

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

PUBLIC SAFETY COMMITTEE
Thursday, July 9, 2020 * 6:00 PM * Parkview Room

AGENDA

1. **Call meeting to order.**
2. **Review and approve minutes from May 14, 2020**
Documents:
[*psc 051420md.pdf*](#)
3. **Review and make possible recommendation on urban chickens.**
Documents:
[*chicken ordinance 7-2-20 draft 1.pdf*](#)
4. **Review and take possible action on Ridgeway and Juneau crosswalk request.**
5. **Update on study considering possible Legion and Elmhurst crosswalk.**
6. **Update on stop sign deployment at Church Street and Juneau Blvd.**
7. **Update on no parking sign posting on Legion Drive.**
8. **Review paint refresh, signage update, and traffic signal changes for Watertown Plank Road and Pilgrim Parkway.**
9. **Review parking and pedestrian safety in the 13400 blk. of Watertown Plank and the railroad tracks.**
10. **Other Business**
11. **Adjournment.**

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your

request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice

PUBLIC SAFETY COMMITTEE MEETING MINUTES

THURSDAY, May 14, 2020

Present: Chair Trustee Katy Cornell, Trustee Kim Irwin (Left meeting at 7pm), President Neil Palmer, Committee Members, Ms. Barbara Decker, Mr. D.J. Richlen and Mr. John Schindler.

Members Excused: None.

Also Present: Village Manager David De Angelis and Police Chief Jim Gage.

1. Call the meeting to order

The meeting was called to order, at 6:03 pm, by Trustee Cornell.

2. Review and approve minutes from December 13, 2018.

Trustee Cornell entertained a motion for approval. President Palmer made a motion for approval of the minutes of December 13, 2018, with D.J. Richlen seconded. Motioned passed.

3. Review for possible approval “Dangerous Intersection” sign for Pilgrim and Watertown Plank Roads.

Trustee Cornell asked Chief Gage to briefly discuss the opinion, from the Village Attorney’s Office, regarding advisory signs. Chief Gage indicated that the Village Attorney does not recommend “Dangerous Intersection” signs, since such signs are not approved as a uniformed traffic control device as defined by the Wisconsin Manual on Uniform Traffic Control Devices (WMUTCD).

Trustee Cornell asked Chief Gage to provide an accident history for the intersection. Chief Gage relayed that there were twenty-one accidents from 2017 to 2019 (approximately 7 accidents per year). Chief Gage also provided for comparison, accident information for the same time frame for Bluemound Road and Moorland of fifty-eight accidents (approximately 19 accidents per year).

Trustee Cornell asked when the intersection paint may be refreshed and if the village would consider reflective tape at that location. Mr. De Angelis indicated that the intersection is scheduled for painting in the next 30 to 60 days as a part of the normal maintenance schedule for roadway painting and that he would research the possibility of utilizing reflective tape.

President Palmer asked staff to review whether there may be larger signs or other appropriate signs, in the WMUTCD that may be considered for this intersection. He also asked for a closer look at accident causes to see if there may be a trend in the accident causation. Mr. Schindler asked if there may be a sign that warns drivers of a “double signal” or otherwise warns of multiple or closely associated intersections. Mr. Richlen asked if there may be a “rumble strip” type warning method for the intersection, as well. Mr. De Angelis indicated that some of our options may have to be approved, or may already have been considered, by the Department of Transportation (DOT), when they reviewed this intersection and its relationship to the Bluemound Road and Moorland Road intersection. Staff will review options and report back to the Committee.

Mrs. Mary Inden of 14745 Watertown Plank Road, asked if the Committee would consider improvements of placing an overhead signal for each lane for Pilgrim Parkway, like those located at Bluemound and Moorland Roads. Mr. De Angelis indicated that he believed that it would be approximately \$200k for signal upgrades, but would inquire with his DOT contact regarding funding or upgrade opportunities for the intersection.

MOTION TO AMMEND THE AGENDA: President Palmer made a motion to amend the agenda, moving item #4 “Review whether residential chicken coops are safe” to position #6 of the agenda to accommodate citizens waiting for less time consuming topics. This motion was seconded by Mr. Schindler and the motion carried unanimously.

4. Review crosswalk request for Legion Drive and Elmhurst Parkway.

Mr. Bruce Davidson of 1620 Legion Drive, requests cross walks on Legion Drive at Elmhurst Parkway. Mr. Davidson relates his perceptions that vehicles are regularly speeding on Legion Drive and that pedestrians are facing unsafe conditions, while crossing Legion Drive. Mr. Davidson further related that drivers are parking cars on the west side of Legion, just south of the intersection, further causing visual obstructions for pedestrians and drivers.

Chief Gage relayed that over a 23 year period there have been two accidents at that location, one when temporary stops signs were in place on Legion, due to detoured traffic resulting from roadway construction in the area at the time. The other occurred when there were no stop signs on Legion. None of the accidents involved pedestrians. Chief Gage, while acknowledging that the area is a popular crossing point to the park, felt it is no more popular a crossing point than Legion at Nicolet Ave. or Ridgeway at Juneau Blvd. or Elmhurst and 124th Street.

There was considerable discussion that acknowledged that the intersection was a popular crossing point and that vehicles parking on Legion are a visual obstruction. The Committee

also discussed the possibility of adding electronic speed advisory signs to Legion, as a part of next year's budget process.

President Palmer motioned to request a formal pedestrian and vehicular safety analysis for the intersection for the purpose of determining whether or not crosswalks without stop signs are warranted. . Seconded by Mr. Schindler. Motion carried unanimously.

President Palmer made a motion to install no parking signs on the west side of Legion Drive to the Legion Village Park entrance. Trustee Cornell seconded. Motion carried unanimously.

5. Review request for crosswalks and stop signs at Church Street and Juneau Blvd.

Mr. and Mrs. Linn of 1155 Church Street make a request for stop signs on Juneau at Church Street, with the possibility of adding crosswalks and extending the pedestrian pathway east from the intersection.

Chief Gage related that in the past 23 years there have been four accidents at that location, all involving drivers failing to yield from a stop sign on Church Street. None of the accidents involved pedestrians.

TRUSTEE IWIN HAD TO LEAVE THE MEETING AT 7:00P.M.

Both President Palmer and Mr. De Angelis confirmed that the Village is unable to extend a formal pathway to the east, from the intersection, since the Village lacks sufficient right-of-way to accommodate a pathway. Mr. Palmer suggested that Mr. and Mrs. Linn approach St. Mary's staff to consider a pathway extension or to have St. Mary's staff approach the Village to pursue a mutually agreeable solution to accommodate pathway construction.

There was considerable discussion regarding the feasibility of properly installing a crosswalk at the intersection. Due to culvert locations and the misalignment of the intersection in general, the conversation centered on the need for stop signs on Juneau Blvd. The general consensus was that, especially during times of church services, pedestrians would benefit from the presence of stop signs on Juneau Blvd. to cause a break in traffic to allow for pedestrians to cross. The Committee also discussed extending the sidewalk on the east side of Church Street, along Town Bank, to Juneau Blvd., and placing a crosswalk across Juneau Blvd. on the east side of the intersection.

As a result of this discussion, President Palmer made a motion to declare the portion of Church Street that intersects Juneau Blvd a "through roadway", allowing for the posting of stop signs on east and west bound Juneau Blvd. at Church Street. Motion seconded by Mr. Schindler. Motion carried unanimously.

6. Review whether residential chicken coops are safe.

Mr. Chris Powell of 1185 Terrace Drive requests the ability to have a residential chicken coop on his property.

President Palmer reviewed a memo written by Mr. De Angelis, outlining some of the issues for review in consideration of residential chicken coops. President Palmer indicated that there are a number of interrelated issues, concerning approval of residential chicken coops, but felt it was best to obtain model policies from surrounding communities that have already addressed this issue. Mr. Richlin asked if there was a way to get a feel for the Board's acceptance of this issue, prior to engaging in the staff work, to save time if there is no chance of it passing. Mr. De Angelis indicated the Village Board will have an opportunity to opine at the next Board meeting during the update from this Committee. Mr. Palmer and Mr. De Angelis felt that the most efficient way to bring the matter to back to the committee for discussion and decisions based on the memo was through a draft ordinance prepared by staff, based on this discussion, for the next committee meeting.

Mr. Schindler expressed concern, through his research, over the increase of salmonella cases in communities that allow residential coops and the general nuisance issues of odor and the attraction of fox and coyotes to the residential yards.

Ms. Decker indicated that she is not opposed to the idea of residential chicken coops, but would like to hear more on the topic before making a recommendation for approval.

Trustee Cornell directed staff to create a draft ordinance and report back to the Committee for further review of the issue. Possible ordinance models to be obtained from Fox Point, Wauwatosa or Reedsburg.

7. Review of pathway ranking as set by the Committee of the Whole.

President Palmer reports that the Watertown Plank Road extension is completed, leaving Hollyhock Lane and Gebhardt Road still on the list. There was discussion about the Berkshire pathway that extends along the east side of the Pilgrim Park Middle School property, from Westover Road to Terrace Drive. There was also discussion about enhancements to the intersection of Highland Drive and Gebhardt Road, to add turn lanes at that location, per a study conducted by Mr. Wayne Higgins of Traffic Engineers. Trustee Cornell also requested that village staff secure a cost analysis for a Highland Drive pathway, from Juneau Blvd. to North Ave., since there is considerable interest among community members to fundraise for the project.

8. Review 2019 car deer crash summary.

Chief Gage presented the 2019 car deer crash summary, citing no real changes over last year and no identifiable trend or correlation concerning crashes and culling years.

9. Other Business.

There was no other business.

10. Adjournment.

Trustee Cornell entertained a motion to adjourn. President Palmer seconded the motion. Motion passed unanimously and the meeting was adjourned at 8:10p.m.

Respectfully submitted,

James P Gage

Chief of Police

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95-20 Animals for the purpose of this section shall be defined as any animal, bird or fowl, and fish for the purpose of food production or for keeping as a pet which is not specifically prescribed in section §335-94, definition of household pet.

95-21 Chickens

A. Definitions. For purposes of this section, the following definitions shall apply.

CHICKEN — The common domestic fowl of the subspecies *Gallus gallus domesticus*. This does not include other birds or domestic fowl, such as ducks, geese, or turkeys.

ROOSTER — A male chicken that is six months old or older.

B. Permit required. No person shall keep a chicken or chickens in the Village without obtaining a permit. The permit process requires a completed application accompanied by the fee payment prescribed in §1-16 as well as proof of registration of any chickens with the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.

C. Application Form.

(1) The applicant shall file a written application to the Village Zoning Administrator which includes all of the following:

(a) A description and drawing that clearly represents the location where the chickens will be kept on the lot and the location of the enclosure.

(b) A description and depiction of all fencing, coops or other structures to be used for enclosing the chickens, which will require a separate review and approval of the building board prior to issuance of any permit;

(c) A description of the plan to ensure the proper maintenance and cleaning of the area where the chickens will be kept;

(c) A description of the plan to ensure the proper feeding, shelter, and care of the chickens.

(2) Action on application.

(a) The completed application shall be provided to the Zoning Administrator who shall provide notice of the application, by regular mail, to the property owner (if not the applicant) and to the owners of all properties that directly abut the subject property at any point, including those properties that abut a path or right-of-way directly across from the yard on the subject property where the chickens will be kept.

(b) If there are no written objections from such owners within 30 days from the date of mailing of the notices, the application for the permit shall be deemed accepted by such owners and the Zoning Administrator shall issue the permit if the application is otherwise compliant with the Village Code, including approval from the Building Board.

(c) If there is an objection, there shall be a public hearing before the Plan Commission, and the Plan Commission shall approve the application only upon finding that these standards are met:

[1] Appropriate in the location proposed;

[2] Compatible with the neighborhood;

[3] In keeping with the residential character and quality of the Village.

(d) Any aggrieved party shall have the right to appeal the decision of the Plan Commission to the Board of Appeals.

D. Keeping of chickens allowed. The keeping of up to four (4) chickens, with a permit, is allowed on a single-family residential premises, subject to the following:

(1) No person shall keep any rooster.

(2) No person shall slaughter any chickens.

(3) Chickens shall be provided with fresh water at all times and adequate amounts of feed.

(4) Chickens shall be provided with a sanitary and adequately sized covered enclosure, at least four (4) square feet in size per chicken and a fenced run shall be provided which does not exceed an area of eight (8) feet by eight (8) feet. Fencing shall be a maximum three (3) feet in height and be of solid wire, not chicken wire, and properly fastened to the ground with stakes.

(5) Chicken coops shall be constructed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface, such as concrete, patio block or gravel. Each shall be considered a structure and a building permit is required. Prior to approval of the building permit the Building Board shall review the plans and specifications utilizing the following standards,

(a) Coops shall be treated as accessory structures for the purpose of location and construction standards, per zoning code for the district with the following additions:

[1] The nearest point of the enclosure must be at least 30 feet away from any residential structure, deck or patio on another lot;

[2] The enclosure, and all parts of the enclosure, are prohibited in any side yard;

[3] No part of the enclosure, can be closer to a side lot line than the closest distance between that lot line and the principal structure on the lot.

(b) Compatible with the surrounding structures

(6) Chicken coops and yards shall be constructed and maintained to prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste

daily and more often as is necessary to ensure the coop and yard do not become a health, odor or other nuisance.

(7) In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

(8) The use shall at all times be conducted pursuant to the plans and representations made in the application.

(9) Nothing herein shall be interpreted to authorize the conduct of a business or commercial use on a residential property. No sales of eggs, chicks, or chickens shall be made from a residential property.

(10) No slaughtering of any chickens shall be done on the property.

(11) Costs that the Village may incur in inspection, investigation, testing, quarantine, isolation, vaccination, humane euthanasia, or otherwise arising from the subject property owner's keeping of chickens, may be charged to the property owner, and such charges that remain unpaid within the time allowed may be imposed on the tax bill for the subject property as a special charge, pursuant to § 66.0627, Wis. Stats., and Chapter 67, Article III, of this Code.

E. Public health requirements. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

(1) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Waukesha County Health Department.

F. Effect of permit. The permit shall allow the applicant to keep up to four chickens on the subject property in compliance with this section. A new permit is not required for the applicant to raise new or replacement chickens on the property, provided that the total shall not exceed four chickens at any time. The permit shall lapse automatically if no chicken is kept on the property for any consecutive twelve-month period. The permit is not transferable from the applicant to any other person, and does not run with the land to a new owner of the property.

G. Revocation. A permit is subject to revocation by the Village Manager or designee upon failure to comply with any provisions of Subsection D or E. Once a permit is revoked, a permit shall not be reissued to the applicant or for any property where the applicant resides or may reside in the Village.

H. Duration. The permit issued pursuant to this section shall have a duration of one year, unless the permit is revoked or lapses pursuant to the provisions of Subsection F or G, above, prior to the expiration of said term.

I. Removal. The chickens shall be immediately removed from the property upon lapse, revocation or expiration of the permit for keeping chickens. The enclosure in its totality, including any fencing, covered enclosure, chicken coop, or any other structure or structural

elements, shall be completely removed from the property within 15 days of the lapse, revocation or expiration of the permit for keeping of chickens.

§ 95-Violations and penalties.

Any person who shall violate any provision of this article or any rule or regulation made under this article shall be subject to a penalty as provided in § **1-16** of this Code.

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