

**COMMUNITY PROTECTION & SERVICES COMMITTEE**  
**August 14, 2014**

A meeting of the Community Protection & Services Committee was called to order at 5:00 p.m. by Chairperson Wiesner in Council Chambers, City Hall. **Roll Call:** Members Mr. Wiesner, Mr. Ireland and Mr. Stults were present. Also present were Steve McNeil, Stephanie Reinhardt from Sturgeon Bay City Hall; Chief Arleigh Porter and Captain Dan Brinkman from Sturgeon Bay Police Department; City Attorney Randall Nesbitt; and members of the general public.

*Moved by Mr. Ireland, seconded by Mr. Stults to adopt the following agenda:*

1. Roll call.
2. Adoption of agenda.
3. Consideration of: City of Sturgeon Bay Ordinance 9.04 Hunting Permit
4. Consideration of: City of Sturgeon Bay Ordinance 10.015 Hunting Within City Limits
5. Consideration of: City of Sturgeon Bay Ordinance 9.02 Direct Sellers, Peddlers, Transient Merchants
6. Discussion of: City of Sturgeon Bay Ordinance 9.01 Intoxicating liquors and fermented malt beverages
7. Consideration of: Available Combination Class B Beer & Liquor License in the City of Sturgeon Bay
8. Adjourn

*Carried.*

**City of Sturgeon Bay Ordinance 9.04 Hunting Permit**

Captain Brinkman is asking to change City ordinance 9.042(d) from: *restricted to hunting with shot gun or bow only*, to: *restricted to hunting with shotgun or muzzleloader*. Wisconsin Act 71 prohibits municipalities from banning hunting with a bow and arrow or crossbow within the community. Therefore, Municipal Code 9.04 needs updating.

*Moved by Mr. Stults, seconded by Mr. Ireland that a recommendation to City Council to change Municipal Code 9.02(2)(d): Restricted to hunting with shotgun or muzzleloader. All ayes. Carried.*

**City of Sturgeon Bay Ordinance 10.015 Hunting Within City Limits**

Captain Brinkman explained in December 2013, Wisconsin Act 71 prohibited municipalities from banning hunting with a bow and arrow or crossbow within the community. Municipalities did retain limited ability to regulate bow hunting by (1) prohibiting a person to hunt within a specified distance from a building used for human occupancy, and (2) requires a person who hunts with a bow to discharge the arrow toward the ground, such as from a tree stand. Captain Brinkman asked that the City adopt Municipal Code 10.015 to conform with Act 71.

*Moved by Mr. Stults, seconded by Mr. Ireland that a recommendation to City Council to adopt updated Municipal Code 10.015. All ayes. Carried.*

**City of Sturgeon Bay Ordinance 9.02 Direct Sellers, Peddlers, Transient Merchants**

City Clerk Stephanie Reinhardt reported on research she conducted and found that no other municipality matched the uniqueness of Sturgeon Bay merchants. Stephanie explained a transient merchant fee is paid to the City monthly; plus a one-time fee paid for background checks on each merchant. It was suggested to the Committee that a seasonal fee be established for merchants who do not want to file transient merchant paperwork each month, but do not want a year-round permit.

John Brasch, 50 D. 3<sup>rd</sup> Avenue spoke with a concern on how temporary business set up; he wanted to know who controlled that. Ms. Reinhardt informed the committee in the application process the merchant lists what their business plan is, along with a letter of permission from the property owner to sell on their land as merchants cannot sell on City property. Attorney Nesbitt stated all rules regulated by the Health Department are enforced; checks are done.

Mr. Ireland suggested set fees assigned from 2-6 months. Mr. Stults agreed to developing seasonal merchant fee. Attorney Nesbitt suggested looking at the three different types of vendors the ordinance would regulate; food vendors, farmer’s market vendors, and the door-to-door type vendors. He stated that once a seasonal permit is agreed upon, the change could take place upon publication of the ordinance. In this case, it would be publicized after the season, and would more than likely take effect next year. Ms. Reinhardt suggested the committee decide on adopting a seasonal merchant permit and determine the length of each; the fee does not need to be included at this time as it is set by resolution.

*Moved by Mr. Ireland, seconded by Mr. Stults do hereby recommend the Common Council to repeal and recreate Section 9.02 (Transient Merchant) of the Municipal Code as follows:*

***9.02(2)(h) Seasonal Merchant – Any individual, partnership, corporation, or limited liability company who engages in the retail sale of merchandise at any place, other than house to house is in this City seasonally, and who does not intend to become a permanent merchant in the City of Sturgeon Bay.***

*9.02(4)(c) At the time the transient merchant or seasonal merchant registration is returned, an amount set by the Common Council for the investigation fee shall be paid to the City Clerk. Each employee of the seasonal merchant must register with the City Clerk’s Office and pay the investigation fee one time during the seasonal merchant permit period. At the time the direct seller or peddler registration is returned, an amount set by the Common Council for the investigation fee shall be paid to the City Clerk to cover the cost of processing the registration.*

*9.02(4)(f) Upon payment of fee and signing of the application, the clerk shall register the applicant as Seasonal Merchant. The registration shall be valid for the selected number of days from date of entry, if approved after investigation. All ayes. Carried.*

A follow-up resolution regarding the cost of background checks and permit fees regarding the seasonal permit will be discussed and recommended next month.

**City of Sturgeon Bay Ordinance 9.01 Intoxicating Liquors and Fermented Malt Beverages**

Attorney Nesbitt disagrees with the provision of non-use of a license; the City does not have an ordinance that clarifies the non-use of a license. DePere does not hold a liquor license for anyone, they have strict control and will re-issue a license as they want; they do not hold the license for any premise to keep them from being tied-up. Attorney Nesbitt suggested the best way to handle an available

licenses/renewal process is if a business closes the new owner of the property can apply for the license; the surrendered license can be held by the Clerk until the new owner applies. In the case of the Neighborhood Pub license it did not hold value to the sale of the building/property, so the applicants shall be selected by "lot" to see who will obtain the available license.

Attorney Nesbitt has never seen a selection procedure used with a liquor license transfer, as the City has not been in this dilemma. He suggests the Committee make a proposal on how to choose or not choose to issue a liquor license. He will supply the language at the next meeting to be used for reference. Attorney Nesbitt stated it would be nice to define the selection process; whether it will be a discretionary council selection or a lottery. Since there is not an ordinance outlining the selection process, one should be created for future developments involving distribution of liquor licenses. Mr. McNeil agreed, and stated that if the City experiences growth and more licenses are provided, an ordinance should be in place as to how they are disseminated.

It was decided by the Committee to bring back the discussion of City of Sturgeon Bay ordinance 9.01 at the next meeting after staff has a chance to examine how the process is going to develop.

#### **Available Combination Class B Beer & Liquor License**

The Committee has to decide if at this time to follow the current ordinance, as it stands, or re-write it with changes that clarify how to handle available licenses and how they are given out. The issue is to define the term "lot" in the current ordinance; set a definition outlining what is the precise meaning. Legal opinion is the wait until the changes to the ordinance are in place and published before releasing the unused liquor license. City Attorney Nesbitt will return next meeting with recommendations on the verbiage to use.

*Moved by Mr. Ireland, seconded by Mr. Stults to bring back this topic on the agenda for next month's meeting of the Community Protection Services Committee. All ayes. Carried.*

John Brasch, 50 D. 3<sup>rd</sup> Avenue spoke asking how does one need to get a license if they own the building, not just the business; and when there can be a discussion about this? Mr. Brasch stated that the committee should vote to issue him the available license because he was the only person who had applied. He stated that he would be turning this over to his attorney for action. Discussion was ended.

*Moved by Mr. Stults, seconded by Mr. Ireland to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 6:07 p.m.*

Respectfully submitted,

Sarah Spude-Olson  
Police Department  
Administrative Office Manager