actual cost of a single black-and-white copy, including the cost of a paper, is \$0.0135. The cost of a color copy is \$0.0632. The OOG has accordingly adjusted DOJ's fee schedule to account for these new costs, although DOJ very rarely charges any fees, as explained below. DOJ's published fee schedule can be found on DOJ's website (<https://www.doj.state.wi.us/sites/default/files/office-open-government/fee-schedule-final.pdf>).

The OOG recommends that authorities re-evaluate their copying fees, especially if new copiers have been leased or purchased since the creation of a fee schedule. Copying fees should be based on the actual costs of the copy machine or contract, and the actual cost of paper. As a best practice, but especially when a requester requests it, authorities should itemize all expenses, including but not limited to copying, postage, and location costs (as discussed below).

The OOG has also recently received inquiries pertaining to the high fees that some authorities have charged for providing records in electronic format, such as digital files, DVDs, CDs, and flash drives. The amount of such fees may vary depending on the authority, but DOJ's published fee schedule, located on DOJ's website, can be used by authorities as guidance. Any authority that would like to develop a methodology for determining its per-page charges or charges for digital files may contact the OOG for assistance.

In addition to receiving inquiries regarding high costs for copying and digital records, the OOG has also received inquiries pertaining to the high fees that some authorities have charged for locating records. The law explicitly permits an authority to impose a fee for locating records if the cost is \$50.00 or more, but only actual, necessary, and direct location costs are permitted. "Locating" a record means to find it by searching, examining, or experimenting.

The law recognizes that specialized personnel may be needed to formulate and effectuate certain types of locating tasks, such as computer programming to search for electronic records. For example, a computer programmer or an IT professional may sometimes be required to create and execute an email search or other electronic search of a computer database, and those kinds of employees may have high hourly rates of pay. After the search is created and executed by the specialized employee, however, it is not necessary for that same high-paid employee to actually review the

results of the search in order to locate responsive records. A second employee capable of reviewing the records, at a substantially lower rate of pay, should be the person who actually reviews the documents resulting from the search.

Therefore, authorities should limit the amount of time spent by specialized personnel to *only* that time required to perform the specialized portion of the location task, thereby minimizing the time spent using specialized and costly personnel. Moreover, even if the lowest paid employee capable of reviewing and locating responsive records within the search result is *not* actually doing the reviewing and location, authorities should still always utilize *the rate of pay* of the lowest paid employee *capable* of reviewing and locating responsive records within the search results. Once responsive records are located within the search results, however, subsequent review and redaction of those responsive records are separate processes for which a requester may *not* be charged.

Requesters may also request a waiver or reduction of fees. Authorities should consider whether to grant the public records request without charge or at a reduced charge if they determine that a waiver or reduction of the fee is in the public interest, or if it becomes apparent that the cost of providing records will be prohibitive to the requester. DOJ routinely waives fees for requesters, and DOJ charged no fees at all for the vast majority of the more than 1,000 public records requests to which DOJ responded in 2017 and 2018.

For further information on fees, interested persons may refer to DOJ's Public Records Compliance Guide, located on our website (<https://www.doj.state.wi.us/office-open-government/office-open-government-resources>) and may also call the Office of Open Government at 608-267-2220.



Wisconsin Department of Justice
Office of Open Government

“An authority may impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law.” Wis. Stat. § 19.35(3)(a).

Public Records Request Fee Schedule

<p>Hard Copies</p>	<p>Includes any paper records provided by:</p> <ul style="list-style-type: none"> • Copying a paper record • Printing an electronic record 	<p>\$0.0135 per page (black and white) \$0.0632 per page (color) Fee calculation: copy and paper cost <i>In rare instances, specialized skills, equipment, or technology, may result in additional copy costs.</i></p>
<p>Electronic Copies</p>	<p>Includes any electronic records provided by:</p> <ul style="list-style-type: none"> • Email • PDF • DVD • Flash drive • Other electronic format 	<p>Fee waived <i>In rare instances, specialized skills, equipment, or technology, may result in copy costs.</i></p>
	<p>Paper to Digital Includes scanning physical documents and saving them into a digital format for electronic distribution.</p>	<p>Digital to Physical Includes copying records already in digital format onto physical medium for distribution.</p> <p>Cost of physical medium: DVD (each): \$0.13 (4.7 GB) Flash drive (each): \$5.02 (8 GB) \$6.53 (16 GB) \$10.08 (32 GB) \$18.52 (64 GB) \$32.21 (128 GB) \$53.81 (500 GB) \$60.14 (1 TB) \$74.83 (2 TB)</p> <p>Fee calculation: Cost of physical medium used</p>
	<p>Digital to Digital Includes copying records from one digital format to another for distribution (e.g., email).</p>	<p>Fee waived <i>In rare instances, specialized skills, equipment, or technology, may result in copy costs.</i></p>
	<p>May only be imposed if the cost of location alone is \$50 or more. Includes searching for and identifying responsive records but does not include redaction.</p>	<p>\$22.54 per hour staff time (lowest possible hourly rate) <i>In rare instances, an employee with special skills may be necessary to conduct a search and a higher hourly rate may be assessed.</i></p> <p>State Records Center records retrieval fee, if necessary (based on State Records Center rates, which are subject to change, currently \$3.05 per box) Fee calculation: staff time; cost from the State Records Center</p>

An authority may require prepayment of any fee imposed if the total amount exceeds \$5.