

****All present are expected to conduct themselves in accordance with the City's Core Values****



OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

Meeting of the: **PUBLIC HEALTH & SAFETY COMMITTEE**
Date/Time: **Monday, December 21, 2015 @ 5:15 pm**
Location: **City Hall (407 Grant Street) - Council Chambers**
Members: Lisa Rasmussen {c}, Gary Gisselman, Karen Kellbach, Tom Neal, Romey Wagner

AGENDA ITEMS FOR CONSIDERATION

- 1 Minutes of previous meeting(s). (11/17/15)
- 2 Consider request for 90 day extension for good cause to open for business - Sweets on Third, 615 3rd Street (Val-Roc, LLC)
- 3 Consider various license applications.
- 4 Discussion and possible action adopting resolution opposing proposed State of Wisconsin legislation prohibiting Municipal Rental Inspection Programs and other restrictions on municipal powers.
- 5 Presentation: E-Cigarette Update (Destinee Coenen)
- 6 Discussion and possible action on amending related ordinances sections of the WMC in reference to smoking and prohibition of e-cigarettes and related electronic delivery devices: §§ 9.04.010, 9.040.022, 2.90.010, 2.90.020, 17.36.010, 5.30.040, and 2.95.010
- 7 Discussion and possible action on enabling ordinance surrounding Trap, Neuter, Return (TNR) Program and analysis of potential future cost savings for cat impoundment services.
- 8 Discussion and possible action on proactive ideas to improve pet licensing compliance.
- 9 Discussion and possible action adopting resolution supporting proposed State of Wisconsin legislation establishing Premier Economic Development Districts and permitting a municipality to purchase "Class B" liquor licenses from certain contiguous and noncontiguous municipalities.
- 10 Operations Report from Fire Department for November 2015
- 11 Tavern Activities / Compliance Checks / Law Enforcement Activities
- 12 Communications
Adjournment

Lisa Rasmussen, Chair

IMPORTANT: THREE (3) MEMBERS NEEDED FOR A QUORUM: If you are unable to attend the meeting, please notify Toni by calling (715)261-6620 or via email toni.rayala@ci.wausau.wi.us

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 12/17/15 @ 10:30 am.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

Other Distribution: Media, Council (Nagle, Nutting, Winters, Oberbeck, Abitz, Mielke), Tipple, *Rayala, *Hardel, *Kujawa, *Alfonso, Jacobson, Hebert, Hite, Duncanson, Werth, Groat, Joan Theurer, Tim Thomas, Dick Holster, Destinee Coenen

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Tuesday, November 17, 2015 at 5:15 pm, (Board Room)

Members Present: Rasmussen (C), Wagner, Kellbach, Neal

Members Excused: Gisselman

Others Present: Alfonso, Hagenbucher, Kujawa, Rayala, Goede, Lindsey Lewitzke, Jamie Hoover, media

Minutes of previous meeting(s) (9/21/15)

Motion by Neal, second by Wagner to approve the minutes of the previous meeting (10/19/15). Motion carried 4-0.

Consider various license applications.

Rasmussen stated there were two license applications recommended for denial: Russell Rachu for an Operator's License and Melany DeHaven for a Public Transport Driver License. It was noted that neither applicant was present.

Motion by Kellbach, second by Wagner to approve or deny the licenses on the list as recommended by staff.

Motion carried 4-0.

Discussion and possible action regarding the recommendation of the Liquor License Review Subcommittee for the available Class B Beer & Liquor License.

Rasmussen stated the subcommittee reviewed two applications for the one available Regular Class B Beer & Liquor License: Downtown Grocery.Com, LLC and Navieve Fromagerie, LLC. She indicated the recommendation of the subcommittee was to award the license to Navieve Fromagerie, a cheese shop, because they are currently open and ready to use the license, whereas Downtown Grocery still has a period of restoration to endure. It was noted that if another regular license becomes available they can reapply.

Motion by Wagner, second by Neal to approve the application of Navieve Fromagerie, LLC, for a Class B Beer & Liquor License. Motion carried 4-0.

Discussion and possible action regarding pet license fees to provide for an exception to the higher license fee for an unaltered pet if a veterinarian certifies that it is ailing or too old for the procedure.

Jamie Hoover, 1024 Henrietta St, addressed the committee stating she got a puppy this spring and also has an older dog. She had the puppy fixed and intended to get both done at the same time, however, the veterinarian told her if she wanted to fix the older dog there would be additional fees for blood work to see if the animal was capable because the dog is six years old. She indicated it was an additional approximately \$200 for blood work or she would have to sign a waiver stating if her dog died on the table the vet would not be liable. She explained because of the age of the animal it is higher risk going under anesthesia. She felt there should be an exception to the higher license fee for a unaltered pet in these circumstances.

Wagner felt this was a good reason for allowing the lower fee and it was the compassionate thing to do. Rasmussen felt the committee should make a recommendation to Finance Committee to establish a medical exemption, for altering a pet and set a separate fee. Rayala stated the veterinarian can provide a letter of proof for the medical exemption.

Motion by Wagner, second by Neal to recommend to Finance Committee that a license fee tier be established between \$60 and \$10 for medical exempted animals. Motion carried 4-0.

Discussion and possible action regarding an ordinance amending Section 9.04.034(b) Penalties for misuse of E9-1-1, Regulated Use.

Alfonso explained a police officer had called and said an individual was hitting their life alert numerous times over a weekend, which summons police. Currently the ordinance regarding misuse of 9-1-1 states "no person shall dial." This amendment will include "causing someone else" to dial, such as pressing a life alert. The amendment would also include holding parents, guardians or other adults responsible for when children are playing with phones and calling 9-1-1, and giving officers the discretion to cite them if it is too many times.

Motion by Neal, second by Kellbach to approve the amendment. Motion carried 4-0.

Operations Report from Fire Department for October 2015

Chief Kujawa noted on October 8th there were three different building fires within 24 hours, which we were mitigated very quickly because of a quick response. She also reported on EMS Paramedic calls and responses during that time frame as well. She stated activity level was very, very high and had there been a fire during that time we would have had no one to respond. She commented sometimes we just don't see the magnitude of the services that we have and what the people of the Fire Department do and how they do it.

Kujawa stated the Explorer Post for high school students is up and running. She announced after a nationwide search they hired an EMS Division Chief, Scott Habeck, starting January 4, 2016. She presented a video tribute to veterans, created by Bob Rhode, of the Fire Department, which can be viewed on their Facebook page.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Captain Hagenbucher presented the Tavern Report October 5, 2015 through November 5, 2015. (*See attached.*)

Discussion took place regarding incidents at Christine's and at Roc's Place, both establishments on 3rd Avenue. Neal questioned if there was anything the Police Department, in their experience and interaction with establishments, could provide to the committee regarding how a particular bar can be characterized. He felt we should encourage calls from the businesses to police for help and keep them separate from calls regarding the behavior of the bar.

Discussion and possible action regarding request for waiver under W.M.C. s. 10.32.020, Restrictions on permit, to permit Christmas parade to begin at 6:30 p.m. on Friday, December 4, 2015. (Wausau Events)

Rasmussen stated our current ordinance prohibits parades between the hours of 6:00 p.m. and 9:00 p.m. on Mondays and Fridays only.

Motion by Kellbach, second by Neal to approve the waiver of Section 10.32.020 restricting the time for the 2015 Holiday Parade. Motion carried 4-0.

Discussion and possible action regarding amendments to, or repeal of, time and day restrictions for parade permits under W.M.C. s. 10.32.020, Restrictions on permit.

Alfonso stated no one seemed to know the reason for this rule prohibiting parades between the hours of 6:00 p.m. and 9:00 p.m. on Mondays and Fridays. We have to give a waiver of it for the Holiday Parade every year, so it would be best to just eliminate it from the code.

Motion by Wagner, second by Neal to repeal the time/day restriction for parade permits. Motion carried 4-0.

Communications

None

Adjournment

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:35 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

Jeffrey G. Hardel
Chief of Police
(715) 261-7801

Date 11-09-15
To Chief Hardel
From Lt. Mike Felder

Subject TAVERN REPORT October 5, 2015 through November 5, 2015

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

101 Pub, 101 N. 3rd Ave.
6th Street Pub, 2002 N. 6th St.
Baker's Retreat, 1418 Lenard St.
The Bar, 1025 S. 3rd Ave.
Bob & Randy's Bar, 1515 N. 6th St.
Cabaret, 204 E. Rib Mountain Dr.
Callon Street Pub, 209 Callon St.
Campus Pub, 1110 W. Campus Drive
The Chatterbox Bar, 102 S. 2nd Ave.
Cheers Bar, 101 E. Thomas St.
Cop Shoppe Pub, 701 Washington St.
Day's Bowl-A-Dome, 1715 Stewart Ave

CONVENIENCE/GROCERY STORE INSPECTIONS (No violations unless noted)

None.

RESTAURANT INSPECTIONS (No violations unless noted)

None.

NOTABLE INCIDENTS THAT OCCURRED AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

6th Street Pub, 2002 N. 6th Street

- (1) *Event #150121199, 10-11-15 at 11:26 PM:* Anonymous caller complained about the noise from people talking inside the bar since the door was open. Officer arrived and noted that although it was not overly loud, he could hear people talking. Officer spoke with the bartender, who agreed to close the bar door. Warning only.

Cop Shoppe Pub, 701 Washington Street

- (1) *Case #15-9632, 11-03-15 at 10:15 PM:* Anonymous caller reported a male and female "fighting" behind the tavern. Officers responded and located a male and female matching the description. They

denied fighting, and the female claimed the male was hard of hearing, so she was talking loudly. The male was arrested for violating his bond conditions that prohibited being at a tavern or drinking. There were no charges related to the initial complaint.

Domino Bar, 740 Washington Street

- (1) *Event #150120803, 10-10-15 at 10:15 PM:* A patron of the bar called the Police to report another patron threatening him. Officers responded and spoke to the reporting person and the male that was allegedly threatening him. The suspect said the reporting person was upset because he told him no to sit next to him at the bar. The bartender said there was a verbal argument, and that nothing physical had happened. The reporting person was asked and he agreed to leave the tavern for the night.
- (2) *Event #150124281, 10-18-15 at 10:22 PM:* The same patron from the previous call (10-10-15) called again to report that a different patron had threatened to beat him up. Both the reporting person and the suspect stated there was a verbal argument only. The bartender confirmed that it was a verbal argument. Both individuals were asked to leave the bar and did so.

El Jalapeno's, 300 N 3rd Street

- (1) *Case #15-9293, 10-24-15 at 12:50 AM:* **Bouncer** called the Police after a pushing match between two female patrons had occurred and one of the two would not leave. She had to be physically escorted from the bar. She was later issued a citation for Disorderly Conduct.
- (2) *Case #15-9559, 11-01-15 at 1:51 AM:* **Bar employee** called Police after seeing a woman walking on the sidewalk outside of the bar upset and bloody. The call was made for the woman to receive medical or law enforcement assistance. Officer investigation determined that the bar had no other involvement other than calling on behalf of the woman that may have been in distress.

Glass Hat Bar, 1203 N. 3rd Street

- (1) *Case #15-8883, 10-10-15 at 1:48 AM:* **Bouncer** called to report that a disruptive male had tried to punch him. The suspect had left in a vehicle described by the bouncer to the Officers. The vehicle was located and stopped (after a period of failing to yield). The driver was arrested for OWI and drug related charges. Two passengers (one of which had been the suspect causing problems at the bar) were arrested. One passenger was arrested for drug possession, and they were both taken into custody for Probation violation. No charges were filed from the activity the suspects engaged in at the tavern.
- (2) *Case #15-9023, 10-14-15 at 11:09 PM:* **Bar staff** called for assistance with a male that had attempted to give his ID card to his underage friend on a previous occasion. The male was now at the tavern, requesting to have his ID returned because the tavern had confiscated it at the time. Officers made contact with the male and counselled him regarding the false use of the identification card. In running the male's information, he was found to have a warrant and was arrested.
- (3) *Event #150129764, 11-01-15 at 1:46 AM:* Unnamed caller complained of noise from the bar. Officers responded and noticed a large gathering of people outside the bar and around a food cart that was set up there, but there were no disturbances or fights. No action taken.
- (4) *Case #15-9668, 11-05-15 at 2:34 AM:* Officers observed a vehicle parked and occupied in the parking lot behind the bar. **The bar had been closed since approximately 12:00 AM.** Contact with the two women led to the discovery that they were on Probation, and both had admitted to having been in the bar. They were both arrested for Probation Violations, and suspected methamphetamine was located in one of the women's pockets. There was no contact made by Officers inside the bar or with any employee and no enforcement action against the tavern was taken.

Loppnow's Bar, 1502 N. 3rd Street

- (1) *Case #15-9095, 10-17-15 at 12:55 AM:* Officers were in the area on an unrelated call when they heard loud arguing coming from somewhere near the tavern. Officers approached and observed three people in the middle of DeKalb Street, arguing. One was upset and advancing aggressively towards one of the other people there. Officers intervened to prevent what seemed to be a fight about to occur. The aggressive male was later issued a citation for Disorderly Conduct. No one was contacted in the tavern and no enforcement action was taken against the tavern.

Oz, 320 Washington Street

- (1) *Case #15-9025, 10-15-15 at 12:40 AM:* Officers and medical personnel responded to the tavern due to a report of a male that was passed out. The male eventually woke up and moved outside the bar, where emergency personnel made contact with him. It was reported that he had been in the bar with his girlfriend, who had left without him. He had been passed out inside the bar, and had fallen off his barstool. The male eventually became disruptive outside, refused medical treatment and was found to be out on bond from a previous arrest. He had bond conditions that prohibited him from going to bars, and required absolute sobriety. He was eventually arrested for the bond violations, Resisting Officers

and Disorderly Conduct.

VFW Burns Post #388, 388 River Drive

- (1) *Event #150129291, 10-31-15 at 12:21 AM:* **Bar employee** called because a male in the tavern was continuously vomiting. Officers and medical personnel checked the male and found him not to be incapacitated. He was sent home in a cab.

Christine's Bar, 936 S. 3rd Avenue

- (1) *Case #15-9288, 10-23-15 at 10:10 PM:* Officers were dispatched to the bar for a report of a fight (called named "Tara"). The fight involved several males and included the use of beer bottles and pool sticks, involving approximately four patrons. Security attempted to break up the fight, and was injured as well. Bar cooperated with providing video footage promptly. Suspects are still outstanding. The victims were not completely cooperative in identifying the suspects, as it appears on the surveillance video that they knew each other.

Lumpy's, 265 Chellis Street

- (1) *Case #15-8980, 10-13-15 at 7:09 PM:* Officer received anonymous information that a male with a warrant was located inside the tavern. The male was found in the tavern and arrested on the warrant.

Roc's Place, 810 S. 3rd Avenue

- (1) *Case #15-8842, 10-09-15 at 1:59 AM:* Patron called to report a theft of wallet. She named a suspect, but the suspect could not be verified as having been involved. The tavern does not have internal video. Further follow up failed to develop a suspect, so the case was marked as inactive.
- (2) *Event #150120861, 10-11-15 at 12:58 AM:* Officer was parked near the tavern when he observed a large crowd outside the tavern in the parking lot. He observed two male "square off" but did not engage in a physical altercation. He also observed a female walking around the lot, yelling, in an apparent attempt to provoke a disturbance. Officers intervened to stop her disruptive behavior and she eventually left the property. Officer noted that the bouncer had been outside smoking a cigarette and doing nothing while this activity was taking place. When questioned, they said the female had been asked to leave the property but simply went outside and wouldn't leave the property.
- (3) *Event #150121239, 10-12-15 at 12:43 AM:* Officer responded to a 9-1-1 hang up. Dispatch had called the number back and spoke with a male, who apologized for the mistake and said there were no problems. Officer walked through the bar and observed no problems.
- (4) *Event #150128827, 10-30-15 at 2:02 AM:* 9-1-1 open line call was received from a woman's phone. By the time contact was made with her, she had left the tavern for home, although admitted having been at the tavern. Officers commented on hearing yelling and screaming from the parking lot of the tavern, and seeing a large group of people in the lot behind the tavern. They dispersed at Officers' arrival, but had been congregating in the lot while cars with their doors open played loud music that they were dancing to. Once Officers were present, people continued to leave, making the problem moot. No enforcement action taken.
- (5) *Case #15-9633, 11-04-15 at 12:43 AM:* **Bartender** called to report a fight between a male and a female. On Officer's arrival, the male involved had left the tavern. It was later determined that a verbal argument had taken place between the bartender and the male over the bartender having asked the male to leave the tavern. No charges were filed as a result of that argument. The male that had left was arrested for bail jumping because he was on bond that required absolute sobriety, but he had been drinking.

Tremor's Sports Bar, 516 W. Thomas Street

- (1) *Case #15-9479, 10-29-15 10:24 PM:* Bar manager called to report a theft of cash from the tavern. A name of interest was developed and case is ongoing.

M & R Station, 818 S. 3rd Avenue

- (1) *Case #15-8911, 10-11-15 at 12:32 AM:* Officers responded to a report of a crash that occurred in the street in front of the bar, which blocked the driveway entrance. One of the operators was arrested for OWI. **The bar was not involved in this call.**
- (2) *Case #15-9686, 11-05-15 at 9:43 PM:* **Bar owner** called regarding two suspicious males on the property, in the parking lot. Both males were contacted by Officers on arrival. One was heavily intoxicated and issued a citation for Public Intoxication and subsequently released to a responsible person.

Player's, 4411 Stewart Avenue

- (1) *Case #15-9448, 10-28-15 at 7:41 PM:* Officers conducted an alcohol compliance check. The bartender sold to the underage volunteer and was cited for Selling to an Underage Person. Demerit Points were assessed to the bar.

101 Pub, 101 N. 3rd Avenue

- (1) *Event #150121414, 10-12-15 at 11:27 AM:* Anonymous caller reported seeing a fight involving four people as they were passing by the tavern. Officers responded, one of which was only a few blocks away when the call was dispatched. Officers reported not seeing any problems or any other indications that there had been a fight occurring. No contact was made with the bar.
- (2) *Case #15-9452, 10-28-15 at 8:17 PM:* Officers conducted an alcohol compliance check. The bartender sold to the underage volunteer and was cited for Selling to an Underage Person. Demerit Points were assessed to the bar.

Campus Pub, 1110 W. Campus Drive

- (1) *Event #150120831, 10-11-15 at 12:03 AM:* Patron called Police claiming that there were about seven people that were trying to fight him. He admitted he had been asked to leave the bar, and had left, but wanted to call to let us know that he hadn't done anything wrong. Officers arrived and spoke with the caller, an off-duty bartender and members from a wedding party. They all described the caller as a regular customer who was more intoxicated than usual. The patron had insulted a military veteran and some members of the wedding party that led to some shoving, but nothing more. The on-duty bartender wanted the male escorted from the property.
- (2) *Event #150126017, 10-22-15 at 11:41 PM:* A male called to report an incident that his ex-girlfriend reported as happening in the parking lot of the tavern. Officers made contact with her away from the tavern. She reported that she had been at the tavern, waiting for friends. She went out to her car to make a call on her cell phone when two unknown males approached her. They grabbed at her jacket, but did not try to force her anywhere. She said she told the males she was going to make a phone call, and they left. She hadn't wanted to contact Police and wanted no follow up conducted. No contact was made at the bar.

The Chatterbox Bar, 102 S. 2nd Avenue

- (1) *Case #15-9149, 10-18-15 at 7:10 PM:* **Bar manager** called to report an employee that brought drugs to the tavern. Officers responded and took custody of the male. Charges of Possession of Heroin, Possession of Drug Paraphernalia and a Probation Hold were filed against the male.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- **Player's, 101 Pub** and **Buffalo Wild Wings** all sold to underage volunteers during August Alcohol Compliance checks (October 28, 2015). 25 Demerit Points assessed to each. **BB Jack's, Kwik Trip #735 (2203 N. 6th St.), R Store #6 (103 N. 6th St.), Hiawatha Lounge, Tobacco Outlet Plus #559 (S. 3rd Ave.), The Plaza Hotel & Suites, and Treu's Tic Toc** all successfully denied sales to the underage volunteers.
- (See attached report)

Respectfully submitted,
Lt. Michael Felder

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

December 21, 2015 Meeting

AGENDA ITEM

Approve or deny various licenses as indicated on the attached summary report of all applications received.

ADDITIONAL INFORMATION

Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or his designee. Applications marked pending will have a status update at the meeting. In accordance with city ordinance, **all permits approved are held for debts owed to the city until the debt is paid in full.**

1. One Operator's License recommended for denial for Amanda Hayes, based on four OWI convictions: 11/2006, 08/2002, 01/2002, first offense date unknown.
2. Application for a Class A Beer License , Fast Fuel Mart, LLC, d/b/a Fast Fuel Mart #2, for new location at 407 N 3rd Ave (Raj Bhandari)
3. Application for a Class B Beer License, United America, LLC, d/b/a Pizza Bites, 802 E Wausau Ave (Raj Bhandari). **Note:** This premise address is the same as Fast Fuel Mart, which holds a Class A Beer & Liquor license for the service station. A Class B license cannot be combined with a Class A license and that is why he is applying with a new LLC for the back portion of the building where there was once a Subway. It has a separate door; however, it cannot be a connecting premise, so he needs to have a wall separating it from the service station portion.
4. One Class II Special Event application for D.C. Everest High School Band Concert in May 2016 on The 400 Block.

STAFF RECOMMENDATION

Staff recommendation is to approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk

Date of Report: December 17, 2015

(715) 261-6620

HEALTH AND SAFETY LIST
ALL LICENSES
DECEMBER 21, 2015

REPORT ID: LRS5301
RUN DATE: 12/16/15
RUN TIME: 10:45:32

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
FAST FUEL MART, LLC 407 N THIRD AVE WAUSAU, WI 54401	2015	11/16/2015	7/01/2015	6/30/2016		FAST FUEL MART	CLASS A BEER	___	___	✓	___
UNITED AMERICA, LLC 802 E WAUSAU AVE WAUSAU, WI 54401	2015	11/16/2015	7/01/2015	6/30/2016		PIZZA BITES	CLASS B BEER	___	___	✓	___
BARTOSCH, MICHAEL W 1140 W BRIDGE ST APT 111 WAUSAU, WI 54401	2015	12/04/2015		6/30/2016		SHOPKO 079	OPERATOR NEW	✓	___	___	___
BRIGHT, JOE M 12750 N 12TH AVE MERRILL, WI 54452	2015	12/14/2015		6/30/2016		THE PLAZA HOTEL & SU	OPERATOR NEW	✓	___	___	___
CALL, RACHEL M 561 LINCOLN ST MOSINEE, WI 54455	2015	11/10/2015		6/30/2016		KRIST FOOD MART #89	OPERATOR NEW	✓	___	___	___
CHANG, CHOW K 3214 TERRACE CT #3 WAUSAU, WI 54401	2015	12/14/2015		6/30/2016		TRIG'S WAUSAU	OPERATOR NEW	✓	___	___	___
CHIAPUZIO, HAILEY P 3503 SCHOFIELD AVE APT3 SCHOFIELD, WI 54476	2015	11/20/2015		6/30/2016		R STORE #5	OPERATOR NEW	✓	___	___	___
DOZER, JULIE A 5810 THOMAS AVE WESTON, WI 54476	2015	12/03/2015		6/30/2016		KWIK TRIP #851	OPERATOR NEW	✓	___	___	___
ERICKSON, THOMAS 3915 KINGLET CIRCLE WAUSAU, WI 54401	2015	11/20/2015		6/30/2016		WAUSAU CURLING CENTE	OPERATOR NEW	✓	___	___	___
FARRAR, BRANDON T 920 S 14TH AVE WAUSAU, WI 54401	2015	11/23/2015		6/30/2016		WALGREEN'S STORE #07	OPERATOR NEW	✓	___	___	___
FRAAZA, MELISSA M 802 YOUNG STREET WAUSAU, WI 54403	2015	12/07/2015		6/30/2016		R STORE #7	OPERATOR NEW	✓	___	✓	___
GEURINK, AUTUMN J 611 KENT STREET WAUSAU, WI 54403	2015	12/11/2015		6/30/2016		VINO LATTE	OPERATOR NEW	✓	___	___	___
HAYES, AMANDA L 4031 TROY ST WAUSAU, WI 54403	2015	12/10/2015		6/30/2016		KRIST FOOD MART #89	OPERATOR NEW	___	___	___	X DENIAL (4 OWI's)

✓ PreKing Tie KETS \$205.00

HEALTH AND SAFETY LIST
 ALL LICENSES
 DECEMBER 21, 2015

 REPORT ID: LRS530I
 RUN DATE: 12/16/15
 RUN TIME: 10:45:32

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
JAMES, GREGG M 6101 DAWN ST WAUSAU, WI 54476	2015	12/14/2015		6/30/2016		WAUSAU CURLING CENTE	OPERATOR NEW	✓			
KOHLER, CASSIDY A 223 DISCHER ST #24 SCHOFIELD, WI 54476	2015	11/11/2015		6/30/2016		BUFFALO WILD WINGS	OPERATOR NEW	✓			
KOSS, KAYLYN R 609 16TH STREET MOSINEE, WI 54455	2015	12/11/2015		6/30/2016		JIM'S CORNER PUB	OPERATOR NEW	✓			
LAWRENCE, LINDA E 715 NORTON ST WAUSAU, WI 54401	2015	11/16/2015		6/30/2016		KRIST FOOD MART	OPERATOR NEW	✓			
LEWIS, REBECCA L 216 N 1ST AVENUE WAUSAU, WI 54401	2015	12/07/2015		6/30/2016		BMW FUEL MART	OPERATOR NEW	✓			
LOR, PHEEPONG 1300 N 9TH AVE APT 8B WAUSAU, WI 54401	2015	12/03/2015		6/30/2016		THE STORE #62	OPERATOR NEW	✓			
MOUA, TONG K 420 N 5TH AVE WAUSAU, WI 54401	2015	12/14/2015		6/30/2016		CHRISTINE'S	OPERATOR NEW	✓			
NICHOLS, HEATHER S 2511 EMERSON STREET WAUSAU, WI 54403	2015	12/01/2015		6/30/2016		COP SHOPPE PUB	OPERATOR NEW	✓			
OHLMANN, JAIMIE M 507 E 9TH ST MERRILL, WI 54452	2015	12/01/2015		6/30/2016		R-STORE #34	OPERATOR NEW	✓			
SALLOUM, ROBERT F 4716 NORWAY PINE DR STEVENSPOINT, WI 54482	2015	12/02/2015		6/30/2016		SHOPKO 079	OPERATOR NEW	✓			
SCHAEFFER, NATHAN D 5006 BLAZING STAR ST WAUSAU, WI 54401	2015	11/30/2015		6/30/2016		BUFFALO WILD WINGS	OPERATOR NEW	✓			
SOPATA, JOSHUA T 3808 MOUNT VIEW AVE #42 WESTON, WI 54476	2015	12/11/2015		6/30/2016		KWIK TRIP #851	OPERATOR NEW	✓			
STUPLICH, SARA L 624 S 5TH AVENUE WAUSAU, WI 54401	2015	11/20/2015		6/30/2016		VINO LATTE	OPERATOR NEW	✓			
WENDT, ALEXA M 1325 PROSPECT AVE WAUSAU, WI 54403	2015	11/23/2015		6/30/2016		DEN MAR TAVERN	OPERATOR NEW	✓			

HEALTH AND SAFETY LIST
ALL LICENSES
DECEMBER 21, 2015REPORT ID: LRS530I
RUN DATE: 12/16/15
RUN TIME: 10:45:32

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT</u> <u>DATE</u>	<u>START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
YANG, SEE 632 MCCLELLAN STREET WAUSAU, WI 54403	2015	11/19/2015			6/30/2016		R STORE #8	OPERATOR NEW	✓			
YOUNG, ROZALYNN 3727 N 6TH ST WAUSAU, WI 54403	2015	12/02/2015			6/30/2016		KWIK TRIP #188	OPERATOR NEW	✓			
DARELIUS, DAVID W 1908 ROSECRANS ST WAUSAU, WI 54401	2015	12/04/2015			6/30/2017		KRIST FOOD MART #89	OPERATOR - LAPSED RENEWAL	✓			
LEE, KENG 3402 KILDEER LN WAUSAU, WI 54401	2015	11/25/2015			6/30/2017		WALGREEN'S STORE #07	OPERATOR - LAPSED RENEWAL	✓			
MCKENNA, KELLY A 207 1/2 N 2ND AVE WAUSAU, WI 54401	2015	11/18/2015			6/30/2017		KWIK TRIP #188	OPERATOR - LAPSED RENEWAL	✓			
PASHOLK, PAMELA 627 HUMBOLDT AVE WAUSAU, WI 54403	2015	12/11/2015			6/30/2017		KRIST FOOD MART	OPERATOR - LAPSED RENEWAL	✓			
PRICHARD, JESSE 1028 S 9TH AVENUE WAUSAU, WI 54401	2015	11/17/2015			6/30/2017		INTERMISSION	OPERATOR - LAPSED RENEWAL	✓			
TOBALSKY, MARCY J 510 ASPEN GROVE LN WAUSAU, WI 54403	2015	11/30/2015			6/30/2017		THE PLAZA HOTEL & SU	OPERATOR - LAPSED RENEWAL	✓			
FAST FUEL MART, LLC 407 N THIRD AVE WAUSAU, WI 54401	2015	11/16/2015	7/01/2015		6/30/2016		FAST FUEL MART	CIGARETTE & TOBACCO	✓			
NYBERG 435 OLD HWY 51 MOSINEE, WI 54455	JEFFREY	2015	11/10/2015	11/16/2015	12/25/2015		WHITEHOUSE ENTERPRIS	CHRISTMAS TREE	✓			
SALZMAN ROUTE 5 4610 LAHR AVE WAUSAU, WI 54403	LEONARD	2015	12/04/2015	12/04/2015	12/25/2015		SALZMAN CHRISTMAS TR	CHRISTMAS TREE	✓			
WANISH 3913 STACEY CIRCLE WAUSAU, WI 54403	JOSH	2015	11/24/2015	12/01/2015	12/31/2015		JOSH WANISH	CHRISTMAS TREE	✓			
SHOPE, BENJAMIN J 302 LISBETH RD WAUSAU, WI 54401		2015	12/14/2015	1/01/2015	12/31/2016		BREK #34713, BASIL #	PET FANCIER PERMIT			✓	
D.C. EVEREST SENIOR HIGH SCHO 6500 ALDERSON STR WESTON, WI 54476	2016	12/01/2015	5/25/2016		5/25/2016		DC EVEREST HIGH SCHO	SPECIAL EVENT CLASS II	✓			

HEALTH AND SAFETY LIST
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<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAATION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
LAKE, JAMES T 828 E WAUSAU AVENUE WAUSAU, WI 54403	2015	11/16/2015	7/01/2015	6/30/2016		A-1 CAB & DELIVERY	PUBLIC TRANS DRIVER-NEW	✓			✓
PETERSON, MARK J 2311 RYAN WOOD AVE SCHOFIELD, WI 54476	2015	11/12/2015	7/01/2015	6/30/2016		ALL AMERICAN TAXI	PUBLIC TRANS DRIVER-NEW	✓			
RICHEY, KEITH A 821 S 21ST PL WAUSAU, WI 54401	2015	11/19/2015	7/01/2015	6/30/2016		ALL AMERICAN TAXI	PUBLIC TRANS DRIVER-NEW	✓			
TOTAL LICENSES		44									

TAXES + #505.87
WATER #100.36

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE

Opposing the proposed legislation AB 568 Prohibiting Municipal Landlord Registration and Rental Inspection Programs; Undermining Historic Preservation Ordinances; and Repealing Grandfathering more Stringent Multifamily Sprinkler Requirements

Committee Action: Pending

Fiscal Impact: None

File Number: 15-1213

Date Introduced: December 22, 2015

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, the City of Wausau Common Council has ranked blight elimination and crime reduction as the two top long term concerns facing the City of Wausau; and,

WHEREAS, the City of Wausau has identified strong direct correlation of blighted properties and crime; and,

WHEREAS, the City of Wausau has also identified the correlation of blighted properties and rental properties; and

WHEREAS, the City has taken a multifaceted approach to reduce crime and blight within the community through; increased resident participation in neighborhood groups, adoption of chronic nuisance ordinances, increased funding of home and rental improvement loans and incentives, increased staffing of police Community Resource Officers and property inspectors and through the creation of a rental licensing program; and

WHEREAS, a task force of landlords and residents were instrumental in the crafting of the rental licensing ordinance; and,

WHEREAS, the proposed legislation strips from local control a communities ability to manage crime and blight problems; and,

WHEREAS, the rental licensing program is an important tool for creating a code enforcement system that effectively identifies problem properties and through inspections educates landlords and deters landlords from engaging in deferred maintenance and lax property management; and,

WHEREAS, the legislation also undermines local historic preservation programs

NOW THEREFORE BE IT RESOLVED, that Common Council of the City of Wausau strongly opposes AB568 Prohibiting Municipal Landlord Registration and Rental Inspection Programs; Undermining Historic Preservation Ordinances; and Repealing Statute Grandfathering more Stringent Local Multifamily Sprinkler Requirements.

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward this Resolution to our local State Legislatures, the Governor, and the Wisconsin League of Municipalities.

Approved:

James E. Tipple, Mayor

To: Assembly Committee on Housing and Real Estate
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: December 10, 2015
Re: AB 568, Prohibiting Municipal Landlord Registration and Rental Inspection Programs; Undermining Historic Preservation Ordinances; and Repealing Statute Grandfathering more Stringent Local Multifamily Sprinkler Requirements

The League of Wisconsin Municipalities strongly opposes AB 568, which strips from communities the ability to regulate landlords, apartments, and historic landmarks for the health, safety, and general welfare of the community. The bill also repeals a new state law grandfathering more stringent local sprinkler requirements for multi-family dwellings and prevents municipalities from requiring code compliance as a condition of occupancy of a dwelling.

This bill is the third in a series of omnibus bills that landlord groups and the Wisconsin Realtors Association have successfully enacted over the last several sessions. AB 568 goes much farther than the previous bills with regard to preempting local powers. We oppose for the following reasons:

Prohibiting municipalities from registering landlords and implementing rental inspection programs.

- This bill eliminates the ability of municipalities to work with their local landlord groups to address the unique health and safety concerns presented by rental units in the community that do not comply with safety codes.
- Rental property registration is an important tool for creating a code enforcement system that effectively identifies problem properties and, through random inspections, deters landlords from engaging in deferred maintenance and lax property management.
- By prohibiting municipalities from requiring landlords to register with the community, the municipality has no way of obtaining emergency contact information unless it is provided voluntarily.
- It is important to require contact information for both the owner and property manager, especially an emergency contact who is available 24 hours a day. This provides police, fire personnel, and neighbors with someone to contact if there are emergencies or other issues on the property.
- At least 8 of the 13 communities that host UW system four year universities either have a rental registry or rooming house license requirement.

Prohibition on imposing time of occupancy requirements.

- The bill extends the recently enacted prohibition against municipalities imposing time of sale requirements to the time of occupancy.
- We are concerned that under the bill if a decrepit residential building is successfully sold

as is, the bill would allow the new owner to occupy the property without first addressing the dilapidated, unsafe condition of the property.

- It makes no sense to disallow enforcement of “no occupancy” orders for properties simply because they changed hands when the health and safety conditions that precipitated the “no occupancy” posting has not been remedied.
- Also, we are concerned that under the bill if the owner of a partially constructed house or condominium building sells the property (say, as a result of financial trouble), the municipality would be prohibited from requiring that the building meet basic code standards before the new owner occupies it.

Undermining local historic preservation programs.

- Requiring owner consent to require or prohibit any action by an owner of a property related to preservation of the historic or aesthetic value of an historical landmark kills historic preservation efforts. If this bill passes, a municipality would have no tools to protect the demolition of iconic historic buildings such as a Frank Lloyd Wright designed home.
- Any look or character that a community hopes to cultivate in an older downtown or historic neighborhood will be decimated and destroyed if an owner has the option not to do the required improvement based upon the historic nature of the building.
- The combined effect of the two historic preservation pieces of the bill is to reduce municipal Historic Preservation Commissions to advisory bodies with no power of enforcement.

Eliminating more stringent municipal automatic sprinkler requirements for multifamily dwellings.

- The bill repeals a compromise allowing certain municipalities to continue to enforce pre-existing sprinkler ordinances more stringent than the state’s commercial building code.

For the foregoing reasons we urge you to not recommend passage of AB 568. Thanks for considering our comments.



CITY MANAGER * CITY HALL * 100 STATE STREET * BELOIT, WI 53511
Office: 608/364-6614 * Fax: 608/364-6756

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TESTIMONY BEFORE

THE ASSEMBLY COMMITTEE ON HOUSING AND REAL ESTATE

ASSEMBLY BILL 568

RELATING TO TERMINATING A TENANCY FOR CRIMINAL ACTIVITY OR DRUG-RELATED CRIMINAL ACTIVITY; DISPOSITION OF PERSONAL PROPERTY LEFT IN RENTAL PROPERTY BY A TRESPASSER; PREEXISTING SPRINKLER ORDINANCES THAT ARE STRICTER THAN THE MULTIFAMILY DWELLING CODE; TOWING VEHICLES ILLEGALLY PARKED ON PRIVATE PROPERTY; TERMINATING CERTAIN TENANCIES FOR BREACHES OTHER THAN FAILURE TO PAY RENT; LIMITATIONS ON THE AUTHORITY OF POLITICAL SUBDIVISIONS TO REGULATE RENTAL UNITS, HISTORIC PROPERTIES, AND SIGNS; PROHIBITING LOCAL GOVERNMENTAL UNITS FROM IMPOSING REAL PROPERTY PURCHASE OR RESIDENTIAL REAL PROPERTY OCCUPANCY REQUIREMENTS; CREATING A CRIMINAL PENALTY; AND MAKING AN APPROPRIATION

Dear Chairman Jagler, Vice-Chair Allen and Honorable Members of the Committee on Housing and Real Estate:

The City of Beloit began a rental registration and permit inspection program in 1994 in response to serious neighborhood concerns. This program has been supported by our community for over 20 years and addresses public health and safety issues that are unique to Beloit. We currently have 14,803 dwelling units and of these 6,611 (45%) are rental. Over 40% of these rental units or roughly 2,700 units are single family homes, which means a significant number of families are living in rental properties.

For decades, the City of Beloit has had much lower property values than other cities of similar size. The housing crisis further depressed those values and a high number of rental properties in

Beloit are inhabited by low-income families. The most vulnerable of tenants frequently do not complain as they may be unaware of their rights, have language barriers, or fear increased rent or other retaliation. Anti-retaliation laws require knowledge and access to legal services that may be unrealistic for our most vulnerable populations.

Even after having a program in place, new violations are still found during every round of systematic inspections, where one-third of all rental properties are inspected on an annual basis. From 2012 to present, we ensured the correction of 253 rental properties without fire detectors; 95 without carbon monoxide detectors; 61 for insufficient sanitation; and 56 violations for insect, rodent and vermin. In two months of 2015, when we began tracking differently, 33 units were declared unfit for habitation. The list goes on and this is after we have scheduled our visits and informed landlords in writing of the inspection checklist. Clearly, we cannot presume that all landlords will be responsible and ensure appropriate safety for their tenants. How many more properties would not have basic life safety components if we stopped our systematic inspections?

Some landlords are responsible but sadly many of them, particularly those out-of-town and often out-of-state, purchase properties inexpensively, rent them, and do not maintain their units. Without the rental program in Beloit, we would be unable to ensure minimum standards. Even with the program in place there are multiple examples of an LLC purchasing properties and the registered agent resigning after the purchase is executed.

Two of our most challenged neighborhoods have high concentrations of rental properties and high poverty level.

Merrill Neighborhood

- Persons living at poverty level is 39% compared to 24% Citywide
- Persons under 18 living in poverty is 51% compared to 38% Citywide
- 54% of the housing units are rental compared to 45% Citywide
- This neighborhood has been a designated Low-Moderate Income Area by HUD for several decades.
- 957 inspections that identified violations were performed in 2014

Hackett Neighborhood

- Persons living at poverty level is 37% compared to 24% Citywide
- Persons under 18 living in poverty is 45% compared to 38% Citywide
- 61% of the housing units are rental compared to 44.4% Citywide
- This neighborhood has been a designated Low-Moderate Income Area by HUD for several decades
- 1,511 inspections that identified violations were performed in 2014

We are working hard to address tough issues like poverty, unemployment, declining property values, gang and other criminal activities, particularly in our most challenged neighborhoods. Prohibiting the City from continuing its rental registration and inspection program removes a critical tool to helping the City as a whole and these neighborhoods in particular.

Other representatives will be speaking to the historic preservation and pre-existing fire sprinkler portions of this bill, which are also cause for great concern. The City of Beloit implores you to refrain from enacting legislation that inappropriately treats all local governments the same. The history of the Beloit rental registration and inspection program is solid, defensible, and literally saves lives. Our residents and local leaders demanded this service over two decades ago. Please do not prohibit us from continuing it.

Thank you for the opportunity to present our viewpoint on this important proposal.

Sincerely,

Charles M. Haynes
City Council President

Lori S. Curtis Luther
Beloit City Manager



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4008/1
ALL:emw&wlj

2015 SENATE BILL 445

December 10, 2015 – Introduced by Senators LASEE and STROEBEL, cosponsored by Representatives R. BROOKS and ALLEN. Referred to Committee on Government Operations and Consumer Protection.

1 **AN ACT** *to repeal* 66.1019 (3) (b) and 101.975 (3); *to renumber* 706.22 (2) (a) 1.,
2 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to renumber and amend* 66.1019 (3) (a),
3 704.17 (5), 706.22 (2) (b), 706.22 (3) and 943.14; *to amend* 20.505 (7) (h), 59.69
4 (4m), 60.64, 62.23 (7) (em), 66.0418 (title), 66.0809 (9), 101.02 (7m), 349.13 (3m)
5 (dr) 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (1) (b), 704.17 (2) (b), 704.19
6 (2) (b) 2., 706.22 (title), 706.22 (2) (title), 706.22 (2) (a) (intro.) and 800.035 (1);
7 and *to create* 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (2) (g), 66.0104 (3) (c),
8 66.0418 (3), 175.403, 704.055, 704.17 (3m), 704.17 (5) (b), 706.22 (2) (a) 2m.,
9 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3) (b) and 943.14 (1) of the statutes;
10 **relating to:** terminating a tenancy for criminal activity or drug-related
11 criminal activity; disposition of personal property left in rental property by a
12 trespasser; preexisting sprinkler ordinances that are stricter than the
13 multifamily dwelling code; towing vehicles illegally parked on private property;
14 terminating certain tenancies for breaches other than failure to pay rent;

SENATE BILL 445

1 limitations on the authority of political subdivisions to regulate rental units,
2 historic properties, and signs; prohibiting local governmental units from
3 imposing real property purchase or residential real property occupancy
4 requirements; creating a criminal penalty; and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a right-to-cure for certain tenants for certain breaches; makes remaining on property without consent criminal trespass and provides for the disposition of personal property left in rental property by a trespasser; authorizes a landlord to terminate the tenancy of a tenant based on criminal activity committed by the tenant or a member of the tenant's household; limits the authority of political subdivisions to regulate rental units, historic properties, and signs; prohibits a local governmental unit from making the purchase or transfer of real property or the occupancy of residential real property contingent on whether a purchaser or other transferee takes certain actions with respect to the property; eliminates a statutory exception for certain local ordinances having automatic sprinkler requirements that are stricter than the state multifamily dwelling code; and allows a towing company to collect charges if it makes a good faith effort to notify law enforcement.

Local government

Under current law, a city, village, town, or county (political subdivision) may regulate places, structures, or objects with special character, historic interest, aesthetic interest, or other significant value. A political subdivision may also designate historic landmarks and establish historic districts and may regulate the historic landmarks or the properties within a historic district for historic preservation purposes.

Under this bill, a political subdivision may not designate a property as a historic landmark without the consent of the owner. Also under this bill, a political subdivision may not require or prohibit any action by an owner of a property related to preservation of the historic or aesthetic value of the property without the consent of the owner.

This bill also limits the authority of political subdivisions in several respects, including:

1. Political subdivisions may not enact an ordinance that requires that a rental unit be inspected without a showing of good cause or be certified or registered
2. Political subdivisions may not charge a fee for an inspection other than an inspection based on a complaint from a tenant alleging a violation of the local housing code.
3. Political subdivisions may not impose an occupancy or transfer of tenancy fee on a rental unit.
4. Political subdivisions may not impose a requirement or restriction based on the informational content of a sign that is not imposed on all signs.

SENATE BILL 445

5. Political subdivisions may not enact an ordinance that requires a landlord to obtain a license, certification, or registration in order to own, manage, or operate a residential rental property unless the ordinance applies uniformly to all residential properties, including owner-occupied properties.

Under current law, a local governmental unit is prohibited from requiring a real property owner to take certain actions with respect to the property or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the property. The definition of "actions with respect to the property" includes such actions as having an inspection made by an employee or agent of the local governmental unit; making improvements or repairs; removing junk or debris; paving or painting; and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of, or person who will take title to, real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of, or take title to, the property; at the time of completing the purchase of, or taking title to, the property; or within a certain time after completing the purchase of, or taking title to, the property.

2. Prohibits a local governmental unit from requiring a purchaser of, or transferee of title to, residential real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser or transferee may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

3. Provides that a local governmental unit may require a real property owner to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.

4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

5. Provides that the prohibitions in the bill and under current law on local governmental units do not affect a local governmental unit's responsibility, authority, or ability to enforce a state or federal requirement that does any of the things that a local governmental unit is prohibited from doing in the bill or under current law.

SENATE BILL 445***Automatic sprinklers in multifamily dwellings***

Under current law, the Department of Safety and Professional Services (DSPS) administers the multifamily dwelling code, including requirements concerning automatic sprinklers. Currently, a city, village, or town generally may not enact or enforce an ordinance that does not conform to the multifamily dwelling code or that is contrary to an order of DSPS enforcing the multifamily dwelling code, except that certain preexisting sprinkler ordinances that are stricter than the multifamily dwelling code may remain in effect.

This bill repeals that exception for preexisting stricter sprinkler ordinances. The bill also provides that any contract between a city, village, or town pursuant to such an ordinance is unenforceable.

Towing vehicles from private property

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle.

Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property and guidelines for notifying law enforcement. Under this bill, these charges and guidelines apply only when no citation was issued.

Terminating tenancies

Under current law, a tenant's tenancy may be terminated by the landlord for, among other things, nonpayment of rent, committing waste, or breaching a covenant or condition of the tenant's rental agreement, or if the property owner receives notice from a law enforcement agency or the office of the district attorney that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, except for a tenant who is the victim of the criminal activity, a landlord may terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, by giving the tenant notice if the tenant, a member of the tenant's household, or a guest or other invitee of the tenant or of a member of the tenant's household does any of the following: 1) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants; 2) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; 3) engages in criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or 4) engages in drug-related criminal activity on or near the premises. It is not necessary that the individual committing the criminal activity or drug-related criminal activity has been arrested for or convicted of the criminal activity or drug-related criminal activity.

SENATE BILL 445

The notice that the landlord gives the tenant must require the tenant to vacate on or before a date at least five days after the giving of the notice and must state the basis for the notice and that the tenant may contest the termination of tenancy in an eviction action. If the tenant does contest the termination of tenancy, the landlord must prove the allegation in the notice by the greater preponderance of the credible evidence. The bill defines drug-related criminal activity as criminal activity that involves the manufacture, possession, use, or distribution of a controlled substance, which is defined in current law.

Under current law, a landlord may terminate the tenancy of a month-to-month tenant who commits waste, violates certain statutory tenant duties, or breaches a condition of the lease, other than by failing to pay rent (commits a qualifying breach) by providing the tenant with a notice that requires the tenant to vacate the premises within 14 days. Current law does not provide a landlord of a month-to-month tenant the option to terminate such a tenancy by providing a notice that requires the tenant to cure the qualifying breach or vacate the premises.

Under the bill, a month-to-month tenancy is terminated if 1) a tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. The procedure is identical to the procedure described below for a landlord of a year-to-year tenant.

Under current law, a landlord may terminate the tenancy of a year-to-year tenant or a tenant under a lease for a term of one year or less if 1) the tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. Current law specifies that a tenant may comply with the landlord's notice by taking reasonable steps to remedy the qualifying breach or by making a bona fide reasonable offer to pay the landlord all damages associated with the qualifying breach. Current law also provides that if the tenant commits another qualifying breach within one year of receiving such a notice, the landlord may terminate the tenant's tenancy by providing the tenant with a notice to vacate the premises within 14 days if the landlord provides the notice before the tenant cures the qualifying breach. This bill eliminates the condition that the landlord provide the subsequent notice to vacate before the tenant remedies the qualifying breach.

Trespass

Under current law, a person who enters into the dwelling of another without the permission of a person who is lawfully on the premises may be guilty of criminal trespass to a dwelling, a Class A misdemeanor. Under the bill, a person may be guilty of criminal trespass to a dwelling if he or she enters or remains in a dwelling without the permission of a person who is lawfully on the premises, or of the owner of the property if no one is lawfully present there, regardless of whether the dwelling is currently occupied. The bill requires law enforcement agencies to establish policies that require officers to remove trespassers from dwellings.

SENATE BILL 445***Disposing of personal property left by trespasser***

Current law does not address what happens to the personal property of a trespasser that is left behind after the trespasser leaves or is removed from residential rental property. This bill provides that, after a trespasser leaves or is removed from residential rental property, a landlord must hold any personal property left by the trespasser for seven days, during which time the trespasser may request its return. After that time, the landlord may dispose of the personal property in any manner that the landlord determines is appropriate.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.505 (7) (h) of the statutes is amended to read:

2 20.505 (7) (h) *Funding for the homeless.* All moneys received from interest on
3 real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys
4 received under s. ss. 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and
5 shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b).

6 **SECTION 2.** 59.69 (4m) of the statutes is amended to read:

7 59.69 (4m) HISTORIC PRESERVATION. A county, as an exercise of its zoning and
8 police powers for the purpose of promoting the health, safety and general welfare of
9 the community and of the state, may regulate by ordinance any place, structure or
10 object with a special character, historic interest, aesthetic interest or other
11 significant value, for the purpose of preserving the place, structure or object and its
12 significant characteristics. The county may create a landmarks commission to
13 designate historic landmarks and establish historic districts. The county may
14 regulate all historic landmarks and all property within each historic district to
15 preserve the historic landmarks and property within the district and the character
16 of the district. A county may not designate a property as a historic landmark without

SENATE BILL 445

1 the consent of the owner. A county may not require or prohibit any action by an owner
2 of a property related to the preservation of special character, historic or aesthetic
3 interest, or any other significant value of the property without the consent of the
4 owner.

5 **SECTION 3.** 60.64 of the statutes is amended to read:

6 **60.64 Historic preservation.** The town board, in the exercise of its zoning
7 and police powers for the purpose of promoting the health, safety and general welfare
8 of the community and of the state, may regulate any place, structure or object with
9 a special character, historic interest, aesthetic interest or other significant value for
10 the purpose of preserving the place, structure or object and its significant
11 characteristics. The town board may create a landmarks commission to designate
12 historic landmarks and establish historic districts. The board may regulate all
13 historic landmarks and all property within each historic district to preserve the
14 historic landmarks and property within the district and the character of the district.
15 The town board may not designate a property as a historic landmark without the
16 consent of the owner. The town board may not require or prohibit any action by an
17 owner of a property related to the preservation of special character, historic or
18 aesthetic interest, or any other significant value of the property without the consent
19 of the owner.

20 **SECTION 4.** 62.23 (7) (em) of the statutes is amended to read:

21 **62.23 (7) (em) Historic preservation.** A city, as an exercise of its zoning and
22 police powers for the purpose of promoting the health, safety and general welfare of
23 the community and of the state, may regulate by ordinance, or if a city contains any
24 property that is listed on the national register of historic places in Wisconsin or the
25 state register of historic places shall, not later than 1995, enact an ordinance to

SENATE BILL 445**SECTION 4**

1 regulate, any place, structure or object with a special character, historic,
2 archaeological or aesthetic interest, or other significant value, for the purpose of
3 preserving the place, structure or object and its significant characteristics. A city
4 may create a landmarks commission to designate historic or archaeological
5 landmarks and establish historic districts. The city may regulate, or if the city
6 contains any property that is listed on the national register of historic places in
7 Wisconsin or the state register of historic places shall regulate, all historic or
8 archaeological landmarks and all property within each historic district to preserve
9 the historic or archaeological landmarks and property within the district and the
10 character of the district. A city may not designate a property as a historic landmark
11 without the consent of the owner. A city may not require or prohibit any action by
12 an owner of a property related to the preservation of special character, historic or
13 aesthetic interest, or any other significant value of the property without the consent
14 of the owner.

15 **SECTION 5.** 66.0104 (2) (e) of the statutes is created to read:

16 66.0104 (2) (e) No city, village, town, or county may enact an ordinance that
17 does any of the following:

18 1. Requires that a rental unit be inspected without a showing of good cause or
19 be certified or registered.

20 2. Charges a fee for conducting an inspection other than an inspection based
21 on a complaint from a tenant alleging a violation of the local housing code of the city,
22 village, town, or county or an inspection required for all properties and for which a
23 uniform fee is charged.

24 **SECTION 6.** 66.0104 (2) (f) of the statutes is created to read:

SENATE BILL 445

1 66.0104 (2) (f) No city, village, town, or county may impose an occupancy or
2 transfer of tenancy fee on a rental unit.

3 **SECTION 7.** 66.0104 (2) (g) of the statutes is created to read:

4 66.0104 (2) (g) 1. No city, village, town, or county may enact an ordinance that
5 requires a property owner to obtain a license, certification, or registration in order
6 to do any of the following:

7 a. Own a residential rental property.

8 b. Manage or operate a residential rental property.

9 2. Subdivision 1. does not apply to an ordinance that applies uniformly to all
10 residential properties, including owner-occupied properties.

11 **SECTION 8.** 66.0104 (3) (c) of the statutes is created to read:

12 66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date
13 of this paragraph [LRB inserts date], an ordinance that is inconsistent with sub.
14 (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

15 **SECTION 9.** 66.0418 (title) of the statutes is amended to read:

16 **66.0418** (title) ~~**Prohibition of Miscellaneous limitations on local**~~
17 ~~**regulation of certain foods, beverages.**~~

18 **SECTION 10.** 66.0418 (3) of the statutes is created to read:

19 66.0418 (3) No political subdivision may impose a restriction or requirement
20 on a sign based on the sign's informational content that it does not impose on all
21 signs.

22 **SECTION 11.** 66.0809 (9) of the statutes is amended to read:

23 66.0809 (9) A municipal utility is not required to offer a customer who is a
24 tenant at a rental dwelling unit a deferred payment agreement. Notwithstanding
25 ss. 196.03, 196.19, 196.20, 196.22, 196.37, and 196.60, a determination by a

SENATE BILL 445**SECTION 11**

1 municipal utility to offer or not offer a deferred payment agreement does not require
2 approval, and is not subject to disapproval, by the public service commission.

3 **SECTION 12.** 66.1019 (3) (a) of the statutes is renumbered 66.1019 (3) and
4 amended to read:

5 66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a
6 county, city, village or town relating to the construction or inspection of multifamily
7 dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s.
8 101.02 (7m).

9 **SECTION 13.** 66.1019 (3) (b) of the statutes is repealed.

10 **SECTION 14.** 101.02 (7m) of the statutes is amended to read:

11 101.02 (7m) Notwithstanding sub. (7) (a), no city, village, or town may make
12 or enforce any ordinance that is applied to any multifamily dwelling, as defined in
13 s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary
14 to an order of the department under this subchapter, ~~except that if a city, village or~~
15 ~~town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a),~~
16 ~~that ordinance remains in effect, except that the city, village or town may take any~~
17 ~~action with regard to that ordinance that a political subdivision may take under s.~~
18 ~~101.975 (3) (b).~~ Any contract between a city, village, or town and a property owner
19 of a multifamily dwelling that requires the property owner to comply with an
20 ordinance that does not conform to subch. VI and this section or is contrary to an
21 order of the department under this subchapter is void and unenforceable.

22 **SECTION 15.** 101.975 (3) of the statutes is repealed.

23 **SECTION 16.** 175.403 of the statutes is created to read:

24 **175.403 Trespassing; arrest and removal. (1)** In this section:

25 (a) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

SENATE BILL 445

1 (b) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

2 (2) Each law enforcement agency shall have a written policy regarding the
3 investigation of complaints alleging a violation of s. 943.14. The policy shall require
4 a law enforcement officer who has probable cause to arrest a person for a violation
5 of s. 943.14 to remove the person from a dwelling.

6 **SECTION 17.** 349.13 (3m) (dr) 2. of the statutes is amended to read:

7 349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal
8 or storage of an illegally parked vehicle under this subsection if unless the towing
9 service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with
10 respect to the vehicle.

11 **SECTION 18.** 349.13 (3m) (e) 1. of the statutes is amended to read:

12 349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles
13 under this subsection when no citation has been issued.

14 **SECTION 19.** 349.13 (3m) (e) 3. of the statutes is amended to read:

15 349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement
16 under par. (d) upon removal of a vehicle when no citation has been issued.

17 **SECTION 20.** 704.055 of the statutes is created to read:

18 **704.055 Disposition of personalty left by trespasser. (1) DEFINITION.** In
19 this section, “trespasser” means a person who is not a tenant and who enters or
20 remains in residential rental property without the consent of the landlord or another
21 person lawfully on the property.

22 (2) AT THE LANDLORD’S DISCRETION. (a) If a trespasser is removed or otherwise
23 removes from residential rental property and leaves personal property, the landlord
24 shall hold the personal property for 7 days from the date on which the landlord
25 discovers the personal property. After that time, the landlord may presume that the

SENATE BILL 445**SECTION 20**

1 trespasser has abandoned the personal property and may dispose of the personal
2 property in any manner that the landlord, in the landlord's sole discretion,
3 determines is appropriate but shall promptly return the personal property to the
4 trespasser if the landlord receives a request for its return before the landlord
5 disposes of it.

6 (b) If the landlord disposes of the abandoned personal property by private or
7 public sale, the landlord may send the proceeds of the sale minus any costs of sale
8 and, if the landlord has first stored the personal property, minus any storage charges
9 to the department of administration for deposit in the appropriation under s. 20.505
10 (7) (h).

11 **(3) RIGHTS OF 3RD PERSONS.** The landlord's power to dispose as provided by this
12 section applies to any personal property left on the landlord's property by the
13 trespasser, whether owned by the trespasser or by others. The power to dispose
14 under this section applies notwithstanding any rights of others existing under any
15 claim of ownership or security interest. The trespasser, other owner, or any secured
16 party has the right to redeem the personal property at any time before the landlord
17 has disposed of it or entered into a contract for its disposition by payment of any
18 expenses that the landlord has incurred with respect to the disposition of the
19 personal property.

20 **SECTION 21.** 704.17 (1) (b) of the statutes is amended to read:

21 704.17 (1) (b) If a month-to-month tenant commits waste or a material
22 violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's
23 agreement, other than for payment of rent, the tenancy ~~can be~~ is terminated if the
24 landlord gives the tenant a notice that requires the tenant to either remedy the
25 default or vacate the premises no later than a date at least 5 days after the giving

SENATE BILL 445

1 of the notice, and the tenant fails to comply with the notice. A tenant is considered
2 to be complying with the notice if promptly upon receipt of the notice the tenant takes
3 reasonable steps to remedy the default and proceeds with reasonable diligence, or if
4 damages are adequate protection for the landlord and the tenant makes a bona fide
5 and reasonable offer to pay the landlord all damages for the tenant's breach. If,
6 within one year from receiving a notice under this paragraph, the tenant again
7 commits waste or breaches the same or any other covenant or condition of the
8 tenant's rental agreement, other than for payment of rent, the tenant's tenancy is
9 terminated if the landlord gives the tenant notice requiring the tenant to vacate on
10 or before a date at least 14 days after the giving of the notice.

11 **SECTION 22.** 704.17 (2) (b) of the statutes is amended to read:

12 704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a
13 year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or
14 breaches any covenant or condition of the tenant's lease, other than for payment of
15 rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice
16 requiring the tenant to remedy the default or vacate the premises on or before a date
17 at least 5 days after the giving of the notice, and if the tenant fails to comply with such
18 notice. A tenant is deemed to be complying with the notice if promptly upon receipt
19 of such notice the tenant takes reasonable steps to remedy the default and proceeds
20 with reasonable diligence, or if damages are adequate protection for the landlord and
21 the tenant makes a bona fide and reasonable offer to pay the landlord all damages
22 for the tenant's breach. If within one year from the giving of any such notice, the
23 tenant again commits waste or breaches the same or any other covenant or condition
24 of the tenant's lease, other than for payment of rent, the tenant's tenancy is
25 terminated if the landlord, prior to the tenant's remedying the waste or breach, gives

SENATE BILL 445**SECTION 22**

1 the tenant notice to vacate on or before a date at least 14 days after the giving of the
2 notice.

3 **SECTION 23.** 704.17 (3m) of the statutes is created to read:

4 704.17 (3m) CRIMINAL ACTIVITY. (a) In this subsection, “drug-related criminal
5 activity” means criminal activity that involves the manufacture, possession, use, or
6 distribution of a controlled substance, as defined in s. 961.01 (4).

7 (b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), and except as provided
8 in par. (c), a landlord may, upon notice to the tenant, terminate the tenancy of a
9 tenant, without giving the tenant an opportunity to remedy the default, if the tenant,
10 a member of the tenant’s household, or a guest or other invitee of the tenant or of a
11 member of the tenant’s household engages in any criminal activity that threatens the
12 health or safety of, or right to peaceful enjoyment of the premises by, other tenants;
13 engages in any criminal activity that threatens the health or safety of, or right to
14 peaceful enjoyment of their residences by, persons residing in the immediate vicinity
15 of the premises; engages in any criminal activity that threatens the health or safety
16 of the landlord or an agent or employee of the landlord; or engages in any
17 drug-related criminal activity on or near the premises. The notice shall require the
18 tenant to vacate on or before a date at least 5 days after the giving of the notice. The
19 notice shall state the basis for its issuance and the right of the tenant to contest the
20 termination of the tenancy in an eviction action under ch. 799. If the tenant contests
21 the termination of tenancy, the tenancy may not be terminated without proof by the
22 landlord by the greater preponderance of the credible evidence of the allegation in
23 the notice.

24 2. To terminate a tenancy under this subsection, it is not necessary that the
25 individual committing the criminal activity or drug-related criminal activity has

SENATE BILL 445

1 been arrested for or convicted of the criminal activity or drug-related criminal
2 activity.

3 (c) Paragraph (b) does not apply to a tenant who is the victim, as defined in s.
4 950.02 (4), of the criminal activity.

5 **SECTION 24.** 704.17 (5) of the statutes is renumbered 704.17 (5) (a) and
6 amended to read:

7 704.17 (5) (a) Provisions in the lease or rental agreement for termination
8 contrary to ~~this section sub. (1), (2), or (3)~~ are invalid except in leases for more than
9 one year.

10 **SECTION 25.** 704.17 (5) (b) of the statutes is created to read:

11 704.17 (5) (b) Provisions in the lease or rental agreement for termination
12 contrary to sub. (3m) are invalid.

13 **SECTION 26.** 704.19 (2) (b) 2. of the statutes is amended to read:

14 704.19 (2) (b) 2. Notwithstanding subd. 1., nothing in this section prevents
15 termination of a tenancy before the end of a rental period because of an imminent
16 threat of serious physical harm, as provided in s. 704.16, or for criminal activity or
17 drug-related criminal activity, nonpayment of rent, or breach of any other condition
18 of the tenancy, as provided in s. 704.17.

19 **SECTION 27.** 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
20 is amended to read:

21 **706.22 (title) Prohibition on imposing time-of-sale, purchase, or**
22 **occupancy requirements.**

23 **SECTION 28.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
24 55, is amended to read:

SENATE BILL 445**SECTION 28**

1 706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY
2 OF PROPERTY PROHIBITED.

3 **SECTION 29.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
4 Act 55, is amended to read:

5 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
6 may by ordinance, resolution, or any other means restrict do any of the following:

7 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
8 title to or refinance the property by requiring the owner or an agent of the owner to
9 take certain actions with respect to the property or pay a related fee, to show
10 compliance with taking certain actions with respect to the property, or to pay a fee
11 for failing to take certain actions with respect to the property, at any of the following
12 times:

13 **SECTION 30.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
14 55, is renumbered 706.22 (2) (a) 1m. a.

15 **SECTION 31.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
16 55, is renumbered 706.22 (2) (a) 1m. b.

17 **SECTION 32.** 706.22 (2) (a) 2m. of the statutes is created to read:

18 706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real
19 property by requiring the person or an agent of the person to take certain actions with
20 respect to the property or pay a related fee, to show compliance with taking certain
21 actions with respect to the property, or to pay a fee for failing to take certain actions
22 with respect to the property, at any of the following times:

23 a. Before the person may complete the purchase of or take title to the property.

24 b. At the time of completing the purchase of or taking title to the property.

SENATE BILL 445

1 c. Within a certain period of time after completing the purchase of or taking title
2 to the property.

3 **SECTION 33.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
4 55, is renumbered 706.22 (2) (a) 1m. c.

5 **SECTION 34.** 706.22 (2) (a) 3m. of the statutes is created to read:

6 706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to
7 residential real property to take occupancy of the property by requiring the
8 purchaser or transferee or an agent of the purchaser or transferee to take certain
9 actions with respect to the property or pay a related fee, to show compliance with
10 taking certain actions with respect to the property, or to pay a fee for failing to take
11 certain actions with respect to the property, at any of the following times:

12 a. Before the purchaser or transferee may take occupancy of the property.

13 b. At the time of taking occupancy of the property.

14 c. Within a certain period of time after taking occupancy of the property.

15 **SECTION 35.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
16 is renumbered 706.22 (2) (b) (intro.) and amended to read:

17 706.22 (2) (b) (intro.) Paragraph (a) does not prohibit do any of the following:

18 1. Prohibit a local governmental unit from requiring a real property owner or
19 the owner's agent to take certain actions with respect to the property not in
20 connection with the purchase, sale or, refinancing, or taking occupancy of, or the
21 transfer of title to, the property.

22 **SECTION 36.** 706.22 (2) (b) 2. of the statutes is created to read:

23 706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise
24 affect the responsibility, authority, or ability of a local governmental unit to enforce,

SENATE BILL 445**SECTION 36**

1 a federal or state requirement that does any of the things a local governmental unit
2 is prohibited from doing under par. (a).

3 **SECTION 37.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
4 renumbered 706.22 (3) (a) and amended to read:

5 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an
6 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the
7 ordinance, resolution, or policy does not apply and may not be enforced.

8 **SECTION 38.** 706.22 (3) (b) of the statutes is created to read:

9 706.22 (3) (b) If a local governmental unit has in effect on the effective date of
10 this paragraph [LRB inserts date], an ordinance, resolution, or policy that is
11 inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not
12 apply and may not be enforced.

13 **SECTION 39.** 800.035 (1) of the statutes is amended to read:

14 800.035 (1) A defendant may make an initial appearance in person or by
15 submitting a written response to the citation or complaint except when the judge has
16 required an appearance under s. 800.02 (2) (ag) 4. For the purposes of this section,
17 if a defendant is a limited liability company, the defendant appears in person if the
18 appearance is by a member, as defined in s. 183.0102 (15), by an agent or authorized
19 employee of the defendant, or by an agent of the member or an authorized employee
20 of the agent.

21 **SECTION 40.** 943.14 of the statutes is renumbered 943.14 (2) and amended to
22 read:

23 943.14 (2) Whoever intentionally enters or remains in the dwelling of another
24 without the consent of some person lawfully upon the premises or, if no person is
25 lawfully upon the premises, without the consent of the owner of the property that

SENATE BILL 445

1 includes the dwelling, under circumstances tending to create or provoke a breach of
2 the peace, is guilty of a Class A misdemeanor.

3 **SECTION 41.** 943.14 (1) of the statutes is created to read:

4 943.14 (1) In this section, “dwelling” has the meaning given in s. 30.1335 (1)
5 (h). For the purposes of this section, a dwelling meets that definition regardless of
6 whether the dwelling is currently occupied by a resident.

7 **SECTION 42. Initial applicability.**

8 (1) The treatment of sections 704.17 (3m) and 704.19 (2) (b) 2. of the statutes
9 first applies to criminal activities or drug-related criminal activities that are
10 committed on the effective date of this subsection.

11 (2) The creation of section 704.17 (5) (b) of the statutes first applies to leases
12 and rental agreements that are entered into or renewed on the effective date of this
13 subsection.

14 (END)

E-CIGARETTES A GROWING CONCERN

WHAT ARE E-CIGARETTES?

An electronic cigarette is an oral device that can be used to simulate smoking and that produces an aerosol of nicotine and/or other substances.

THEY TAKE MANY FORMS

E-cigarettes are also known as e-hookahs, hookah pens, vape pens, vaporizers, e-cigars, and e-pipes.



4 REASONS TO BE CONCERNED ABOUT E-CIGARETTES

They produce more than just water vapor

- Secondhand aerosol can contain nicotine, ultrafine particles, heavy metals, and cancer-causing chemicals.¹
- Communities have come to expect clean indoor air; e-cigarette use threatens this standard and makes enforcement confusing.

They aren't regulated and haven't been proven safe

- Studies have found some e-cigarettes can contain formaldehyde and diacetyl, chemicals harmful to the human body.²
- There are no regulations on the manufacture or sale of the 450+ brands of e-cigarettes and e-juice to protect consumers or bystanders.³
- Contents vary widely and don't always match the ingredients or amounts listed on labels. In fact, there is no requirement to list ingredients.⁴

They aren't approved to help smokers quit

- No e-cigarette has been approved by the FDA as a cessation device.
- E-cigarette users often continue to smoke regular cigarettes as well as use e-cigarettes.⁵

They appeal to youth

- Nationally, the use of e-cigarettes among youth has more than tripled in the last year,⁶ a cause for concern since nicotine is known to have harmful effects on adolescent brains.⁷
- In Wisconsin 8% of high school students currently use e-cigarettes.⁸
- Alarming, e-cigarette use is associated with increased intentions to smoke conventional cigarettes.⁹



1 E-cigarettes: A scientific review. Contemporary Reviews in Cardiovascular Medicine. Circulation, 2014

2 Evaluation of Electronic Cigarette Liquids and Aerosol for the Presence of Selected Inhalation Toxins. Nicotine & Tobacco Research, September 2014.

3 Four hundred and sixty brands of e-cigarettes and counting: implications for product regulation. Tobacco Control, May 2014

4 E-Cigarettes: Questions and Answers, U.S. Food and Drug Administration, September 2010.

5 Electronic Cigarettes and Conventional Cigarette Use Among US Adolescents: A Cross-sectional Study. JAMA Pediatr. March 2014.

6 2013-2014 National Youth Tobacco Survey

7 The health consequences of smoking—50 years of progress. US Department of Health and Human Services, CDC, 2014

8 2014 Wisconsin Youth Tobacco Survey

9 Intentions to smoke cigarettes among never-smoking US middle and high school electronic cigarette users: National Youth Tobacco Survey, 2011-2013. Nicotine & Tobacco Research, February 2014.

Electronic Smoking Devices and Secondhand Aerosol

Electronic smoking devices (or ESDs), which are often called **e-cigarettes**, heat and vaporize a solution that typically contains nicotine. The devices are metal or plastic tubes that contain a cartridge filled with a liquid that is vaporized by a battery-powered heating element. The aerosol is inhaled by the user when they draw on the device, as they would a regular tobacco cigarette, and the user exhales the aerosol into the environment.

“If you are around somebody who is using e-cigarettes, you are breathing an aerosol of exhaled nicotine, ultra-fine particles, volatile organic compounds, and other toxins.” Dr. Stanton Glantz, Director for the Center for Tobacco Control Research and Education at the University of California, San Francisco.

Current Legislative Landscape

- As of October 2, 2015, [438 municipalities and 5 states include electronic smoking devices](#) as products that are prohibited from use in smokefree environments.
- Three additional states adopted laws in 2015 that will not allow the products to be used in smokefree spaces when they go into effect.

Constituents of Secondhand Aerosol

Electronic smoking devices (ESDs) do not just emit “harmless water vapor.” **Secondhand aerosol (incorrectly called vapor by the industry) from ESDs contains nicotine, ultrafine particles and low levels of toxins** that are known to cause cancer.

- ESD aerosol is made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.¹
- Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma, and constrict arteries which could trigger a heart attack.²
- ESD aerosol particles are smaller than 1000 nanometers, which is a similar size to tobacco smoke and diesel engine smoke, and bystanders can be exposed to this aerosol. “The exact size distribution depends on the chemical composition of the electronic cigarette liquid, the e-cigarette device operation, and user vaping preferences.”³
- At least 10 chemicals identified in ESD aerosol are on California’s Proposition 65 list of carcinogens and reproductive toxins, also known as the [Safe Drinking Water and Toxic Enforcement Act of 1986](#). The compounds that have already been identified in [mainstream](#) (MS) or [secondhand](#) (SS) ESD aerosol include: **Acetaldehyde (MS), Benzene (SS), Cadmium (MS), Formaldehyde (MS,SS), Isoprene (SS), Lead (MS), Nickel (MS), Nicotine (MS, SS), N-Nitrosornicotine (MS, SS), Toluene (MS, SS)**.^{4,5}
- **ESDs contain and emit propylene glycol**, a chemical that is used as a base in ESD solution and is one of the primary components in the aerosol emitted by ESDs.
 - Short term exposure causes eye, throat, and airway irritation.⁶
 - Long term inhalation exposure can result in children developing asthma.⁷
- Even though propylene glycol is FDA approved for use in some products, the inhalation of vaporized nicotine in propylene glycol is not. Some studies show that heating propylene glycol

changes its chemical composition, producing small amounts of propylene oxide, a known carcinogen.⁸

- There are **metals in ESD aerosol, including chromium, nickel, and tin nanoparticles**.⁹
- FDA scientists found detectable levels of carcinogenic tobacco-specific nitrosamines in ESD aerosol.¹⁰
- People exposed to ESD aerosol absorb nicotine (measured as cotinine), with one study showing levels comparable to passive smokers.¹¹
- **Diethylene Glycol**, a poisonous organic compound, was also detected in ESD aerosol.¹²
- **Exhaled ESD aerosol contained propylene glycol, glycerol, flavorings, and nicotine, along with acetone, formaldehyde, acetaldehyde, propanal, diacetyl, and triacetyl.**¹³
- Many of the elements identified in the aerosol are known to **cause respiratory distress and disease**. The aerosol contained particles >1 µm comprised of tin, silver, iron, nickel, aluminum, and silicate and nanoparticles (<100 nm) of tin, chromium and nickel. The concentrations of nine of eleven elements in ESD aerosol were higher than or equal to the corresponding concentrations in conventional cigarette smoke.¹⁴
- ESDs cause exposure to different chemicals than found in conventional cigarettes and there is a need for risk evaluation for both primary and passive exposure to the aerosol in smokers and nonsmokers.¹⁵
- Short term use of ESD has been shown to increase respiratory resistance and impair lung function, which may result in difficulty breathing.¹⁶
- The first study to look at exposure to aerosol from ESDs in real-use conditions found that non-smokers who were exposed to conventional cigarette smoke and ESD aerosol absorbed similar levels of nicotine.¹⁷
- The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) has concluded that ESDs emit harmful chemicals into the air and need to be regulated in the same manner as tobacco smoking. The “E-cigarettes do not produce a vapor (gas), but rather a dense visible aerosol of liquid sub-micron droplets consisting of glycols, nicotine, and other chemicals, some of which are carcinogenic (e.g., formaldehyde, metals like cadmium, lead, & nickel, and nitrosamines).”¹⁸
- ESD aerosol is a source of high doses of particles being deposited in the human respiratory system.¹⁹
- ESD exposure damages lung tissues. Human lung cells that are exposed to ESD aerosol and flavorings—especially cinnamon—are show increased oxidative stress and inflammatory responses.²⁰
- Concentrations of formaldehyde are higher than concentrations of nicotine in some samples of ESD aerosol. Formaldehyde is created when propylene glycol and glycerol are heated to temperatures reached by commercially available ESDs operating at high voltage.²¹
- Flavorings are a largely unrecognized potential hazard of ESDs. Diacetyl and acetyl propionyl are present in many sweet-flavored ESDs, and are approved by the FDA for food use (ingestion), but are not evaluated and approved for heating and inhalation, and are associated with respiratory disease when inhaled.²² High doses of diacetyl, used to flavor buttered popcorn, have been shown to cause acute-onset bronchiolitis obliterans, a severe and irreversible obstructive

lung disease when inhaled by workers exposed to particulate aerosolized flavorings containing diacetyl.²³ Therefore, these chemicals cannot be deemed “generally recognized as safe” for inhalation.

- There is a risk of thirdhand exposure to nicotine released from ESD aerosol that deposits on indoor surfaces.²⁴
- Overall, ESDs are a new source of **Volatile Organic Compounds (VOCs) and ultrafine/fine particles in the indoor environment**, thus resulting in “passive vaping.”²⁵
- The World Health Organization (WHO) recommends that ESDs not be used indoors, especially in smokefree environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smokefree laws.²⁶
- The National Institute for Occupational Safety and Health (NIOSH) recommends that employers “establish and maintain smoke-free workplaces that protect those in workplaces from involuntary, secondhand exposures to tobacco smoke and airborne emissions from e-cigarettes and other electronic nicotine delivery systems.”²⁷
- The American Industrial Hygiene Association (AIHA) also recommends that ESDs be included in smokefree laws: “**Because e-cigarettes are a potential source of pollutants (such as airborne nicotine, flavorings, and thermal degradation products), their use in the indoor environment should be restricted, consistent with current smoking bans, until and unless research documents that they will not significantly increase the risk of adverse health effects to room occupants.**”²⁸
- The American Public Health Association adopted a resolution, “Supporting Regulation of Electronic Cigarettes,” that outlines seven action steps including, “States and municipalities [should] enact and enforce laws...prohibiting the use of e-cigarettes in all enclosed areas of public access and places of employment. These standards should be incorporated into existing clean indoor air laws.”²⁹
- The American Association for Cancer Research and the American Society of Clinical Oncology supports prohibiting the use of ESDs in smokefree spaces until the safety of second- and thirdhand aerosol exposure is established.³⁰

ESD aerosol is a new source of pollution and toxins being emitted into the environment. We do not know the long-term health effects of ESD use and although the industry marketing of the product implies that these products are harmless, the aerosol that ESD emit is not purely water vapor.

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1510 [FS-39]

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**COMMENTS ON PROHIBITION OF ELECTRONIC DELIVERY [SMOKING] DEVICES
BY MINORS AND USE ON SCHOOL PROPERTY, IN GOVERNMENT BUILDINGS, AND
IN CERTAIN PUBLIC PLACES**

- The Public Health & Safety Committee has been requested to consider implementing a prohibition on the possession of electronic delivery [smoking] devices, such as e-cigarettes, e-cigars, and vape pens by minors and use of such devices on school property, in government buildings and certain public places, and against the sale of such items to minors. In particular, representatives of the Marathon County Health Department, as well as Wausau Police Department School Resource Officers, are urging the City to examine its ordinances in this regard.
- The State Legislature has entertained legislation concerning “inhaling or exhaling vapor or a vaporized solution from an electronic device,” (see, 2015 SB 120 and 2015 AB 146), however, as of this date, no law has yet been enacted.
- The proposed amendments to W.M.C. chapters 2.90, 2.95, 5.30, 9.04, and 17.36, expand the definition of “smoke” and “smoking” and add a definition for “electronic delivery device” to effectively include products that contain or nicotine or other similar substance. The effect of these changes in the foregoing chapters would generally make it a violation of municipal ordinance for a person to use smoke or use electronic smoking devices in city owned facilities, on school property in the Wausau School District, sell or give electronic smoking type devices to a person under the age of eighteen, and for those under the age of 18 to buy, attempt to buy or possess electronic smoking devices (in addition to the current prohibitions on cigarettes or tobacco products). These changes also enhance the enforcement of the Wausau municipal ordinance adopting Wis. Stat. §101.123 (also known as the Wisconsin Clean Indoor Air Act) which restricts smoking in 15 specific enclosed places as well as all enclosed places that are places of employment or public places by prohibiting the use of electronic delivery [smoking] devices, such as e-cigarettes, e-cigars, and vape pens in such locations.

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE

Amending Section 9.04.010 State statutes adopted and Section 9.040.022 Use of cigarette and tobacco products prohibited.

Committee Action:

Ordinance Number:

Fiscal Impact: None

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Add ()
Delete (-----)

Section 1. That Section 9.04.010 State statutes adopted, is hereby amended to read as follows:

9.04.010 State statutes adopted. The following state statutes are adopted by reference and incorporated herein, except for the penalty provision therein which shall be governed by section 1.01.110:

~~101.123 [Smoking prohibited.]~~

...

Section 2. That Section 9.04.022 Use of cigarette and tobacco products prohibited, is hereby amended to read as follows:

9.04.022 Use of cigarette, tobacco products or other smoking or electronic delivery devices prohibited. (a) Definitions . . .

“Cigarette” means . . .

“Electronic delivery device” shall have the meaning set forth in section 2.90.010(c) of this code.

“Law enforcement officer” means . . .

“Smoke” or “smoking” shall have the meaning set forth in section 2.90.010(d) of this code.

“Tobacco products” means . . .

...

(b) Except as provided in subsection (c) of this section, no child may do any of the following:

(1) Buy or attempt to buy any cigarette or tobacco product or other smoking or electronic delivery device;

(2) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product or other smoking or electronic delivery device;

(3) Possess any cigarette or tobacco product or other smoking or electronic delivery device.

(c) A child may purchase or possess cigarettes or tobacco products or other smoking or electronic delivery device for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65(1) of the Wisconsin Statutes.

(d) A law enforcement officer shall seize any cigarette or tobacco product or other smoking or electronic delivery device involved in any violation of subsection (b) of this section committed in his or her presence.

(e) Smoking ban adopted. The City adopts by reference, the provisions of Wis. Stats. § 101.123, smoking prohibited, pertaining to the statewide smoking ban. For purposes of enforcing the smoking ban found in Wis. Stats. §101.123 within this City, the definition found in subsection (a) of this section for “smoke” or “smoking” shall apply instead of the definition for “smoking” found in said state statutes and the definition found in subsection (a) of this section for “electronic delivery device” shall also apply.

~~(e)~~(f) Penalty shall be not more than fifty dollars.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE

Amending Sections 2.90.10 Definitions to include “electronic delivery device” and amend “smoking” and 2.90.20 Smoking prohibited

Committee Action:

Ordinance Number:

Fiscal Impact: None

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Add ()

Section 1. That Section 2.90.010 Definitions, is hereby amended to read as follows:

2.90.010 Definitions. When used in this chapter, the following words have the following meanings:

...

(c) “Electronic delivery device” means any product containing or delivering nicotine or other similar substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. Electronic delivery device includes any device manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or description, or any component part of such product whether or not sold separately. Electronic delivery device does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for such an approved purpose.

~~(e)~~(d) “Smoke” or “Smoking” means burning, holding, inhaling, exhaling or carrying a any lighted or heated cigar, cigarette, pipe or any other lighted smoking equipment or heated tobacco or plant product intended for inhalation, whether natural, or synthetic, in any manner or form. Smoking includes the use of an electronic delivery device which creates an aerosol or vapor, in any manner or form, or the use of any oral smoking device.

~~(d)~~(e) “Cigarette” means . . .

~~(e)~~(f) “Tobacco products” means . . .

~~(f)~~(g) “Smokeless tobacco” means . . .

2.90.20 Smoking prohibited. No person may smoke, or use smokeless tobacco, or use tobacco products within any city-owned facility except for those areas that are specifically leased to private entities, and specifically excluding Athletic Park when it is being utilized for Wausau

Woodchucks baseball games. No person may smoke, ~~or~~ use smokeless tobacco, or use tobacco products within any city-owned vehicle.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE

Amending Section 17.36.010 Smoking defined to include “electronic delivery device” and amend “smoking”

Committee Action:

Ordinance Number:

Fiscal Impact: None

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Add ()

Section 1. That Section 17.36.010 smoking defined is hereby amended to read as follows:

~~17.36.010 Smoking defined.~~ **Definitions.** “Smoking” means and includes the carrying of lighted pipe, cigar, cigarette or tobacco in any form. **When used in this chapter, the following words shall have the following meanings:**

(a) “Electronic delivery device” shall have the meaning set forth in section 2.90.010(c) of this code.

(b) “Smoke” or “smoking” shall have the meaning set forth in section 2.90.010(d) of this code.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE

Amending Section 5.30.040 License regulations to include “electronic delivery device”.

Committee Action:

Ordinance Number:

Fiscal Impact: None

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Add ()

Section 1. That Section 5.30.040 License regulations, is hereby amended to read as follows:

5.30.040 License regulations.

...

(c) No licensed retailer, or the agent or employee thereof, may sell or give cigarettes or tobacco products or any electronic delivery device as defined in W.M.C. §2.90.010(c) to any person under the age of eighteen, except as provided by section 9.04.022(c) of this code. A vending machine operator is not liable under this section for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of eighteen if the vending machine operator was not aware of the purchase.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE

Amending Section 2.95.10 Definitions to include “electronic delivery device” and amend “smoking”

Committee Action:

Ordinance Number:

Fiscal Impact: None

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Add ()

Section 1. That Section 2.95.010 Definitions, is hereby amended to read as follows:

2.95.010 Definitions. When used in this chapter, the following words shall have the following meanings:

(a) “Electronic delivery device” shall have the meaning set forth in section 2.90.010(c) of this code.

(a)(b) “School property” means . . .

(b)(c) “Smoke” or “Smoking” means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment. shall have the meaning set forth in section 2.90.010(d) of this code.

(e)(d) “Smokeless tobacco” means . . .

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk



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**COMMENTS REGARDING PROPOSED
ORDINANCE TO ENABLE IMPLEMENTATION OF
TRAP, NEUTER, RELEASE PROGRAM FOR FERAL AND STRAY CATS
BY CITIZEN VOLUNTEER GROUP**

- The City of Wausau has been requested to consider allowing a pilot trap, neuter, release program. In order to do so, certain changes are needed to chapter 8 of the Wausau Municipal Code that governs the care and control of animals.
- The draft ordinance sets up parameters for caregivers of feral and stray cats in a pilot area to give care to such animals without being held in violation of certain ordinance provisions such as sections 8.080.030, Dognapping and catnapping; 8.08.120, Number of dogs and cats limited; 8.08.170, Licenses; and, 8.08.190, Animals not to run at large. It is unclear at the time of drafting this ordinance, the exact parameters of the pilot area, and that area would need to be more clearly identified.
- The pilot area is proposed as that portion of the City bounded by east side of Third Avenue, the west side of Sixth Avenues, the north side of Stewart Avenue and the north side of Spruce Street.
- The draft ordinance also seeks to ensure individuals who are caregivers of feral and stray cats under an “authorized TNR program” operated by a local organization known as Community Cat Action Team (CCAT) are distinguishable from individuals who may simply desire to own numerous cats.
- In speaking with the Humane Society of Marathon County Humane, Inc., (HSMC) the CCAT will apparently not be sponsored by or operated under the auspices of its organization.
- In the event a feral or stray cat was to be delivered to the HSMC by the CCAT, there is no provision in the draft ordinance that would authorize or obligate the City to pay for such surrender or delivery of the animal to the HSMC. However, the City would still be obligated to pay for animals delivered to the HSMC by animal control and/or the police department.
- Since the City will be relieving caregivers of feral and stray cats under an authorized TNR program from liability under certain municipal ordinances, the proposed ordinance seeks to define the responsibilities of caregivers and the authorized TNR program in managing colonies of feral cats in an effort, to the extent possible, minimize inconvenience and nuisance to the surrounding community area.
- It is unclear as to how a TNR program will distinguish between a cat that has an owner but is perhaps “at large” or “free-roaming,” from a stray cat without an owner but is socialized to humans. Liability potentially exists (although the amount and extent is unclear) to an individual who would vaccinate and neuter the cat of another without the permission of that owner.

- The draft ordinance provides that the CCAT must acquire liability insurance and name the City and its employees, agents, representatives and elected and appointed officials as additional insureds.
- In the event the City approves changes to ordinances, it is also strongly recommended that the City condition its approval upon CCAT providing the City with an indemnification and release in the following form through a separate document:

CCAT shall defend, indemnify and hold harmless City, its employees, agents, and elected and appointed officials from and against all liabilities, losses, judgments, actions, suits, obligations, debts, demands, damages, penalties, claims, costs, charges and expenses, including reasonable attorneys' fees, of any kind or of any nature whatsoever which may be imposed, incurred, sustained or asserted against the City, its employees, agents, and/or elected or appointed officials by reason of any injury or death to any person, or loss, damage, or destruction of any property or loss of use thereof, or otherwise arising directly or indirectly as a result of the acts or omissions of CCAT, its agents, employees, or volunteers under its trap, neuter, release program within the City of Wausau.

CCAT hereby releases the City, its employees, agents, and elected and appointed officials from and against all liabilities, losses, judgments, actions, suits, obligations, debts, demands, damages, penalties, claims, costs, charges and expenses, including reasonable attorneys' fees, which may arise as a result of the acts or omissions of CCAT, its agents, employees, or volunteers under its trap, neuter, release program within the City of Wausau.

- As a pilot program, the draft ordinance proposes that the TNR program be reauthorized by the Common Council prior to July 1, 2018, or it shall expire.

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE

Creating Section 8.08.05 Feral cat caregiver and TNR program requirements

Committee Action:

Ordinance Number:

Fiscal Impact: None

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 8.08.05 Feral cat caregiver and TNR program requirements, is hereby created to read as follows:

8.08.05. Feral cat caregiver and TNR program requirements. (a) Definitions. For purposes of this section, the following definitions shall apply:

- (1) “Authorized TNR program” means a TNR program directed and operated by the Community Cat Action Team, provided it remains a non-profit animal rescue or welfare group and has as at least one of its purposes, the rescue and placement of cats which cannot be kept or placed by public animal control agencies or humane shelters.
- (2) “Caregiver” means any person trained and designated by an authorized TNR program as a caregiver, who in accordance with a good faith effort to trap, neuter, vaccinate and return a feral or stray cat to a feral cat colony, provides food, water or shelter to or otherwise cares for a feral or stray cat.
- (3) “Ear-tipped” means a straight line cut of the tip of the ear on a cat, typically the left ear, performed by a licensed veterinarian when a cat is under anesthesia and identifies a cat as sterilized.
- (4) “Feral cat” means a cat that is wild, untamed, or unsocialized.
- (5) “Feral cat colony” means a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal or free-roaming cats that congregate with a colony shall be deemed to be a part of it.

(6) “Free-roaming cat” means a cat that is regularly off the property of the owner and is not under the physical control or restraint of the owner.

(7) “Pilot area” means that portion of the City bounded by east side of Third Avenue, the west side of Sixth Avenues, the north side of Stewart Avenue and the north side of Spruce Street.

(8) “Stray cat” means a cat that is socialized to humans and does not have an owner.

(9) “TNR” means a trap, neuter and return program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped and returned to the original location where they live.

(b) Feral cat colonies shall be permitted within the pilot area only, and caregivers shall be entitled to maintain such colonies in such pilot area upon strict compliance with the terms and conditions of this section.

(1) Registration of the feral cat colony with the authorized TNR program.

(2) Taking reasonable steps to obtain the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured.

(3) Taking reasonable steps to result in the spay/neuter, by a licensed veterinarian, of the colony population.

(4) Taking reasonable steps to find permanent, inside homes for colony cats that exhibit the potential for acclimating to such a placement.

(5) Providing adequate containment and disposal of excrement. Caregivers shall be subject to the provisions of section 8.08.220 notwithstanding any provision of section 8.08.001(f).

(6) Taking reasonable steps to prevent feral colony cats from creating a nuisance on adjacent properties.

(7) In the event that kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of the kittens from the feral cat colony after they have been weaned, and obtain placement of the kittens in homes, foster homes or animal rescue facilities.

(8) Immediately report to the City Animal Control Officer any cat that appears to be ill, diseased, or to have been exposed to potentially suffering from rabies. Caregivers shall be subject to the provisions of section 8.08.240 notwithstanding any provision of section 8.08.001(f).

(c) The authorized TNR program shall comply with the provisions of this subsection.

- (1) Review and approve caregivers.
- (2) Help to resolve complaints over the conduct of a feral cat colony caregiver or of cats within a colony.
- (3) Provide the City Animal Control Officer on an annual basis, or upon other reasonable request, with information relating to the authorized TNR program including number of cats and kittens spayed and neutered, number of cats and kittens placed in permanent homes, a list of the names and addresses of approved caregivers, and the number of colonies and number of cats in each feral cat colony.
- (4) Maintain liability insurance for all activities, actions and work performed under in connection with the authorized TNR program with a minimum combined single limit in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) of liability per occurrence for bodily injury and property damage and furnish the City with a Certificate of Insurance naming the City, its employees, agents, representatives, and elected and appointed officials as additional insureds. The policy of insurance shall state that coverage shall not be cancelled by the insurer in less than thirty (30) days after the insured and the City have received written notice of such cancellation

(d) It shall be an affirmative defense to prosecution under sections 8.08.030, Dognapping and catnapping; 8.08.120, Number of dogs and cats limited; 8.08.170, Licenses; and, 8.08.190, Animals not to run at large, that the animal is a feral or stray cat provided care by a caregiver in the pilot area through the authorized TNR program.

(e) The authorization of this program and ordinance and designation of the authorized TNR program shall expire on July 1, 2018, unless reauthorized by the common council.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE

Amend Section 8.08.001 Definitions adding “Domesticated cat or dog” and amending “owner.”

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 92-0627

Date Introduced: July 14, 2015

The Common Council of the City of Wausau do ordain as follows:

Add ()

Delete (——)

Section 1. That Section 8.08.001 Definitions, is hereby amended to read as follows:

8.08.001 Definitions.

...

(d) “Domesticated cat or dog” means a cat or dog that is socialized to humans and is appropriate as a companion for humans.

(~~d~~)(e) “Farm animal/poultry” means any warmblooded animal/fowl . . .

(e)(f) “Owner” means any individual, partnership or corporation that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian, or who knowingly permits an animal to remain on or about his/premises/property for five or more consecutive days. For purposes of this chapter, any individual located within the pilot area as defined in section 8.08.05(7), designated in writing by a City authorized TNR program, who acts as a caregiver for a feral or stray cat that has been ear tipped as part of a TNR program shall not be deemed to be an owner of such feral or stray cat; provided however, that such individual complies with the provisions of Section 8.08.05 and provides a copy of the written designation to appropriate City officials upon request.

(~~f~~)(g) “Pet” means and animal kept for pleasure rather than utility, which may/may not be susceptible to rabies.

(~~g~~)(h) “Temporary foster care” means the care of a dog or cat by a person residing in a single or two family dwelling unit for 6 months or less and where such animal has been placed in the care of such person by a non-profit animal rescue, shelter, or welfare group qualifying as an exempt organization under section 501(c)(3) of the Internal Revenue Code.

(h)(i) “Unprovoked bite” means not stimulated to produce an angry or vexed reaction.

(i)(j) “U.S.D.A. approved rabies vaccine” means rabies vaccine for dogs, cats, horses, cows or sheep only.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

WHEREAS, the City simultaneously desires to encourage the both the development of these creative and unique small business as well as continue to accommodate and encourage the growth of restaurants and food establishments in its community, particularly along its newly developing river front; and,

WHEREAS, Representative David Steffen (R-Green Bay) has been circulating a compromise bill worked out between the Wisconsin League of Municipalities, the Realtors Association and the Tavern League; which provides options to municipalities that have issued all of their liquor licenses under the State of Wisconsin quota, a copy of which is attached as Exhibit 1; and,

WHEREAS, the bill proposes, among other things, to allow a municipality to establish a Premier Economic Development District enabling a municipality to issue up to two Premier “Class B” Reserve licenses and additionally would permit a municipality to purchase “Class B” liquor licenses from contiguous and noncontiguous municipalities within two (2) miles of the community’s borders.

NOW THEREFORE BE IT RESOLVED, that Common Council of the City of Wausau urges its local legislators to sign on as co-sponsors of LRB 3896/1 being circulated by Rep. David Steffen (R-Green Bay) and to consider and/or sponsor other legislation to enhance and support a municipality’s ability to encourage the development and growth of new businesses in its community by accommodating the desire of these businesses to obtain “Class B” liquor licenses.

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward this Resolution to our local State Legislatures, the Governor, and the Wisconsin League of Municipalities.

Approved:

James E. Tipple, Mayor



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3896/1
ARG:emw

2015 BILL

1 **AN ACT** *to amend* 125.51 (3) (e) 1., 125.51 (3) (e) 2., 125.51 (4) (br) 2. and 125.51
2 (4) (v) 1.; and *to create* 125.51 (3) (e) 4., 125.51 (3) (e) 6., 125.51 (4) (br) 1. g. and
3 h., 125.51 (4) (e) and 125.51 (4) (u) of the statutes; **relating to:** municipal
4 quotas for retail intoxicating liquor licenses.

Analysis by the Legislative Reference Bureau

This bill modifies certain aspects of the liquor license quota system and creates new liquor license quota exceptions.

Current law prohibits a person from selling alcohol beverages at retail unless the seller possesses a license or permit authorizing the sale. A "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the licensed premises and, depending on the type of intoxicating liquor and whether a municipal ordinance has been adopted, may also authorize the retail sale of intoxicating liquor for consumption off the licensed premises, subject to certain limitations. Current law imposes a quota on the number of "Class B" liquor licenses that a municipality may issue. This quota is generally determined by a formula based on the number of licenses previously issued by the municipality and the municipality's population. For purposes of the quota system, a reserve "Class B" license is a "Class B" liquor license first issued on or after December 1, 1997. Current law provides a limited number of quota exceptions, including an exception for a full-service restaurant that has a seating capacity of 300 or more persons and an exception for a capital improvement area designated by the legislature.

BILL

This bill allows a municipality to transfer a reserve “Class B” liquor license to another municipality that is contiguous with, or within two miles of, the transferring municipality. The receiving municipality may then issue the license for a premises within that municipality. The quota of the transferring municipality is decreased, and the quota of the receiving municipality is increased, for each license transferred. A municipality may transfer no more than three reserve “Class B” licenses in this manner. The transferring municipality establishes the issuance fee for the license after it is transferred, which may not be less than \$10,000, and this fee must be remitted to the transferring municipality. This fee may not be rebated or refunded.

The bill also allows a municipality to designate a geographic area within the municipality as a premier economic development district, if certain requirements are met, and to issue two “Class B” liquor licenses in connection with an economic development project within the premier economic development district. These licenses are in addition to the “Class B” licenses counted toward the municipality’s quota. The bill includes a definition of an economic development project. The municipality must establish an initial issuance fee for these “Class B” licenses, which may not be less than \$30,000, and this fee may not be rebated or refunded.

Current law generally requires a municipality to establish an initial issuance fee for a reserve “Class B” license of at least \$10,000. This bill specifies that this fee may not be rebated or refunded.

This bill also modifies the quota exception for a full-service restaurant that has a seating capacity of at least 300 persons to require an interior, permanent seating capacity of at least 300 persons.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 125.51 (3) (e) 1. of the statutes is amended to read:

2 125.51 (3) (e) 1. Except as provided in subds. 2. ~~and 3.~~ to 4. and 6., the annual
3 fee for a “Class B” license shall be established by the municipal governing body and
4 shall be the same for all “Class B” licenses, except that the minimum fee shall be \$50
5 and the maximum fee shall be \$500. The minimum fee does not apply to licenses
6 issued to bona fide clubs and lodges situated and incorporated in the state for at least
7 6 years.

8 **SECTION 2.** 125.51 (3) (e) 2. of the statutes is amended to read:

BILL

1 125.51 (3) (e) 2. Each municipal governing body shall establish the fee, in an
2 amount not less than \$10,000, for an initial issuance of a reserve “Class B” license,
3 as defined in sub. (4) (a) 4., and, if the municipality contains a capital improvement
4 area enumerated under sub. (4) (x) 2. a., for an initial issuance of a “Class B” license
5 under sub. (4) (x) 3. and 4., except that the fee for an initial issuance of a reserve
6 “Class B” license to a bona fide club or lodge situated and incorporated in the state
7 for at least 6 years is the fee established under subd. 1. for such a club or lodge. The
8 fee under this subdivision is in addition to any other fee required under this chapter.
9 The annual fee for renewal of a reserve “Class B” license, as defined in sub. (4) (a)
10 1., and a “Class B” license issued under sub. (4) (x) 3. or 4. is the fee established under
11 subd. 1. A municipality may not rebate or refund to a “Class B” licensee or a person
12 affiliated with the “Class B” licensee or with the license application process,
13 including through any grant or tax credit program, the fee paid by the licensee under
14 this subdivision for initial issuance of a reserve “Class B” license.

15 **SECTION 3.** 125.51 (3) (e) 4. of the statutes is created to read:

16 125.51 (3) (e) 4. Each municipal governing body that transfers a license under
17 sub. (4) (e) shall establish the fee, in an amount not less than \$10,000, for issuance
18 of a reserve “Class B” license after it has been transferred under sub. (4) (e). A
19 municipality may not rebate or refund to a “Class B” licensee or a person affiliated
20 with the “Class B” licensee or with the license application process, including through
21 any grant or tax credit program, the fee paid under this subdivision for issuance of
22 the license after transfer. The annual fee for renewal of a reserve “Class B” license
23 after it has been transferred and reissued under sub. (4) (e) is the fee established
24 under subd. 1.

25 **SECTION 4.** 125.51 (3) (e) 6. of the statutes is created to read:

BILL

1 125.51 (3) (e) 6. Notwithstanding subd. 2., each municipal governing body that
2 has designated a premier economic development district under sub. (4) (u) 2. shall
3 establish the fee, in an amount not less than \$30,000, for initial issuance of a reserve
4 “Class B” license under sub. (4) (u) 3. A municipality may not rebate or refund to a
5 “Class B” licensee or a person affiliated with the “Class B” licensee or with the license
6 application process, including through any grant or tax credit program, the fee paid
7 by the licensee under this subdivision for initial issuance of a reserve “Class B”
8 license under sub. (4) (u) 3. The annual fee for renewal of a reserve “Class B” license
9 issued under sub. (4) (u) 3. is the fee established under subd. 1.

10 **SECTION 5.** 125.51 (4) (br) 1. g. and h. of the statutes are created to read:

11 125.51 (4) (br) 1. g. Add one license for each license transferred to the
12 municipality under par. (e).

13 h. Subtract one license for each license transferred from the municipality under
14 par. (e).

15 **SECTION 6.** 125.51 (4) (br) 2. of the statutes is amended to read:

16 125.51 (4) (br) 2. Notwithstanding subd. 1., if the difference between the
17 number of licenses determined under par. (b) 1g. and under par. (bm) 1. is 3 or fewer,
18 the number of reserve “Class B” licenses authorized to be issued by that municipality
19 is the difference between the number of licenses determined under par. (b) 1g. and
20 under par. (bm) 1., plus one per each increase of 500 population to the population
21 recorded under par. (bm), plus one for each license transferred to the municipality
22 under par. (e), minus one for each license transferred from the municipality under
23 par. (e), plus one if the municipality had issued a license under s. 125.51 (4) (br) 2.,
24 1999 stats., based on a fraction of 500 population but only as long as the total number

BILL

1 of licenses issued by the municipality equals the maximum number of licenses
2 authorized.

3 **SECTION 7.** 125.51 (4) (e) of the statutes is created to read:

4 125.51 (4) (e) 1. A municipality may make a request to another municipality
5 that is contiguous with, or within 2 miles of, the requesting municipality that the
6 other municipality transfer a reserve “Class B” license to the requesting
7 municipality. If the request is granted, the reserve “Class B” license shall be
8 transferred.

9 2. A municipality may transfer or receive more than one reserve “Class B”
10 license under this paragraph as long as each transfer meets the requirements of this
11 paragraph, but a municipality may not transfer more than 3 reserve “Class B”
12 licenses under this paragraph.

13 3. After transfer of a reserve “Class B” license under this paragraph, the
14 municipality receiving the reserve “Class B” license may issue and renew the reserve
15 “Class B” license in the same manner as other reserve “Class B” licenses that have
16 not been so transferred, except that the fee under sub. (3) (e) 4., not sub. (3) (e) 2.,
17 applies upon issuance of the reserve “Class B” license by the receiving municipality
18 after the transfer. Upon receipt of the issuance fee from the licensee, the receiving
19 municipality shall remit this issuance fee to the municipality that transferred the
20 license.

21 4. Notwithstanding subds. 1. to 3., if a municipality has not issued any licenses,
22 the municipality may not transfer any licenses under this paragraph.

23 **SECTION 8.** 125.51 (4) (u) of the statutes is created to read:

24 125.51 (4) (u) 1. In this paragraph:

BILL

1 a. “Economic development project” means a project or projects within a premier
2 economic development district that, alone or together, have an estimated
3 comprehensive new construction assessed valuation increase of at least \$20,000,000,
4 as established and certified by an independent 3rd-party appraiser or market
5 research firm that provides a written report regarding the estimated value to be
6 created by the project or projects.

7 b. “Premier economic development district” means a geographic area
8 designated under subd. 2.

9 2. A municipality may, by ordinance enacted by at least a two-thirds vote of the
10 municipality’s governing body, designate a geographic area within the municipality
11 as a premier economic development district if all of the following apply:

12 a. The geographic area does not exceed 40 acres and the boundaries of the
13 geographic area are precisely identified in the ordinance.

14 b. No part of the geographic area is physically separated from the rest of the
15 geographic area so that, except for public streets, similar community infrastructure,
16 and rivers and other waterways, each portion of the geographic area is contiguous
17 with some other portion of the geographic area.

18 c. The geographic area does not include any land that is zoned exclusively for
19 industrial use or zoned exclusively for single-family or 2-family residences.

20 3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a municipality that has
21 designated a premier economic development district may issue up to 2 “Class B”
22 licenses in connection with an economic development project within the premier
23 economic development district, in addition to the number of licenses determined for
24 the municipality’s quota under pars. (b) to (d) and in addition to any license under
25 par. (v) or (w).

Summary of Fire and EMS Events
For November 2015

1. Significant City Fire Events:

Date	Address	Type
None		

2. Township Fire Calls:

Date	Township	Address	Type
11/16/15	Texas	821 Goetsch Rd. (1968)	Rescue, EMS incident
Total Mutual Aid Given			1
Tanker Response Only			0

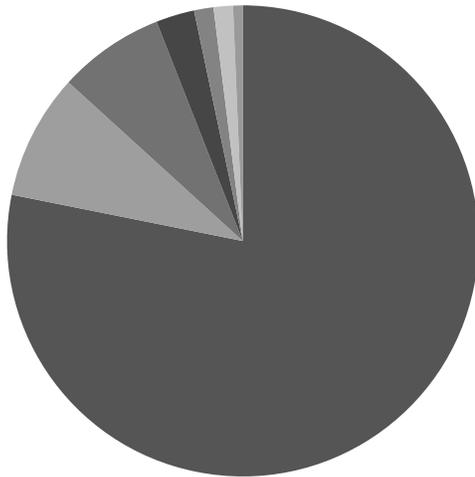
3. Significant EMS Events:

City	# of Runs	% of Runs	# of Runs - YTD
Berlin (Town of)	2	.43%	21
Brokaw (Village of)	1	.22%	7
Hewitt (Town of)	3	.65%	19
Maine (Town of)	9	1.94%	64
Texas (Town of)	2	.43%	33
Schofield (City of)	0	0.00%	3
Stettin (Town of)	0	0.00%	0
Wausau (City of)	444	95.48%	4,334
Wausau (Town of)	0	0.00%	49
Weston (Village of)	0	0.00%	6
Other	3	.65%	12
Interfacility	1	.22%	6
Total	465	100%	4,554

4. Fire Department Activities

NFIRS Incidents (Engine)	450.24 Hours
WARDS Incidents (Ambulance)	599.25 Hours
Non-Incident Activities (Station Maintenance/Wellness, Vehicle Check-off/Fire Pre-plan, Hazmat Outreach, Administration duties, Public Education, Committee and Staff Meetings)	1,553.81 Hours
Training	1,210.00 Hours

5. Other Fire Incident Responses:



- Rescue & Emergency Medical Service Incident (118)
- False Alarm & False Call (13)
- Good Intent Call (11)
- Service Call (4)
- Hazardous Condition (No Fire) (2)
- Overpressure Rupture, Explosion (2)
- Severe Weather & Natural Disaster (1)

CODE	DESCRIPTION	FREQ.	FREQ. %	EXPs	TOTAL MAN HOURS	AVERAGE RESPONSE TIME (min)
251	Excessive heat, scorch burns with no ignition	2	0.82 %	0	8.08	4.00
300	Rescue, emergency medical call (EMS) call, other	5	2.04 %	0	2.10	11.20
311	Medical assist, assist EMS crew	153	62.45 %	0	126.33	4.20
322	Vehicle accident with injuries	2	0.82 %	0	2.65	2.50
324	Motor vehicle accident with no injuries	4	1.63 %	0	4.15	3.75
353	Removal of victim(s) from stalled elevator	1	0.41 %	0	0.93	4.00
360	Water & ice related rescue, other	1	0.41 %	0	5.33	6.00
365	Watercraft rescue	1	0.41 %	0	3.40	5.00
381	Rescue or EMS standby	24	9.80 %	0	146.40	0.25
411	Gasoline or other flammable liquid spill	2	0.82 %	0	0.90	6.00
424	Carbon monoxide incident	1	0.41 %	0	0.33	2.00
445	Arcing, shorted electrical equipment	1	0.41 %	0	1.25	7.00
500	Service Call, other	1	0.41 %	0	1.03	5.00
511	Lock-out	5	2.04 %	0	4.30	5.00
542	Animal rescue	1	0.41 %	0	0.80	3.00
554	Assist invalid	1	0.41 %	0	0.50	6.00
611	Dispatched & canceled en route	11	4.49 %	0	1.50	
622	No incident found at dispatch address	3	1.22 %	0	0.93	7.33
651	Smoke scare, odor of smoke	2	0.82 %	0	1.73	2.50
652	Steam, vapor, fog or dust thought to be smoke	1	0.41 %	0	0.58	6.00
671	Hazmat release investigation w/ no hazmat	2	0.82 %	0	2.20	3.00
700	False alarm or false call, other	1	0.41 %	0	9.33	5.00
712	Direct tie to FD, malicious/false alarm	1	0.41 %	0	0.60	7.00
715	Local alarm system, malicious false alarm	1	0.41 %	0	8.00	4.00
735	Alarm system sounded due to malfunction	2	0.82 %	0	3.57	6.00
736	CO detector activation due to malfunction	3	1.22 %	0	2.63	4.67
740	Unintentional transmission of alarm, other	1	0.41 %	0	0.30	1.00
743	Smoke detector activation, no fire - unintentional	1	0.41 %	0	1.87	4.00
744	Detector activation, no fire - unintentional	1	0.41 %	0	3.20	5.00
745	Alarm system sounded, no fire - unintentional	6	2.45 %	0	12.22	4.50

746	Carbon monoxide detector activation, no CO	3	1.22 %	0	3.13	6.33
800	Severe weather or natural disaster, other	1	0.41 %	0	0.53	9.00
Totals		245	100.00%	0	360.83	4.08
Total Mutual Aid Received - Fire		0				
Total Mutual Aid Received - EMS		1				

6. Personnel Hours off due to:

Catastrophic	0 Hours
Family Leave	144 Hours (6 days)
Medical Leave	0 Hours
Sick Leave	72 Hours (3 days)
Worker's Compensation	0 Hours

7. Fire Inspection Events

Inspections Completed	Monthly	Year to Date
Inspections w/ no violations	310	2,992
Re-inspections Completed		
1 st Re-inspection	51	627
2 nd Re-inspection	26	170
3 rd Re-inspection	5	47
4 th Re-inspection	5	22
5 th Re-inspection	4	6
6 th Re-inspection	1	1
Varied Inspections		
Plan Review – General	0	0
Plan Review – Site	0	0
Plan Review – Sprinkler System	0	0
Plan Review - Architectural	0	0
Inspection – General	0	2
Inspection – Site	0	6
Inspection – Fire Protection	1	4
Inspection – Fire Alarm	0	5
Inspection – Sprinkler System	0	7
Inspection – Permit	3	5
Inspection – Hazardous Operations	0	0
Inspection – License	0	11
Inspection – Electrical	0	0
Inspection – Special Event	0	62
Inspection – Tank	0	3
Investigation – Other	0	0
Referral/Complaint – Citizen	0	0
Referral/Complain – Building	0	0
Consultation – Assembly	0	1
Consultation – Site	0	0
Consultation – Building	0	1
Consultation – General	0	0
Consultation – Fire Protection	0	7
Consultation – Fire Alarm	0	2
Consultation – Hazardous Operations	0	0
Consultation – Sprinkler System	0	0
Consultation – Permit	2	2
Consultation – License	1	1
Consultation – Knox Box	3	5

Consultation – Other	0	0
Legal Preparation	1	1
Total Inspections	413	3,990
Fire Investigations	0	8
Inspection Department Activities		
Elderly Fire Safety Programs	0	0
Parade	0	14
School Programs	11	220
Smoke Detector/CO Programs	3	39
Public Education (tours, lectures, etc.)	3	42
Open Burn Complaints	4	41
Fire/EMS Presentation	1	68
Fire Drills/Pool Drills	3	28
Job Fairs	0	0
Inspections 1 & 2 Family Dwellings	2	14
CPR Training for Outside Agency	2	11
Special Event Inspections or Plan Meetings	1	23
Juvenile Fire Setter Intervention	0	1

8. Agenda Topics

- a.
- b.
- c.
- d.



James E. Tipple
Mayor

Jeffrey G. Hardel
Chief of Police

Wausau Police Department

Date **11-09-15**
To **Chief Hardel**
From **Lt. Mike Felder**
Subject **TAVERN REPORT November 5, 2015 through December 5, 2015**

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Denmar Tavern, 601 W. Thomas St.

Domino Bar, 740 Washington St.

Eagle's Club, 1703 S. 3rd Ave.

The current entertainment license was not posted. One had been issued, however the expired one was still posted. The trustee advised they would get a copy of the current one and post it.

Glass Hat, 1203 N. 3rd St.

Hiawatha Restaurant & Lounge, 713 Grant St.

Intermission, 325 N. 4th St.

Jim's Corner Pub, 1244 S. 9th Ave.

Cruisin, 1724 Merrill Ave.

Labor Temple, 701 Washington St.

Limerick's Public House, 121 Scott St.

Loppnow's Bar, 1502 N. 3rd St.

Lumpy's, 265 Chellis St.

Whiskey River Bar and Grill, 5512 Stewart Ave



Wausau Police Department

James E. Tipple
Mayor

Jeffrey G. Hardel
Chief of Police

CONVENIENCE/GROCERY STORE INSPECTIONS (No violations unless noted)

None.

RESTAURANT INSPECTIONS (No violations unless noted)

None.

NOTABLE INCIDENTS THAT OCCURRED AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

Bob & Randy's Bar, 1515 N. 6th Street

- (1) *Case #15-10249, 11/25/15 at 9:02 PM:* **Bartender called** to report the theft of money off of the bar. A suspect was developed and referred to the District Attorney's Office for theft.

Cop Shoppe Pub, 701 Washington Street

- (1) *Event #150132655, 11/07/15 at 9:52 PM:* **Bar employee** called for a medical emergency in which a male tried sitting on his stool, missed it and fell, hit his head on the coin tray of the pool table. No Police action taken.
- (2) *Case #15-9834 and -9835, 11/11/15 at 1:29 AM:* **Bar employee** called regarding customers having had their tires slashed on two separate occasions. No suspects.
- (3) *Event #150134829, 11/12/15 at 8:18 PM:* Anonymous report of a suspicious vehicle in the parking lot of the tavern in which the occupants were suspected of using drugs. The vehicle was gone upon Officers' arrival.

El Jalapeno's, 300 N 3rd Street

- (1) *Case #15-10137, 11/21/15 at 11:31 PM:* **Bouncer** called the Police reporting that two guys and girl were involved in threatening people in the bar and refusing to leave. On Officers' arrival, the problem people had left or were leaving the bar. One of them was urinating on the sidewalk outside the bar, in full view of the general public. Since they had left the bar, the employee declined to pursue charges. The male that had urinated outside was arrested for Disorderly Conduct.

Glass Hat Bar, 1203 N. 3rd Street

- (1) *Event #150135335, 11/14/15 at 1:42 AM:* Bar employee called to report a fight in progress. It was reported that there were two males fighting outside the tavern. All involved persons had left the scene by the time Officers arrived. No arrests made.



Wausau Police Department

James E. Tipple
Mayor

Jeffrey G. Hardel
Chief of Police

- (2) *Case #15-10197, 11/24/15 at 2:16 AM:* Officers checking the bar area located two males sitting in a running vehicle that was parked on the bar parking lot, next to the building. **The bar was closed at the time.** Both males admitted having been drinking in the tavern. One was on probation, with a rule against drinking alcohol. He was arrested for probation violation. He was also found to be in possession of a controlled substance (hydrocodone). The other male was release.

Intermission Bar, 352 N. 4th Street

- (1) *Event #150138344, 11/20/15 at 11:34 PM:* Officers were called to the bar in reference to a homeless male that needed assistance. The male was taken to the Salvation Army.

Malarkey's Pub, 412 N. 3rd Street

- (1) *Event #150135780, 11/15/15 at 12:41 AM:* Officer observed an obviously intoxicated woman (26yo) being helped as she left the bar by "several other women that did not know her." Officer stopped to check on the woman's welfare. She PBT'd a .162% BrAC, and was turned over to her grandmother for care.

Oz, 320 Washington Street

- (1) *Event#150135315, 11/13/15 at 12:53 AM:* Officers received an anonymous tip that a particular woman was in the tavern and on probation, not supposed to be there. She left the tavern prior to Officers' arrival and wasn't located thereafter.
- (2) *Case #15-9937, 11/14/15 at 5:08 PM:* Officers received a call from the bar owner, who reported getting accosted by a male the previous night after closing the bar. After investigation, a suspect was developed, however based on the information provided, there was not enough evidence to charge the suspect. There was no arrest made, however and informational report was completed.
- (3) *Event #150138685, 11/21/15 at 9:20 PM:* Officers received an anonymous complaint that there were underage people in the bar. Officers went to the bar and conducted a walk-through inspection. They did check some IDs, but located no one underage. They did have an employee at the door checking IDs and collecting a cover charge.

VFW Burns Post #388, 388 River Drive

- (1) *Event #150139544, 11/24/15 at 3:00 AM:* Officer came upon a male that was lying face-down on the boulevard near River Drive. **The tavern was closed and there was no indication that the male had been there.** The male was taken to the hospital and eventually admitted due to his level of intoxication. No arrest was made during this incident.



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Christine's Bar, 936 S. 3rd Avenue

- (1) *Case #15-9749, 11/08/15 at 12:46 AM:* An anonymous call was received complaining about the noise coming from the tavern. Officers responded and were able to hear the music from the bar from the parking lot at 925 S. 3rd Avenue. It was worse when the door was opened to come in/out. The owner, YER VANG (aka "Christine") was **issued a written warning for Disturbing the Peace**. The music was subsequently turned down.
- (2) *Event #150135801, 11/15/15 at 1:45AM:* An anonymous call was received stating that there was a patron in the bar that was being "rude" and that he would be leaving the bar soon, "drunk driving." Officers responded and made contact at the tavern with the bouncer. The bouncer said there was no problem with anyone, and was not familiar with the name provided by the caller. The Officers were unable to locate the male the caller was talking about.
- (3) *Case #15-10198, 11/24/15 at 2:37 AM:* An Officer driving by the tavern observed two males standing in the parking lot directly in front of the bar. They were pointing their fingers at each other in what appeared to be an argument. The Officer stopped to check on the males. The males indicated they were both waiting for the bartender. One of the males lied about his identity, and resisted Officers' attempts to detain him. That male was arrested for resisting. The bartender at the establishment claimed not to know the males as anything other than customers. It was later discovered that the arrested male and the bartender were boy/girlfriend that had recently been involved and arrested for a domestic abuse incident. They were both prohibited by conditions of bond from having any contact with each other, and by serving the male and having allowed him to stay in the bar were both violations of their bonds. She did not share with Law Enforcement their true relationship. She was later charged with Obstructing an Officer as a result. Contact was made with the bar owner to discuss the incident. She had already questioned the bartender about the incident, was willing to cooperate with Law Enforcement's investigation of the incident, and had already fired the bartender. **Due to the fact that the owner was willing to work with Law Enforcement and had taken the steps to remove the problem by firing the bartender involved, no demerit points were assessed for this incident.**

Den Mar, 601 W. Thomas Street

- (1) *Event #1501356693, 11/14/15 at 9:24 PM:* An anonymous call was received reporting suspicious activity occurring between three vehicles. The caller thought the occupants were fighting or "being erratic," possibly involving road rage. Officers responded and did not locate anything.



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Roc's Place, 810 S. 3rd Avenue

- (1) *Event #15135339, 11/14/15 at 1:50 AM:* An anonymous call was received complaining about people outside the bar yelling. Officers arrived to learn the problem had moved to M & R Station, where a fight had broken out.
- (2) *Event #150135730, 11/14/15 at 10:45 PM:* Owner called and requested Officers walk through the tavern. The previous night there had been some difficult patrons that left Roc's Place and went to M & R Station, where they got into a fight.
- (3) *Case #15-10092, 11/18/15 at 3:37 PM:* A patron called to report a crash that her vehicle was involved in while it was in the parking lot of the tavern. She called several days after the incident to report it. A crash report was eventually completed.
- (4) *Case #15-10337, 11/29/15 at 1:35 AM:* Officer stopped a vehicle after it had left Roc's Place for operating with suspended registration plates. The operator was arrested for OWI. Search incident to his arrest located suspected cocaine on his person. While being questioned about the suspected cocaine, the operator admitted that he had purchased the cocaine from another patron inside Roc's Place.
- (5) *Case #15-10338, 11/29/15 at 2:22 AM:* Officer observed a vehicle leaving the bar parking lot that matched the description of a vehicle in which a person with a warrant could be in. The male had also committed other crimes earlier in the day. The vehicle was stopped and the male was located inside and arrested. Also in the vehicle were two underage females. Both admitted to being inside Roc's Place, where they had been drinking alcoholic beverages. One of the underage females was with her parent, who was also now in the vehicle. The other underage female was not with her parent/guardian/spouse of legal drinking age. They were both issued citations for underage drinking. The following day, contact was made with the bartender that had been working at the time. He claimed to have checked "everyone's" IDs, and that there were no underage people in the bar. There is no surveillance at this tavern to support or refute the incident. The underage female that claimed to have been on the property could not be relied upon to appear as a witness in any action against the bar. Officers only witnessed the vehicle leaving the property and could not corroborate that the underage female was actually in the tavern drinking. **As a result, the tavern was not issued a citation for allowing an underage person on premises, and no demerit points were assessed.**



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Tremor's Sports Bar, 516 W. Thomas Street

- (1) *Event #150140720, 11/26/15 at 10:53 PM:* Dispatch received a 9-1-1 hung-up call from the tavern. Officer made contact with the bartender, who advised they had been having phone problems all day. Officers verified that there was no problem. No report.

Treu's Tic Toc, 1201 W. Thomas

- (1) *Event #150129520, 11/24/15 at 1:03 AM:* **Bartender called** to request an extra patrol as she was closing up, after having issues with a patron that had been removed from the bar twice during the night. Officers escorted the bartender out without incident.

M & R Station, 818 S. 3rd Avenue

- (1) *Case #15-9921, 11/14/15 at 1:50 AM:* Officers responded to the tavern for a report of a fight. Officers learned that a woman was pushed from behind, and fell into the bar as a result, injuring her back. After investigation, it was determined that the suspect was a young woman that had been asked to leave the bar after not having identification/proof of age when asked. She and her friends had not immediately left the bar, and the victim advised the owner and the bartender of that fact, so they went out to ask them, again, to leave property. It was directly after this that the victim had been pushed. The actual suspect was a sixteen year old girl. She was referred to Juvenile Court Services for Disorderly Conduct.
- (2) *Event #150138752, 11/22/15 at 12:46 AM:* **Bar employees** called to request a walk-through of both M & R and Roc's Place, citing suspicious people on the premises. Officer checked both locations and everything was fine.

Whiskey River Bar & Grill, 5512 Stewart Avenue

- (1) *Event #150132734, 11/08/15 at 1:36 AM:* Bar called to report a group of rowdy patrons that had left in a cab after breaking glasses and decorations in the parking lot. They also stole some Packer hats. Officers attempted to track the group down through the cab company, but were unable to identify any suspects.

Campus Pub, 1110 W. Campus Drive

- (1) *Event #150135331, 11/12/15 at 1:18 AM:* Patron called Police to report her ID had been taken from her jacket while she was at the tavern. Officer responded, however, the patron called back after finding the ID in her bra.



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Cruisin 1724, 1724 Merrill Avenue

- (1) Event #150135692, 11/14/15 at 10:14 PM: An anonymous call was received complaining about loud music from the tavern. An Officer was nearby, and stopped in the lot of the bar. He was unable to hear any music from his vantage point. No enforcement action taken.

Labor Temple, 318 S. 3rd Avenue

- (1) Event #150136312, 11/16/15 at 12:28 PM: A male called (on Monday) to report a crash that had happened the Saturday before in the bar parking lot. The caller was advised by Officer that since Officers weren't called to the scene at the time, the caller would have to contact the DOT to complete a self-report.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- There were no changes to the Demerit Point Record
- (See attached report)

Respectfully submitted,
Lt. Michael Felder

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED TO TAVERNS/STORES

Establishment	Defendant/Relationship	Date of Violation	Ord. Section/Statute Number	Type of Violation	Point Value*	Case #
101 Pub	Stephanie LNU/Bartender	09/08/2015		Fail to Summon Police	50	15-7863
101 Pub	Stephanie Hale/Bartender	10/28/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-9452
					otal	75
Applebee's Restaurant	Brenna Spoehr/Bartender	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	
					otal	25
Buffalo Wild Wings	Deanna Kielman	10/28/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-9443
					otal	25
Campus Pub	Nicole Anderson/Bartender	08/05/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-6784
					otal	25
Cheers Bar	Brian Felhaber/Bartender	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4950
					otal	25
Crossroad's County Market	Matthew Vehlow/Operator	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4209
					otal	25
Cruisin 1724	Jeffrey Otto/Bartender	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4210
					otal	25
Days' Bowl-a-Dome	Sara Huber/Bartender	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-8581
					otal	25
Eagle's Club	Rebecca Volm/Bartender	08/05/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-6778
					otal	25
Glass Hat	Jacob C. Alstad/Patron	12/26/2014	9.04.025	Liquor on Street	25	14-11087
Glass Hat	Donna L. Meyer/Bartender	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3382
Glass Hat	Donna L. Meyer/Bartender	06/13/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-5054
					otal	75
Intermission Bar	Joshua Dirks/Bartender	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-8586
					otal	25
It's Our Clubhouse and Yours	Mai Moua/Bartender	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4948
It's Our Clubhouse and Yours	Brian Morel/Owner	07/08/2015	941.30(1)	Recklessly Endangering Safety	100	15-5881
					otal	125
Jim's Corner Pub	Christine Weber/Bartender	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4216
					otal	25
Kohlman and Lee's IGA	Kionchee Xiong/Operator	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3377
					otal	25
Limmerick's	Jody L. Cunningham/Bartender	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3383
					otal	25
Loppnow's Bar	Nicholas Meurett/Patron	07/18/2015	9.04.025	Liquor on Street	25	15-6180
Loppnow's Bar	Paul Loppnow/Bartender	08/05/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-6782
					otal	50
Lumpy's	Michelle Raatz/Bartender	02/25/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-1541
					otal	25

M & R Station	Nerissa Baumann/Bartender	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-8584
					25	
Malarky's Pub	Todd Link/Bartender	08/05/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-6779
					25	
Milwaukee Burger Company	Jeremiah Burns/Bartneder	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4943
Milwaukee Burger Company	Andrew Sorenson	07/31/2015	5.64.010/125.68(4)(c)(3)	Sell Intoxicating Liquor After Hours	25	15-6584
					50	
North End Pub	Michael Woller/Bartender	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4213
					25	
Pick N' Save #6405	Alex Mumford/Manager	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-8577
					25	
Pine Ridge Mobil	Kaleb Rice/Operator	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4207
					25	
Player's	Michael J Pliskie/Bartender	10/28/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-9448
					2	
R Store #5	Devan K. Kranz/Operator	02/25/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-1539
					25	
R Store #34	Lisa Babock/Operator	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4939
					25	
R Store #31	Joshua J. Schwie/Operator	02/25/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-1540
					25	
Thrive Foodery	Chomeng Xiong/Bartender	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4205
					25	
Tobacco Outlet Plus #501	Raquel Springfield/Operator	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4206
					25	
Trig's Wausau	Halsey M. Henkins/Operator	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3378
					25	
Wausau BP	Nicholas Saindon/Operator	09/30/2015	5.64.010/125.07(1)	Sell To Underage Person	25	15-8574
					25	
Walgreen's #07009	Joshua J. Woller/Operator	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3379
					25	
Wausau Labor Temple	Darlene Marlow/Operator	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4944
					25	
Wausau Mine Company	Jocelyn Gaboury/Operator	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4941
					25	
Whiskey River	Haley E. Wold/Bartender	01/25/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-664
					25	