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Edward Kranick
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Joe Woelfle
Magalie Miller
Clerk/Treasurer
Dan Green

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING TUESDAY, FEBRUARY 14, 2023

6:30 PM

DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Citizen Comments: Public comments from citizens regarding items on, or not on the agenda. The Board may not engage in a discussion with the citizen making the comments. Individual presentations are limited to three minutes and citizens shall follow the rules set forth in Section 2.04(1)(d) of the Town Code.
5. Approval of Minutes:
 - a. January 24, 2022, Town Board Minutes
6. Action on vouchers submitted for payment:
 - a. Report on budget sub-accounts and action to amend 2022 and 2023 budget
 - b. 1) Accounts payable; 2) Payroll
7. Communications (for discussion and possible action)
8. Unfinished Business:
 - a. Discussion and possible action on the adoption of Ordinance 2023-02, an ordinance to repeal and re-create portions of Section 10.11 of the Municipal Code concerning residency restrictions for sex offenders. (Tabled 1/24/2023)
9. New Business
 - a. Discussion and possible action on the approval and authorization of an application and resolution to the Board of Commissioner of Public Lands, State of Wisconsin, for a \$250,000 loan to finance a portion of the roadway improvement project as outlined in the 2023 budget.
 - b. Discussion and possible action on the recommendation from the Plan Commission to approve a Certified Survey Map for Tim and Anna Trotier, to combine two lots into one at N20W29592 Glen Cove Road.
 - c. Discussion and possible action on the adoption of Ordinance 2023-05, an ordinance to repeal and re-create Section 9.14(5) of the Town Code, concerning the regulation of vacation rentals.
 - d. Discussion and possible action on the adoption of Ordinance 2023-06, an ordinance to repeal and re-create Section 17.08 7.B. of the Town Code concerning the procedure for the issuance of sign permits.
10. Announcements and Planning items
 - a. Spring Primary – Tuesday, February 21, 2023 (polls open from 7am to 8pm)
 - b. Town Board – Tuesday, February 28, 2023 @ 6:30 PM
 - c. Town Board – Tuesday, March 14, 2023 @ 6:30 PM
 - d. Plan Commission – Tuesday, March 21, 2023 @ 6:30 PM
11. Adjournment

Daniel Green

Dan Green
Town of Delafield Clerk/Treasurer

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that a quorum of other governmental bodies of the municipality 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 above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
JANUARY 24, 2023 @ 6:30 PM**

Video Link: <https://www.youtube.com/watch?v=3o4WpV7p5bc>

First order of business: Call to Order

Administrator Green called the meeting to order at 6:30 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Roll Call

Supervisor Michels motioned to appoint Supervisor Kranick as the chairperson for the January 24, 2023, meeting. Seconded by Supervisor Woelfle. Motion passed 3-0.

Present: Supervisor Kranick, Supervisor Woelfle, and Supervisor Michels. Also present was Administrator Dan Green and Engineer Tim Barbeau.

Excused: Chairman Troy and Supervisor Miller.

Fourth order of business: Citizen Comments: None

Fifth order of business:

- A. Approval of the January 10, 2022, Town Board Minutes

Motion by Supervisor Michels to approve the January 10, 2022, minutes. Seconded by Supervisor Woelfle. Motion passed 3-0.

Sixth order of Business: Action on vouchers submitted for payment:

- A. Report on budget sub-accounts and action to amend 2022 or 2023 budget
B.1) Accounts payable; 2) Payroll

Motion by Supervisor Michels to approve payment of #66323 - #66339 and #66342 - #66377 in the amount of \$5,642,591.98, and payrolls dated January 20, 2023, in the amount of \$15,942.91. Seconded by Supervisor Woelfle. Motion passed 3-0.

Seventh order of Business: Communications

Eighth order of Business: Unfinished Business: NONE

Ninth order of Business: New Business:

- a. Discussion and possible action on a Temporary Class "B" license for the HAWS Schalleck Center for Animals for the Hooves and Flights event on May 19, 2023.

Motion by Supervisor Michels to approve a Temporary Class "B" license for the HAWS Schalleck Center for Animals for the Hooves and Flights event on May 19, 2023. Seconded by Supervisor Woelfle. Motion passed 3-0.

- b. Discussion and possible action on the agreement with R.A. Smith, Inc. for municipal engineering and planning services and information technology services for 2023.

Motion by Supervisor Barbeau to approve the agreement with R.A. Smith, Inc. for municipal engineering and planning services and information technology services for 2023. Seconded by Supervisor Michels. Motion passes 3-0.

- c. Discussion and possible action on the adoption of Ordinance 2023-02, an ordinance to repeal and re-create portions of Section 10.11 of the Municipal Code concerning residency restrictions for sex offenders.

Motion by Supervisor Michels to table "Discussion and possible action on the adoption of Ordinance 2023-02, an ordinance to repeal and re-create portions of Section 10.11 of the Municipal Code concerning residency restrictions for sex offenders" to the next meeting. Seconded by Supervisor Woelfle. Motion passes 3-0.

Tenth order of Business: Announcements and Planning items

- a. Plan Commission – Tuesday, February 7, 2023 @ 6:30 PM
- b. Town Board – Tuesday, February 14, 2023 @ 6:30 PM
- c. Spring Primary – Tuesday, February 21, 2023

Eleventh order of Business: Adjournment:

Motion by Supervisor Michels to adjourn the Tuesday, January 24, 2022, Town Board meeting at 6:36 PM. Seconded by Supervisor Woelfle. Motion passed 4-0.

Respectfully submitted:

Dan Green, CMC/WCMC
Administrator - Town Clerk/Treasurer

Exhibit A

10.11 **DESIGNATED SEX OFFENDERS REGULATED.**

1. Findings and Intent.

- (a) This Chapter is a regulatory measure aimed at protecting the health and safety of children from the risk that convicted sex offenders may re-offend in locations close to their residences. [The Governing Body has closely considered this question and had made numerous findings and expressions of intent within the preamble to the Ordinance which adopts this Code Section which are incorporated herein by reference.](#) The Governing Body finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders re-enter society, they are much more likely than any other type of offender to be re-arrested for a new sexual assault. The Governing Body further finds that, given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, and other places children frequent. The Governing Body finds and recognizes that, in addition to schools, there are other areas where children congregate or play.
- (b) This Chapter is not intended to impose a criminal penalty or punishment of sexual offenders, but rather to serve the Town's compelling interest to promote, protect, and improve the health, safety, and welfare of children in the Town by creating areas around locations where children regularly congregate in concentrated numbers where sexual offenders and sexual predators are prohibited from loitering and/or establishing temporary or permanent residence and by regulating certain activities that may be used by sexual offenders to prey upon children.
- (c) Due to the high rate of recidivism for sexual offenders, and because reducing both opportunity and temptation would help minimize the risk of re-offense, the Governing Body finds that there is a compelling need to protect children where they congregate or play in public places.

2. Definitions.

For purposes of this Chapter, the following terms shall have the following meaning unless the context otherwise requires:

- (a) Child means a person under the age of 18.
- (b) Children means two or more persons under the age of 18.
- (c) Child Safety Location means the site upon which any of the following are located without regard to whether such site is located within the geographic limits of the Town of Delafield:
1. Facility for children;
 2. Group home, as defined in Wis. Stat. sec. 48.02(7);
 3. Library, that is held open for use by the public;
 4. Licensed day care center as defined in Wis. Stat. sec. 48.65;
 5. Public or private primary, elementary, secondary, middle, junior high, or high school;
 6. Recreational trail, playground or park;
 7. Specialized school for children, including, without limitation, a gymnastics

- academy, dance academy, or music school; the Schoenstatt Retreat Center is a specialized school;
- 8. Swimming pool, wading pool, or aquatic facility held open for use by the public;
- 9. A public or private golf course or range;
- 10. Church or places of worship;
- 11. Movie theater; and
- 12. Delafield Town Hall.

(d) Child Safety Zone means any place within the Town that is physically located within two thousand feet (2,000') of any Child Safety Location.

~~(e) Crime Against Children means any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction where the victim is a child, respectively:~~

- ~~§ 940.225(1), First degree sexual assault;~~
- ~~§ 940.225(2), Second degree sexual assault;~~
- ~~§ 940.225(3), Third degree sexual assault;~~
- ~~§ 940.22(2), Sexual exploitation by therapist;~~
- ~~§ 940.30, False imprisonment - victim was minor and not the offender's child;~~
- ~~§ 940.31, Kidnapping - victim was minor and not the offender's child;~~
- ~~§ 944.01, Rape (prior statute);~~
- ~~§ 944.06, Incest;~~
- ~~§ 944.10, Sexual intercourse with a child (prior statute);~~
- ~~§ 944.11, Indecent behavior with a child (prior statute);~~
- ~~§ 944.12, Enticing child for immoral purposes (prior statute);~~
- ~~§ 948.02(1), First degree sexual assault of a child;~~
- ~~§ 948.02(2), Second degree sexual assault of a child;~~
- ~~§ 948.025, Engaging in repeated acts of sexual assault of the same child;~~
- ~~§ 948.05, Sexual exploitation of a child;~~
- ~~§ 948.055, Causing a child to view or listen to sexual activity;~~
- ~~§ 948.06, Incest with a child;~~
- ~~§ 948.07, Child enticement;~~
- ~~§ 948.075, Use of a computer to facilitate a child sex crime;~~
- ~~§ 948.08, Soliciting a child for prostitution;~~
- ~~§ 948.095, Sexual assault of a student by school instructional staff;~~
- ~~§ 948.11(2)(a) or (am), Exposing child to harmful material-felony sections;~~
- ~~§ 948.12, Possession of child pornography;~~
- ~~§ 948.13, Convicted child sex offender working with children;~~
- ~~§ 948.30, Abduction of another's child;~~
- ~~§ 971.17, Not guilty by reason of mental disease - of an included offense;~~
- ~~§ 975.06, Sex Crimes Law, commitment.~~

~~(f)~~(e) Domicile means an individual's fixed and permanent home where the individual intends to remain permanently and indefinitely and to which whenever absent the individual intends to return provided, however, that no individual may have more than one domicile at any time. Domicile does not include a residence for any special or temporary purpose.

~~(g)~~(f) Facility for children means a public or private school, a group home, as defined in Section 48.02(7), Wisconsin Statutes, a residential care center for children and youth, as defined in Section 48.02(15d), Wisconsin Statutes, a shelter care

facility, as defined in Section 48.02(17), Wisconsin Statutes, a daycare center licensed under Section 48.65, Wisconsin Statutes, a daycare program established under Section 120.13(14), Wisconsin Statutes, a daycare provider certified under Section 48.651, Wisconsin Statutes, or a youth center, as defined in Section 961.01(22), Wisconsin Statutes.

~~(h)~~(g) Minor means a person under the age of 17.

~~(i)~~(h) Park means any area held open for use by the public for active or passive leisure purposes including, but not limited to, any park, parkway, recreation or open space area, beach, playground, conservation area, lake access point or recreational trail. "Park" also means any private lake access point or private beach that owners of two or more lots or condominium units are entitled use, pursuant to a deed restriction, subdivision plat, condominium declaration, condominium plat, homeowner's association regulation or similar rights of common use.

~~(j)~~(i) Permanent Residence means a place where the person abides, lodges, or resides for 14 or more consecutive days.

(j) Sex Offender shall mean:

1. Any person who is required to register under §301.45, Wis. Stats., for any offense against a child or any person who is required to register under §301.45, Wis. Stats., and who is subject to the Special Bulletin Notification process set forth in §301.46(2) and (2m), Wis. Stats.;

4.2. Any person subject to the sex crimes commitment provisions of §975.06, Wis. Stats.;

—Any person found not guilty by reason of disease or mental defect placed on lifetime supervision under §971.17(1j), Wis. Stats.

~~(k) means a person who has been convicted of, found delinquent of, or found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.~~

(l) Sexually Violent Offense has the meaning set forth in Wis. Stat. sec. 980.01(6), as amended from time to time.

(m) Temporary Residence means a place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's domicile.

3. Residency Restrictions for Sex Offenders, Exceptions.

(a) Child Safety Zone Restriction. Subject to the exceptions in Section 3(c), no ~~s~~Sex ~~e~~Offender shall establish a permanent residence or temporary residence within the Town of Delafield that is within a Child Safety Zone, as determined by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of any Child Safety Location.

(b) Original Domicile Restriction. In addition to Section 3(a), but subject to the exceptions in Section 3(c), no ~~s~~Sex ~~e~~Offender, shall establish a permanent or temporary residence within the Town of Delafield and no supervised release of a ~~s~~Sex ~~e~~Offender shall be established in Town of Delafield unless such person was

domiciled in the Town of Delafield at the time of the offense resulting in the ~~person Sex Offender's most recent conviction, for committing the sexually violent offense and/or crime against children.~~ The original domicile restriction shall only apply to Sex Offenders whose applicable crimes or offenses were committed after [clerk to insert date] when an original domicile restriction was first enacted.

- (c) Exceptions. A ~~sSex eOffender~~ may not be found to be in violation of the residency restrictions in Section 3(a) if the ~~sSex eOffender~~ establishes that any of the following apply:
1. The person was domiciled in the Town of Delafield prior to January 11, 2011, provided, however, that if the person was then subject to Wis. Stat. Sec. 301.45, the person must have also reported and registered the residence pursuant to Wis. Stat. Sec. 301.45 prior to such date to take advantage of the exception.
 2. The person is a minor and is not required to register under Wis. Stats. Sec. 301.45 and Sec. 301.46.
 3. The Child Safety Location began after the ~~sSex eOffender~~ had established the permanent residence or temporary residence and reported and registered the residence if required pursuant to Wis. Stat. Sec. 301.45.
 4. The ~~sSex eOffender~~ is subject to an active court order to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile facility, or other correctional institution or mental facility within the Child Safety Zone.

(d) Petition for Exemption.

1. A Sex Offender may seek an exemption from this Section 10.11 by petitioning to the Sex Offender Residence Board ("Residence Board").
2. The Residence Board shall consist of three citizens residing in the Town. Members shall be selected by the Town Chair subject to the approval by the Town Board. Members shall serve for a term of five (5) years and shall serve no more than two (2) consecutive terms. The terms for the initial members of the Residence Board shall be staggered with one member serving one (1) year, a second member serving three (3) years and the third member serving five (5) years.
3. The Residence Board shall approve an official petition form. The Sex Offender seeking an exemption must complete the petition and submit it to the Town Clerk who shall forward it to the Residence Board. The Residence Board shall hold a hearing on each petition, during which the Residence Board may review any pertinent information and accept oral or written statements from any person. The Residence Board shall base its decision on factors related to the Town's interest in promoting, protecting and improving the health, safety and welfare of the community. Applicable factors for the Residence Board's consideration shall include, but are not limited to:
 - a. Nature of the offense that resulted in sex offender status

- b. Date of offense
- c. Age at time of offense
- d. Recommendation of probation or parole officer
- e. Recommendation of Police Department
- f. Recommendation of any treating practitioner
- g. Counseling, treatment and rehabilitation status of sex offender
- h. Remorse of sex offender
- i. Duration of time since sex offender's incarceration
- j. Support network of sex offender
- k. Relationship of sex offender and victim(s)
- l. Presence or use of force in offense(s)
- m. Adherence to terms of probation or parole
- n. Proposals for safety assurances of sex offender
- o. Conditions to be placed on any exception from the requirements of this Ordinance

4. The Residence Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address or time, or subject to other reasonable conditions. The Residence Board's decision shall be final for purposes of any appeal. A written copy of the decision shall be provided to the Sex Offender and the Town of Delafield Police Department.

4. Renting Real Property to Sex Offenders, Restricted.

No person shall let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by a §Sex eOffender contrary to the provisions of Section (3) of this Ordinance.

5. Prohibited Activities by Sex Offenders, Exception.

- (a) Prohibited Activities by Sex Offenders. Except as provided in subsection 5(b), no §Sex eOffender shall participate in a holiday event in the Town of Delafield involving one or more child by means of distributing candy or other items to such child or children in relationship to Halloween, wearing a Santa Claus costume in a public place in relationship to Christmas, or wearing an Easter Bunny costume in a public place in relationship to Easter, or other similar activities that may, under the circumstances then present, tend to entice a child to have contact with a §Sex eOffender.
- (b) Exception. Events in which the §Sex eOffender is a parent or legal guardian of the child or children involved are exempt from the provisions of Section (5)(a) of this Ordinance provided that no child or children other than a child or children of the §Sex eOffender are present at the event.

6. Loitering by Sex Offender Prohibited, Exception.

- (a) Loitering by Sex Offender. No §Sex eOffender shall loiter or prowl on or within 200 feet of any Child Safety Location, at a time, or a manner not usual for law abiding individuals, under circumstances that warrant alarm for the safety of the persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon

appearance of a law enforcement officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impractical, a law enforcement officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself or explain his or her presence and conduct at the aforementioned locations. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

- (b) Exception. The prohibitions set forth in section 6(a) of this Ordinance shall not apply where the sSex eOffender is a minor who is with one or both of his or her parents or guardian at the time of the offense or the actor was exercising First Amendment rights protected by the United States Constitution, including freedom of speech, free exercise of religion and the right of assembly.

7. Child Safety Zone Map.

The Town Clerk's Office shall maintain an official map showing Child Safety Zones within the Town. The Town Clerk's Office shall update the map at least annually to reflect any changes in the location of Child Safety Zones. The map is to be displayed in the office of the Delafield Town Clerk. In the event of a conflict, the terms of this Ordinance shall control. In no event shall a failure to update the map in compliance with this Ordinance preclude the prosecution or conviction of any sSex eOffender under this Ordinance.

8. Penalties.

- (a) Any violation of this ordinance shall be subject to the penalties and remedies as set forth in Section 25.04 of this Code. Each day of violation shall constitute a separate offense.
- (b) In addition and not to the exclusion or prejudice of such other penalties and remedies as may apply, violation of Section 3 or Section 4 of this Ordinance shall also constitute a public nuisance, which the Town may enforce by action or proceeding to enjoin or abate such public nuisance.

9. Exception for Placements under Chapter 980 of the Wisconsin Statutes.

(a) To the extent required by Section 980.135 of the Wisconsin Statutes, and notwithstanding the foregoing provisions of this Chapter, the Town of Delafield hereby exempts and may not enforce any portion thereof that restricts or prohibits a Sex Offender from residing at a certain location or that restricts or prohibits a person from providing housing to a Sex Offender against an individual who is released under Wisconsin Statutes Section 980.08, or against a person who provides housing to such individual, so long as the individual is subject to supervised release under Chapter 980 of the Wisconsin Statutes, the individual is residing where he or she is ordered to reside under Section 980.08 of the Wisconsin Statutes, and the individual is in compliances with all court orders issued under Chapter 980 of the Wisconsin Statutes.

ORDINANCE NO. 2023-02**AN ORDINANCE REPEALING AND RE-CREATING PORTIONS OF
SECTION 10.11 OF THE MUNICIPAL CODE CONCERNING RESIDENCY RESTRICTIONS
FOR SEX OFFENDERS**

WHEREAS, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, deems it a priority to act in the interest of public safety within our community, particularly in the interest of our children: and

WHEREAS, according to the U.S. Department of Justice, there are a record number of convicted sex offenders living in our communities¹; and

WHEREAS, all convicted child sex offenders have proven themselves to be dangerous²; and

WHEREAS, research in this area has established sex offenders are rearrested for sex crimes four times more frequently than non-sex offenders³; and

WHEREAS, the reduction of crime and criminal recidivism are inextricably linked to public safety within our community; and

WHEREAS, the risks posed by sex offenders against children, are nationally recognized in such landmark legislation as the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; 1996 Megan's Laws; and the 2006 Adam Walsh Child Protection and Safety Act; and these risks are also recognized by legislation in every State in the United States of America including Wisconsin; and

WHEREAS, the Town Board finds that the data concerning child sex offenders is horrific and demonstrates the need for action, including the following⁴:

- "sex crimes are unfortunately fairly common in the United States."
- "It is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood."
- "Children are particularly vulnerable. Approximately 67% of all victims of reported sexual assaults are under the age of 18, and more than half of these victims are under the age of 12."

¹ Sex Offender Management Assessment and Planning Initiative, July 2015, *"This includes offenders returning to the community upon release from incarceration as well as offenders who are serving or who have been discharged from community-based sentences."*

² Kester, 2013 WI App 50, ¶ 30.

³ Sex Offender Management Assessment and Planning Initiative, July 2015, Langan, P., Schmitt, E., & Durose, M. (2003). *Recidivism of Sex Offenders Released from Prison in 1994.*

⁴Center for Sex Offender Management (CSOM) statistics. CSOM is a collaborative effort of the U.S. Department of Justice, Office of Justice Programs, the National Institute of Corrections, the State Justice Institute, and the American Probation and Parole Association, and these quoted statistics are from its "Fact Sheet: What You Need to Know about Sex Offenders".

- “Most sexual offenses are committed by someone the victim knows ... or acquaintance.”
- “No single factor or combination of factors can fully explain why someone offends sexually, though some factors may combine to increase people’s tendency to offend. These factors are ... [physiological, sociocultural, developmental] and situational/circumstantial (e.g. having easy access to victims...)”
- “About 12% to 24% of sex offenders will reoffend.”

WHEREAS, the Town Board also finds these statistics of the U.S. Department of Justice to be shocking and a call to action⁵:

- “Approximately 1.8 million adolescents in the United States have been victims of sexual assault.”
- “An estimated 60% of perpetrators of sexual abuse are known to the child but are not family members, e.g. family friends, babysitters, child care providers, neighbors.”

WHEREAS, in September of 2015 the State of Wisconsin Department of Corrections conducted an extensive study of sex offender recidivism between 1997 and 2010, and found that in total there were 631 instances (4.9% of all releases) of sexual re-offending, and the top two types of re-offense were second degree sexual assault of a child (103 offenses), first degree sexual assault of a child (100 offenses); and within the top 10 re-offenses also were sex with a child ages 16 or older (46 offenses) and repeated sexual assault of the same child (33 offenses); and the study concludes that of all the repeat offenses committed by sex offenders, “sex offenses that specifically reference children represent a greater proportion of the whole;”⁶

WHEREAS, data within the Town of Delafield may not provide a large enough sample size for statistical analysis, however, there is no reason to believe the outcomes would be different in the Town than were demonstrated statewide by the Department of Corrections data; and

WHEREAS, the creation of Sex Offender Residency Restrictions and Safety Zones by municipal ordinance around locations where children regularly congregate is a reasonable step toward protecting children and deterring recidivism by reducing the opportunity for new offenses within our community; and

⁵ U.S. Department of Justice, National Sex Offender Public Website “Facts and Statistics”

⁶ Joseph R. Tatar II, Ph.D. and Anthony Strevler, M.S.W., Sex Offender Recidivism After Release from Prison, Office of the Secretary, Research and Policy Unit. State of Wisconsin Department of Corrections (September 2015).

WHEREAS, the Town Board has reviewed many studies and reports concerning recidivism of sex offenders and the effectiveness of sex offender residency restrictions⁷, and has been fully advised in the matter; and

WHEREAS, the literature on the subject includes some studies that support the practice of imposing sex offender residency restrictions and others that are critical of the practice; and

WHEREAS, the Town Board finds it to be significant that some of the key studies that have concluded that sex offender residency restrictions have limited effectiveness have added significant qualifications to that conclusion; e.g. in “An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri,” (Huebner, et al., 2013), the authors generally do not support sex offender residency restrictions, but nevertheless find that following adoption of sex offender residency restrictions “the rate of recidivism for technical violations significantly decreased for Missouri sex offenders...” (id. at 9) and “the number of sex offense convictions did decline...” in Missouri (id. at 10); and

WHEREAS, in review of the residency restrictions of communities throughout Waukesha County and its environs, the Town Board finds that many of such communities have an “original domicile restriction,” which allows each community to take back its own while not adding an additional burden of more than its own sex offenders to its community; such burdens including neighborhood and citizen concerns and responses, risks of recidivism, and potential property value impacts⁸; and

⁷ These include but are not limited to: Recidivism of sex offenders released from prison in 1994, U.S. Department of Justice, Office of Justice Programs, copyright November 2003; The final report of the Commission to Improve Community Safety and Sex Offender Accountability, of the State of Maine, dated January 2004; Sex Offender Recidivism Prediction, Correctional Service of Canada dated October 14, 2004; Recidivism of Sex Offenders, May 2001, Center for Sex Offender Management; Treating Sex Offenders, Wisconsin Lawyer Magazine, October 1994; The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices: A Literature Review, Marcus Nieto and Professor David Jung, California Research Bureau, California State Library, August 2006; Sex Offenders: You Are Now Free to Move About the Country, and Analysis of Doe v. Miller’s Effects on Sex Offender Residential Restrictions, UMKC Law Review, Spring 2005; There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan’s Laws, Linden and Rockoff, National Bureau of Economic Research, May 2006; The Effect of Proximity to a Registered Sex Offender’s Residence on Single-Family Housing Selling Price, Goliath Appraisal Journal, July 2003; Sex Offenders, Sexually Violent Predators, Punishment, Residence Restrictions and Monitoring, California Proposition 83, Analysis by the Legislative Analyst; An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri, Huebner, et al., 2013.

⁸ Property value impacts have been noted in numerous studies, including “The Effect on Proximity to a Registered Sex Offender’s Residence on Single-Family House Selling Price,” Larsen, J., Lowery, K., & Coleman, J. (2003), *The Appraisal Journal*, 71(3), 253-65; and “Neighborhood Tipping and Sorting Dynamics in Real Estate; Evidence from the Virginia Sex Offender Registry,” Wentland, Bain, Brastow, Stoll, Waller, *Social Science Research Network*, April 2013. Property values are only one such impact. Stop it Now, a non-profit organization devoted to sex offender research, offers this advice to those concerned about sex offenders moving into a neighborhood, among others: Create a family safety plan; attend notification meetings; notify the police of suspicious activity; and don’t wait to take action for prevention. At a minimum, this heightened awareness and activity burdens the families and neighbors where sex offenders are placed, and collectively this burdens the Town staff and resources, for every Sex Offender placement.

WHEREAS, if the Town of Delafield would not have an original domicile restriction, the Town would have open doors for non-resident sex offender residency when other communities have closed doors, inviting a substantial increase in child sex offender placements, with the related adverse impacts on the health, safety and welfare of the Town and its residents; and

WHEREAS, the Town Board recognizes the merits, mentioned in some studies, of individualized consideration of the risks and benefits of residency restrictions on an offender-by-offender basis, and the Town has carefully considered how it can best provide this individualized consideration, and hereby intends to create an Appeals Board with sufficient jurisdiction to consider the original domicile restrictions to ensure that the ordinance does not banish sex offenders from the Town; and

WHEREAS, the Town Board recognizes that it cannot eliminate all risk of child sex offender re-offense, and it must balance all of the competing public policies, but intends by these regulations to strike the legislative balance that is appropriate for the circumstances of the Town of Delafield; and

WHEREAS, it is not the intent of this ordinance to banish sex offenders from residing within the Town of Delafield and careful attention has been given to ensure that there are ample locations for sex offenders to reside within the Town of Delafield in compliance with the requirements of this ordinance:

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 10 of the Town of Delafield Municipal Code entitled, "Public Nuisances," Section 10.11 entitled, "Designated Sex Offenders Regulated" is hereby repealed and re-created as depicted in attached Exhibit A, which is incorporated herein by reference.

SECTION 2: SEVERABILITY.

The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect, or, to the extent permitted by law, the court is authorized to substitute an alternative term or provision for the invalid term or provision.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect and be in full force from and after its passage and posting according to law.

PASSED and ADOPTED this ____ day of _____, 20__.

Ron Troy, Town Chairman

Attest:

Dan Green, Town Administrator – Clerk/Treasurer



**BCPL State Trust Fund Loan Program
Anticipated Schedule of Disbursements**

Town of Delafield
Worksheet # 05605739
Finance Roadwork
\$250,000.00

Please tell us when you anticipate the need for loan funds:

Disbursement Date	Disbursement Amount
<u>April 1, 2023</u>	<u>\$250,000</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

NOTE: Fill out this form using your best estimates as of the loan application date. *This is not an actual disbursement form.* We request this information to help us better manage the investment of State of Wisconsin Trust Funds. After your loan has been approved, you will receive a "Request for Loan Disbursement" form to request the actual distribution of funds.

Please return form to:

Board of Commissioners of Public Lands
PO Box 8943
Madison, WI 53708-8943

fax 608.267.2787
richard.sneider@wisconsin.gov

Rev 04/2012

STATE OF WISCONSIN
BOARD OF COMMISSIONERS OF PUBLIC LANDS
101 EAST WILSON STREET, 2ND FLOOR
POST OFFICE BOX 8943
MADISON, WISCONSIN 53708-8943

APPLICATION FOR STATE TRUST FUND LOAN

TOWN - 20 YEAR MAXIMUM

Chapter 24 Wisconsin Statutes

TOWN OF DELAFIELD

Date sent: January 24, 2023

Received and filed in Madison, Wisconsin:

ID # 05605739

RAS

RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY

TO: BOARD OF COMMISSIONERS OF PUBLIC LANDS

We, the undersigned town board of supervisors of the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, in accordance with the provisions of Chapter 24 of the Wisconsin Statutes, do hereby make application for a loan of **Two Hundred Fifty Thousand And 00/100 Dollars (\$250,000.00)** from the Trust Funds of the State of Wisconsin for the purpose of **financing roadwork**.

The loan is to be continued for a term of **5** years from the 15th day of March preceding the date the loan is made. The loan is to be repaid in annual installments, as provided by law, with interest at the rate of **5.25** percent per annum.

We agree to the execution and signing of such certificates of indebtedness as the Board may prepare and submit, all in accordance with Chapter 24, Wisconsin Statutes.

The application is based upon compliance on the part of the Town with the provisions and regulations of the statutes above referred to, as set forth by the following statements which we do hereby certify to be correct and true.

The meeting of the Town Board of the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, which approved and authorized this application for a loan was a regularly called meeting held on the _____ day of _____, 20_____.

At the aforesaid meeting a resolution was passed by a majority vote of the members of the Town Board approving and authorizing an application to the Board of Commissioners of Public Lands, State of Wisconsin, for a loan of **Two Hundred Fifty Thousand And 00/100 Dollars (\$250,000.00)** from the Trust Funds of the State of Wisconsin to the Town of **Delafield** in the County(ies) of **Waukesha**, Wisconsin, for the purpose of **financing roadwork**. That at the same time and place, the Town Board of the Town of **Delafield** by a majority vote of the members, adopted a resolution levying upon all the taxable property in the Town, a direct annual tax sufficient in amount to pay the annual installments of principal and interest, as they fall due, all in accordance with Article XI, Sec. 3 of the Constitution and Sec. 24.66(5), Wisconsin Statutes.

A copy of the aforesaid resolutions, certified to by the clerk, as adopted at the meeting, and as recorded in the minutes of the meeting, accompanies this application.

A statement of the equalized valuation of all the taxable property within the Town of **Delafield** certified to by the clerk, accompanies this application.

Given under our hands in the Town of **Delafield**, County(ies) of **Waukesha**, Wisconsin, this _____ day of _____, 20_____.

Chairman, Town of **Delafield** (Signature)

Clerk, Town of **Delafield** (Signature)

RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY

Chairman and supervisors, please sign in space provided and type or print name below the signature.)

- | | <u>OFFICER</u> | <u>ADDRESS OF EACH OFFICER</u> |
|----|--|---|
| 1. | <hr/> Chairman (Signature)
<u>Ronald Troy</u>
Type or Print Name | <u>N30W28853 W. Lakeside Dr.</u>
<u>Pewaukee, WI 53072</u> |
| 2. | <hr/> Supervisor (Signature)
<u>Edward Kranick</u>
Type or Print Name | <u>N34W29637 North Shore Dr.</u>
<u>Pewaukee, WI 53072</u> |
| 3. | <hr/> Supervisor (Signature)
<u>Steve Michels</u>
Type or Print Name | <u>N26W30280 Maple Ave</u>
<u>Pewaukee, WI 53072</u> |
| 4. | <hr/> Supervisor (Signature)
<u>Joseph Woelfle</u>
Type or Print Name | <u>N20W30060 Glen Love Rd.</u>
<u>Pewaukee, WI 53072</u> |
| 5. | <hr/> Supervisor (Signature)
<u>Margalie Miller</u>
Type or Print Name | <u>N20W29526 Glen Love Rd.</u>
<u>Pewaukee, WI 53072</u> |

Town Board of Supervisors of the Town of **Delafield**, County(ies) of **Waukesha**, Wisconsin.

STATE OF WISCONSIN
County(ies) of **Waukesha**

Personally came before me this ____ day of _____, 20____, the above named persons known to me as the Town Board of Supervisors of the Town of **Delafield**, in **Waukesha** County, Wisconsin, and who are the persons who executed the foregoing application and acknowledged same.

Clerk (Signature)

Clerk (Print or Type Name)

Town of **Delafield**
County(ies) of **Waukesha**, Wisconsin

RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY

FORM OF RECORD

The following preamble and resolutions were presented by Supervisor _____ and were read to the meeting.

By the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

THEREFORE, BE IT RESOLVED, that the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of **Two Hundred Fifty Thousand And 00/100 Dollars (\$250,000.00)** for the purpose of **financing roadwork** and for no other purpose.

The loan is to be payable within **5** years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of **5.25** percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the Town of **Delafield** by such loan from the state be applied or paid out for any purpose except **financing roadwork** without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the chairman and clerk of the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, are authorized and empowered, in the name of the Town to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the Town pursuant to this resolution. The chairman and clerk of the Town will perform all necessary actions to fully carry out the provisions of Chapter 24 Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this Town forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY

Supervisor _____ moved adoption of the foregoing preamble and resolutions.

The question being upon the adoption of the foregoing preamble and resolutions, a vote was taken by ayes and noes, which resulted as follows:

- 1. **Chairman** _____ **voted** _____
- 2. **Supervisor** _____ **voted** _____
- 3. **Supervisor** _____ **voted** _____
- 4. **Supervisor** _____ **voted** _____
- 5. **Supervisor** _____ **voted** _____

A majority of the Town Board of the Town of **Delafield**, in the County(ies) of **Waukesha**, State of Wisconsin, having voted in favor of the preamble and resolutions, they were declared adopted.

STATE OF WISCONSIN

County(ies) of **Waukesha**

I, _____, Clerk of the Town of **Delafield**, County(ies) of **Waukesha**, State of Wisconsin, do hereby certify that the foregoing is a true copy of the record of the proceedings of the Town Board of the Town of **Delafield** at a meeting held on the _____ day of _____, 20____, relating to a loan from the State Trust Funds; that I have compared the same with the original record thereof in my custody as clerk and that the same is a true copy thereof, and the whole of such original record.

I further certify that the Town Board of the Town of **Delafield**, County(ies) of **Waukesha**, is constituted by law to have _____ members, and that the original of said preamble and resolutions was adopted at the meeting of the Town Board by a vote of _____ ayes to _____ noes and that the vote was taken in the manner provided by law and that the proceedings are fully recorded in the records of the Town.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Town of **Delafield** this _____ day of _____, 20____.

Clerk (Signature)

Clerk (Print or Type Name)

Town of **Delafield**

County(ies) of **Waukesha**

State of Wisconsin

STATE OF WISCONSIN
COUNTY(IES) OF **Waukesha**
TO: THE BOARD OF COMMISSIONERS OF PUBLIC LANDS

I, Daniel Green, Clerk of the Town of **Delafield**, County(ies) of **Waukesha**, State of Wisconsin, do hereby certify that it appears by the books, files and records in my office that the valuation of all taxable property in the Town of **Delafield** is as follows:

EQUALIZED VALUATION FOR THE YEAR 2022 * \$ 2,187,285,800
* Latest year available

I further certify that the whole existing indebtedness of the Town of **Delafield**, County(ies) of **Waukesha**, State of Wisconsin, is as follows: (list each item of indebtedness):

NAME OF CREDITOR	PRINCIPAL BALANCE (EXCLUDING INTEREST)
<u>Board of Commissioners of Public Lands</u>	\$ <u>883,791</u>
<u>BOK Financial Securities, Inc</u>	\$ <u>2,580,000</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL INDEBTEDNESS:	\$ <u>3,463,791</u>

Daniel Green
Clerk (Signature)

Daniel Green
Clerk (Print or Type Name)

Clerk in the Town of **Delafield**

County(ies) of **Waukesha**, Wisconsin

_____, 20_____
Date

THE TOTAL INDEBTEDNESS, INCLUDING THE TRUST FUND LOAN APPLIED FOR, MAY NOT EXCEED 5% OF THE VALUATION OF THE TAXABLE PROPERTY AS EQUALIZED FOR STATE PURPOSES. (Sec. 24.63(1), Wis. Stats., 1989-90)

RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY

Plan Commission Report for February 7, 2023

Trotier Certified Survey Map Agenda Item No. 5. C.

Applicant: Tim and Anna Trotier
Project: Land Combination
Requested Action: Approval of Certified Survey Map
Zoning: R-3 (County Zoning)
Location: N20 W29592 Glen Cove Road

Report

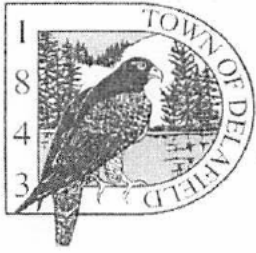
The property owners are requesting approval of a Certified Survey Map (CSM) to combine Lots 8 and 9 of Glen Cove park subdivision into one lot. The common lot line between Lots 8 and 9 extends through the existing house at present. The owner's intent is to remove the existing house and construct a new house on the lot. The lot combination will allow for the construction of a conforming house on the combined lot.

I have reviewed the CSM and noted one minor technical item that requires correction. No comments have been received from Waukesha County at the time of this report. The CSM provides a 30-foot dedication of Glen Cove Road which is consistent with the required right-of-way stated in Town of Delafield Resolution 249 which set forth right-of-way widths on former mill tax roads.

Staff Recommendation:

Comments have been passed to the surveyor for incorporation onto the proposed CSM. I recommend approval of the CSM dated October 10, 2022, subject to satisfaction of all outstanding review comments from the Town, City of Delafield (extra-territorial plat review) and Waukesha County Department of Parks and Land Use prior to the Town executing the document.

Tim Barbeau, Town Engineer
February 2, 2023



TOWN OF DELAFIELD

APPLICATION FOR PLAN COMMISSION AGENDA

Plan Commission meetings are typically held the first Tuesday of every month. All applications must be submitted at least 3 weeks before a Plan Commission meeting to make the agenda. Any late submittals will be considered at the following meeting.

(PLEASE PRINT)

Owner Information	Applicant
Name: Tim & Anna Trotier	Name: Rob Miller Homes, LLC
Address N20 W29592 Glencove Road	Address 706 Main Street
City State Zip Pewaukee, WI 53072	City State Zip Delafield, WI 53018
Telephone Number [REDACTED]	Telephone Number [REDACTED]
Email: [REDACTED]	Email: [REDACTED]

APPLICATION TYPE AND FEE (CHECK ALL THAT APPLY)

*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however, applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs.

- | | |
|---|--|
| <input type="checkbox"/> Site Plan.....\$150.00 | <input type="checkbox"/> Home Occupation.....\$50.00 |
| <input type="checkbox"/> Site Grading Plan.....\$50.00 | <input type="checkbox"/> Zoning Amendment.....\$300.00 |
| <input type="checkbox"/> Lighting Plan.....\$50.00 | <input type="checkbox"/> Land Use Amendment.....\$300.00 |
| <input type="checkbox"/> Signage Plan.....\$75.00 | <input type="checkbox"/> Conditional Use.....\$225.00 |
| <input type="checkbox"/> Preliminary Plat.....\$300.00 | <input type="checkbox"/> Plan of Operation.....\$150.00 |
| <input type="checkbox"/> Final Plat.....\$150.00 | <input type="checkbox"/> Planned unit Development.....\$225.00 |
| <input checked="" type="checkbox"/> Certified Survey Map.....\$250.00 | <input type="checkbox"/> Conceptual Plan Review.....\$50.00 |
| <input type="checkbox"/> Developer's Agreement.....\$100.00 | <input type="checkbox"/> Other.....\$50.00 minimum |

PROJECT NAME: Trotier CSM review

Property Address: N20 W29592 East Glencove Road, Pewaukee WI 53017

Tax ID/Parcel ID: DELT 0810009/DELT 0710010 **Lot Size:** .415 Acres

Current Zoning: RL **Proposed Zoning (if applicable):** RL

Present Use: Residential/Single Family **Intended Use (if applicable):** Residential/Single Family

A complete application along with the appropriate fees shall be submitted by the deadline outlined at the top of the application. In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the project review checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. The Town of Delafield reserves the right not to accept an application that is deemed incomplete.



TOWN OF DELAFIELD PLAN COMMISSION APPLICATION

Project Description

Please answer the questions below that pertain to your request. If necessary, please attach a separate sheet.

PETITION FOR REZONING

In the space below, please describe the purpose of the rezoning.

PETITION FOR LAND USE AMENDMENT

In the space below, please describe the purpose of the Land Use Amendment.

PETITION FOR CONDITIONAL USE

In the space below, please describe the purpose of the Conditional Use.

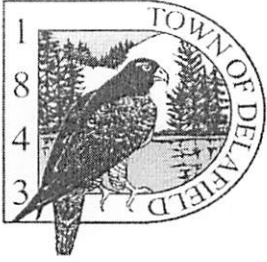
PETITION FOR CERTIFIED SURVEY MAP / PRELIMINARY PLAT / FINAL PLAT

In the space below, please describe the intention of the land division.

Combine lots

PETITION FOR SITE PLAN / PLAN OF OPERATION / OTHER APPLICATION

In the space below, please describe the intention for the site plan, plan of operation, or other application.



Required Forms for Submittal

Required Forms Checklist:


- Legal Description (all applications)
- Professional Staff/Fees Chargeback Acknowledgement (all applications)
- Certification for Division of Land (Certified Survey Map land splits)

Submittal Information:

- One (1) copy of this application (signed & dated)
- One (1) electronic copy of all supporting materials, i.e., drawings, plans and written documentation (via email to dgreen@townofdelafield.org).
- Two (2) full size hard copies of all supporting materials, i.e., drawings, plans and written documentation of plans 11"x17" and smaller.
- Seven (7) copies of supporting materials larger than 11"x17".

I understand that this form shall be on file in the office of the Town Administrator by 4:00 p.m. on the 21st day before the meeting on which I desire to be heard or as required in the Land Division or Zoning Ordinance, whichever is longer. Plan Commission meetings are held the first Tuesday of each month. Furthermore, I understand that any engineering or legal review fees associated with this project may be charged to me.

FAILURE TO PROVIDE ALL REQUIRED MATERIALS AND INFORMATION CAN RESULT IN THIS APPLICATION BEING WITHDRAWN FOR CONSIDERATION BY THE PLAN COMMISSION.


Signature of Owner

1/25/23
Date

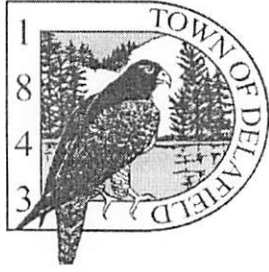
Tim & Anna Trotier
Print Name

For Office Use Only

Application Received _____
Date Received _____
PC Meeting Date 2/17/2023
Public Hearing Date N/A

Amount Received 250.00
Received by OG
Board Meeting Date 2/14/2023

Publication Date (if required) N/A



TOWN OF DELAFIELD

PROFESSIONAL STAFF FEES CHARGEBACK ACKNOWLEDGEMENT

PLEASE BE ADVISED

That pursuant to the Town of Delafield Code of Ordinances, the Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any of the other Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service and the fees incurred by the Town to the owner of the property. Also be advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs and charges are the responsibility of the property owner.

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other Town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also, I have been advised that pursuant to the Town of Delafield Code of Ordinances, certain other fees, costs and charges are my responsibility.

[Handwritten Signature]
Signature of Owner

1/25/23
Date

Tim & Anna Trotier
Owner's name (please print)

Form received by: Daniel Green

Date: 1/30/2023

PRELIMINARY

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

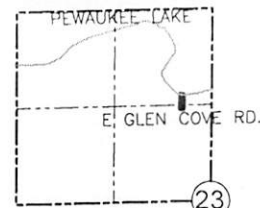
LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

LOT 1
TO O.H.W.M.
18,085 S.F.
0.415 ACRES
TO MEANDER
15,999 S.F.
0.367 ACRES

BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCORS 2011) AND REFERENCED TO THE EAST LINE OF THE NW 1/4 OF SECTION 23-7-18 MEASURED AS S 01°32'20" W,

VERTICAL DATUM IS NAVD 88 (GEOID 12A).

VICINITY MAP



NW 1/4 SEC. 23-7-18
1"=2640'

MEANDER CORNER TO THE N. 1/4 CORNER OF SECTION 23-7-18 CONC. MON. W/ SEWRPC BRASS CAP FND.

PEWAUKEE LAKE

EDGE OF WATER
852.8 8/23/2022

APPROXIMATE O.H.W.M. PER WAUKESHA CO. GIS 853.7.

FLOODPLAIN PER FEMA FIRMETTE 854.0.

1 INCH = 40 FEET



10' WIDE SANITARY EASEMENT PER DOC NO. 0930863 & 0930864

LOT 11
GLEN COVE PARK
B. ZSIDO

LOT 10
GLEN COVE PARK
R. MALONI TRUST

LOT 7
GLEN COVE PARK
T & H MEYERS

LOT 1

EXISTING ASPHALT DRIVE

EXISTING ASPHALT DRIVE

GLEN COVE ROAD

30' WIDE R.O.W. PER PLAT

FORMER RAILROAD

75' WIDE R.O.W.

DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES
3,488 S.F. OR 0.080 ACRES

CENTER OF SECTION 23-7-18
CONC. MON. W/ SEWRPC BRASS CAP FND.

LEGEND

- ☐ CONCRETE MONUMENT
- FOUND 1" IRON PIPE OR NOTED SET 0.75" O.D. X 18" REBAR
- WEIGHING 1.502 LBS/FT.
- ◇ FOUND 3/4" IRON ROD
- Ⓢ SANITARY MANHOLE
- Ⓜ WELL
- (R) RECORD DIMENSION
- SAN- SANITARY SEWER
- ◆ DRIVEWAY LOCATION
- H EXISTING DWELLING
- BH EXISTING BOAT HOUSE
- G EXISTING BOAT GARAGE

- SEE SHEET 2 FOR CONTOURS & SOILS.
- SEE SHEET 3 FOR NOTES.
- SEE SHEET 4 FOR FLOODPLAIN RESTRICTION NOTES.



PREPARED FOR:
TIM AND ANNA TROTIER
N20W29592 GLEN COVE RD.
PEWAUKEE, WI 53072

LAND SURVEYING • LAND PLANNING
111 W. 2ND STREET
OCONOMOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599

DATED 10/10/2022
JOB# 22229

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'ROURKE, S-2771

SHEET 1 OF 6

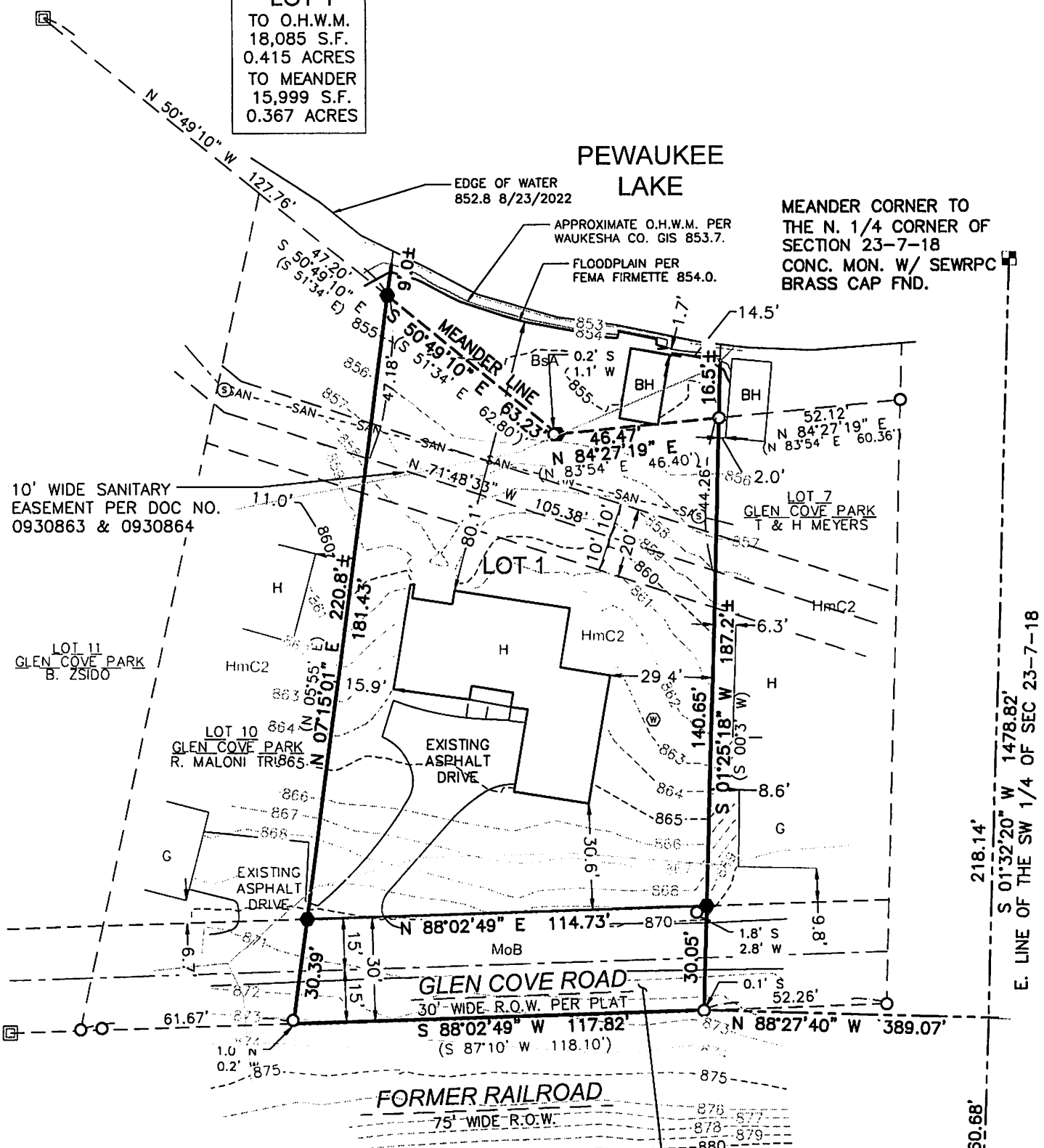
WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

LOT 1
 TO O.H.W.M.
 18,085 S.F.
 0.415 ACRES
 TO MEANDER
 15,999 S.F.
 0.367 ACRES

PEWAUKEE LAKE

MEANDER CORNER TO THE N. 1/4 CORNER OF SECTION 23-7-18 CONC. MON. W/ SEWRPC BRASS CAP FND.



10' WIDE SANITARY EASEMENT PER DOC NO. 0930863 & 0930864

LOT 11 GLEN COVE PARK B. ZSIDO

LOT 10 GLEN COVE PARK R. MALONI TR 865

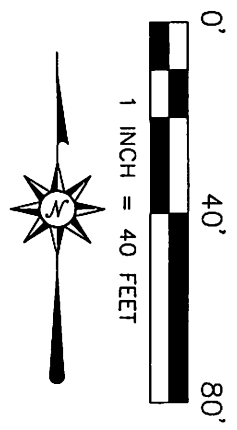
LOT 7 GLEN COVE PARK T & H MEYERS

GLEN COVE ROAD
 30' WIDE R.O.W. PER PLAT

FORMER RAILROAD
 75' WIDE R.O.W.

DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES 3,488 S.F. OR 0.080 ACRES

CENTER OF SECTION 23-7-18 CONC. MON. W/ SEWRPC BRASS CAP FND.



- CONTOURS ARE PER FIELD SURVEY COMPLETED BY LANDTECH SURVEY ON 08/23/2022.
- SOILS PER WAUKESHA COUNTY GIS.

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED AND MAPPED A DIVISION OF LAND BEING LOT 8 AND LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NORTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH MEANDER CORNER TO THE NORTH 1/4 CORNER OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST;
THENCE S 01°32'20" W, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 4, 218.14 FEET; THENCE N 88°27'40" W, 389.07 FEET TO THE SOUTHEAST CORNER OF LOT 8 OF GLEN COVE PARK SUBDIVISION AND THE POINT OF BEGINNING; THENCE S 88°02'49" W, ALONG THE SOUTH LINE OF LOT 8 AND LOT 9 OF GLEN COVE PARK SUBDIVISION, 117.82 FEET TO THE SOUTHWEST CORNER OF LOT 9 OF GLEN COVE PARK; THENCE N 07°15'01" E, ALONG THE WEST LINE OF LOT 9 OF GLEN COVE PARK SUBDIVISION, 211.82 FEET TO THE BEGINNING OF A MEANDER LINE SAID POINT LYING S 07°15'01" W, 9.0 FEET MORE OR LESS FROM THE ORDINARY HIGH WATER MARK OF PEWAUKEE LAKE; THENCE S 50°49'10" E, ALONG A MEANDER LINE, 63.23 FEET; THENCE N 84°27'19" E, ALONG A MEANDER LINE 46.47 FEET TO THE END OF THE MEANDER LINE SAID POINT LYING S 01°25'18" W, 16.5 FEET MORE OR LESS FROM THE ORDINARY HIGH WATER MARK OF PEWAUKEE LAKE, ALSO BEING THE EAST LINE OF LOT 8 OF GLEN COVE PARK SUBDIVISION; THENCE S 01°25'18" W, ALONG THE EAST LINE OF LOT 8 OF GLEN COVE PARK SUBDIVISION, 170.70 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 21,573 SQUARE FEET OR 0.495 ACRES MORE OR LESS INCLUDING THE LANDS BETWEEN THE MEANDER LINE AND THE ORDINARY HIGH WATER MARK OF PEWAUKEE LAKE.

THAT I HAVE MADE SAID SURVEY BY THE DIRECTION OF THE TIM AND ANNA TROTIER OWNERS OF SAID LANDS.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF.

THAT I HAVE FULLY COMPLIED WITH PROVISIONS OF S. 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION CONTROL ORDINANCE OF WAUKESHA COUNTY AND THE TOWN OF DELAFIELD AND CITY OF DELAFIELD (EXTRATERRITORIAL) IN SURVEYING AND MAPPING THE SAME.

DATED THIS _____ DAY OF _____, 20_____.

MATTHEW T. O'ROURKE, S-2771

NOTES:

- ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- FLOODPLAIN IS PER FEMA FIRM MAP No. 55133C0187G, MAP REVISED NOVEMBER 5, 2014. FLOODPLAIN ELEVATION DETERMINED FROM FEMA INSURANCE STILL WATER ELEVATION CHART 1% FLOOD CHANCE 854.0.
- THE O.H.W.M. (ORDINARY HIGH WATER MARK) IS AN APPROXIMATE LOCATION DETERMINED BY THE SURVEYOR UTILIZING THE GIS PUBLISHED ELEVATION.
- THIS PARCEL IS ALSO SUBJECT TO ALL OTHER EASEMENTS, INCLUDING UTILITY EASEMENTS AND RESTRICTIONS, EITHER RECORDED OR UNRECORDED, IF ANY.
- ENTIRE PARCEL LIES WITHIN THE JURISDICTIONAL LIMITS OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE.
- SANITARY EASEMENT SHOWN PER DOC. NO. 0930863 & DOC. NO. 0930864. SANITARY LINES AND MANHOLES ARE NOT COMPLETELY ENCOMPASSED WITHIN THE EASEMENT.

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

AS OWNERS TIM AND ANNA TROTIER WE HEREBY CERTIFY THAT WE CAUSED SAID LANDS TO BE SURVEYED, MAPPED AND DEDICATED AS SHOWN ON THIS MAP. WE ALSO CERTIFY THAT THIS CSM IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL: WAUKESHA COUNTY, TOWN OF DELAFIELD AND CITY OF DELAFIELD (EXTRATERRITORIAL).

WITNESS THE HAND AND SEAL OF SAID OWNERS:

THIS _____ DAY OF _____, 20_____.

TIM TROTIER

ANNA TROTIER

STATE OF WISCONSIN)SS
COUNTY OF _____)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 20_____, THE ABOVE NAMED TIM AND ANNA TROTIER, TO ME KNOWN TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY SIGNATURE _____

PRINT NAME _____

MY COMMISSION EXPIRES _____

FLOODPLAIN PRESERVATION RESTRICTIONS

THOSE AREAS OF LAND WHICH ARE IDENTIFIED AS 100 YEAR (1% ANNUAL CHANCE) FLOODPLAIN ON SHEET 1 OF 6 ON THIS CERTIFIED SURVEY MAP SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. GRADING, FILLING, THE REMOVAL OF TOPSOIL OR OTHER EARTHEN MATERIALS ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES, AND THE ARMY CORPS OF ENGINEERS.
2. THE REMOVAL OF DESTRUCTION OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS PROHIBITED, AND WITH THE EXCEPTION, DEAD, DISEASED, DYING, OR INVASIVE VEGETATION MAY BE REMOVED, AT THE DISCRETION OF THE LANDOWNER AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION. SILVICULTURAL THINNING, UPON THE RECOMMENDATION OF A FORESTER OR NATURALIST AND WITH APPROVAL FROM THE WAUKESHA AUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION, SHALL ALSO BE PERMITTED.
3. GRAZING BY DOMESTICATED ANIMALS, I.E., HORSES, COWS, ETC., IS PROHIBITED.
4. THE INTRODUCTION OF PLANT MATERIAL NOT INDIGENOUS TO THE EXISTING ENVIRONMENT SHALL BE PROHIBITED.
5. PONDS MAY BE PERMITTED SUBJECT TO THE APPROVAL OF THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
6. THE CONSTRUCTION OF BUILDINGS IS PROHIBITED.

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE

_____, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE SURVEYING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF TIM AND ANNA TROTIER, OWNER.

IN WITNESS WHEREOF, _____ HAS CAUSED THESE PRESENTS TO BE SIGNED BY, _____ ITS _____.

AT _____ WISCONSIN, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS _____ DAY OF _____, 20____.

IN THE PRESENCE OF:

CORPORATE NAME

PRINT TITLE: _____ DATE _____

CORPORATE MORTGAGEE NOTARY CERTIFICATE

STATE OF WISCONSIN)
_____ COUNTY)SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____ 20____, _____ OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH _____ OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

NOTARY SIGNATURE _____

PRINT NAME _____

MY COMMISSION EXPIRES _____

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____
LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF
THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST,
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

TOWN OF DELAFIELD PLAN COMMISSION APPROVAL

APPROVED BY THE PLAN COMMISSION OF THE TOWN OF DELAFIELD, THIS _____ DAY OF _____, 20____.

KEVIN FITZGERALD – CHAIRPERSON

DAN GREEN – CLERK/TREASURER

TOWN OF DELAFIELD BOARD APPROVAL

CSM AND ROADWAY DEDICATION APPROVED BY THE TOWN BOARD OF THE TOWN OF DELAFIELD,
THIS _____ DAY OF _____, 20____.

RON TROY – CHAIRPERSON

DAN GREEN – CLERK/TREASURER

CITY OF DELAFIELD COMMON COUNCIL (EXTRATERRITORIAL)

APPROVED BY THE CITY OF DELAFIELD COMMON COUNCIL, THIS _____ DAY OF _____, 20____.

KENT ATTWELL, MAYOR

MOLLY SCHNEIDER – CITY CLERK

CITY OF DELAFIELD PLAN COMMISSION APPROVAL (EXTRATERRITORIAL)

APPROVED BY THE CITY OF DELAFIELD PLAN COMMISSION, THIS _____ DAY OF _____, 20____.

KENT ATTWELL – CHAIRPERSON

MOLLY SCHNEIDER – CITY CLERK

WAUKESHA COUNTY DEPARTMENT OF PARKS & LAND USE

THE ABOVE, WHICH HAS BEEN FILED FOR APPROVAL AS REQUIRED BY CHAPTER 236 OF THE WISCONSIN
STATE STATUTES, IS HEREBY APPROVED ON THIS _____ DAY OF _____, 20____.

DALE R. SHAVER, DIRECTOR

LAW OFFICES OF
**ARENZ, MOLTER,
MACY, RIFFLE & LARSON, S.C.**

720 N. EAST AVENUE
P.O. BOX 1348
WAUKESHA, WISCONSIN 53187-1348
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DALE W. ARENZ, RETIRED
DONALD S. MOLTER, JR., RETIRED
JOHN P. MACY,
COURT COMMISSIONER
H. STANLEY RIFFLE
COURT COMMISSIONER
ERIC J. LARSON

RICK D. TRINDL
PAUL E. ALEXY
R. VALJON ANDERSON
REMZY D. BITAR
MATTEO REGINATO
LUKE A. MARTELL
SAMANTHA R. SCHMID
STEPHEN J. CENTINARIO, JR.
TIMOTHY A. SUHA

November 1, 2017

Town Board
Town of Delafield
W302 N1254
Delafield, WI 53018

Re: Vacation Rental

Dear Ladies and Gentlemen:

Within the State budget bill that took effect on September 23, 2017, the State of Wisconsin included certain preemptions on municipal authority concerning vacation rental of property. This is an issue that many municipalities throughout the State of Wisconsin have attempted to regulate over the years due to the impact that short-term rental of residential property can have on surrounding properties and neighborhoods. Some view short-term rentals as a commercial use, rather than a residential use due to these different impacts and profit-oriented intent. I am writing to make you aware of the new statutory framework that applies to this issue, as follows.

1. **§66.1014, Wisconsin Statutes created**. The new laws are contained in Wisconsin Statutes §66.1014, with accompanying tax provisions in §66.0615. A copy of the §66.1014, Limits on residential dwelling rental prohibitions, is attached hereto as Exhibit A for your reference. This new law does the following:
 - a. **Can only regulate short-term rentals of 6 or fewer days duration.** Municipalities cannot enact or enforce ordinances that prohibit the rental of residential dwelling for seven consecutive days or longer. If you have an ordinance in effect that requires leases to be anything more than 6 days in duration, those ordinances cannot be enforced at this time. Municipalities can enact and enforce ordinances that prohibit the rental of a residential dwelling for 6 days or less.
 - b. **Can establish a consecutive day limitation in some circumstances.** Wisconsin Statutes §66.1014(2)(d) includes an ability to limit the number of consecutive days during which short-

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ARENZ, MOLTER, MACY, RIFFLE & LARSON, S.C.

Town Board
November 1, 2017
Page 2

term rentals can be allowed. This complicated provision has these requirements:

- (1) If a residential dwelling is rented for periods of more than 6 days but fewer than 29 days consecutive days, then
 - (a) A political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days.
 - (b) The political subdivision may not specify the particular 180-day (or more) period of time during which the residential dwelling may be rented, but
 - (c) The political subdivision may require that the maximum number of allowable rental days (no fewer than 180 days) within a 365-day period must run consecutively.
 - (d) A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.

So, for example, if someone rents their home for 1 week (7 days) beginning on April 1st, that person must notify the clerk that they have done so, if you impose this requirement in your ordinance. Your ordinance then can require all rental to be done within 180 days of April 1st (in this example, through September 29th). To impose this requirement, the municipality should adopt an ordinance to establish the number of consecutive days of short-term rentals that can be allowed (no fewer than 180 days), and to require this notice of the first rental. Inherent in this provision is that if each of the rentals are for 29 days or more the municipality cannot regulate the rentals.

- c. **Tourist rooming house license required.** If a person rents a residential dwelling for fewer than 29 consecutive days it is deemed to be a short-term rental, and if they conduct a short-term rental for more than 10 nights each year they are required to obtain a tourist rooming house license from the Department of Agriculture, Trade and Consumer Protection.

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Town Board
November 1, 2017
Page 3

- d. **Local license can also be required.** Municipalities can enact an ordinance to require property owners to obtain a local license in situations where a tourist rooming house license is required.

2. **§66.0615 amendments concerning room taxes.** Municipalities have the authority to enact an ordinance to impose a room tax that would apply to short-term rentals. If the municipality currently has a room tax, it automatically would apply to short-term rentals just as it applies to hotels and motels. Municipalities that currently do not have a room tax could adopt this authority. The room tax must be equal to or less than 8%, in most cases. Lodging market places (such as VRBO, Airbnb and the like) are required to collect room taxes imposed by the municipality. The new sections of §66.0615, Wis. Stats. that address this issue are attached hereto for your reference as Exhibit B.

3. **Recommendations.**
 - a. **Update Ordinance.** If you currently regulate short-term rental of residential property, your ordinance will need to be updated to comply with the new laws. Your existing ordinance cannot currently be enforced in all likelihood, until it is updated.

 - b. **New Regulation.** If you have not regulated this issue previously but now are interested in doing so, you will need to adopt an ordinance pursuant to the requirements of the new laws.

 - c. **Room Tax.** If you currently impose a room tax on hotels and motels, the same room tax statutory authority automatically applies to short-term rentals, but you may need to update your ordinances to be consistent with State law on this point. If you have not imposed a room tax in the past, you may want to consider doing so to address this new revenue opportunity concerning short-term rentals.

 - d. **Do Nothing.** If you currently do not regulate this issue and you have no interest in regulating this issue, then of course you need take no action in the matter.

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Town Board
November 1, 2017
Page 4

If you should have any questions or concerns regarding this matter, please do not hesitate to contact me. I would be happy to assist in drafting the necessary documents to accomplish your intent on request.

Yours very truly,

ARENZ, MOLTER, MACY,
RIFFLE & LARSON, S.C.

Eric J. Larson

Eric J. Larson

EJL/egm
Enclosure

cc: Mary Elser, Town Clerk

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ORDINANCE NO. 2023-05

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 9.14(5) OF THE TOWN OF DELAFIELD MUNICIPAL CODE, CONCERNING THE REGULATION OF VACATION RENTAL

WHEREAS, Town of Delafield regulates vacation rental establishments by Section 9.14(5) of the Town of Delafield Municipal Code; and

WHEREAS, on September 23, 2017, the State of Wisconsin included certain preemptions on municipal authority concerning the regulation of vacation rental property, within the State Budget Bill; and

WHEREAS, the Town of Delafield hereby intends to amend its regulation of vacation rentals in order to comply with the new State laws.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 9 of the Town of Delafield Municipal Code entitled “Public Peace and Good Order,” Section 9.14 entitled “Minimum Property Standards,” Subsection (5) entitled, “Regulation of Vacation Rental,” is hereby repealed and re-created as follows:

9.14(5) REGULATION OF VACATION RENTAL.

- (a.) Definition: Vacation Rental Establishment. Any property that is regulated by Wisconsin Statutes ~~Chapter 254, subchapter VII Sections 66.1014(2)(d)2. and 97.01(15k), as a tourist rooming house;~~ ~~and in addition, any real property that is subject to any verbal or written contract, lease, sublease, rental agreement, easement, instrument or other device (the “Agreement”), if all of the following circumstances apply: (i) the Agreement or Agreements create a right to occupy said property during separate periods of time; (ii) such rights of occupancy have an actual duration of less than one month; (iii) the Agreement requires payment or other remuneration or barter, for the benefit of the property owner; and (iv) the separate rights to occupy the property occur two or more times per calendar year. Nothing herein shall be interpreted to include rental of property which does not qualify as a vacation rental pursuant to this definition.~~
- (b.) Purpose. The following vacation rental establishment licensing regulations are created, to ensure that applicable State laws are followed, to protect persons engaged in this practice either as landlord or tenant; to protect against adverse impacts of noise, odor, disturbance, adverse visual impacts, or other nuisances, that this practice could have upon neighboring properties; to preserve property values for the commercial benefit of the Town; and also to control the impacts of such operations on municipal services, including snow plowing, garbage collection, sanitation, law enforcement and fire protection.

(c.) Minimum Standards.

1. License Required. No vacation rental establishment may operate in the Town unless a Vacation Rental Establishment License for such operation is granted by the Town, and only in full compliance with such License.
2. Procedure. The General Provisions as to Licenses, described in Section 12.02 of this Code, apply to Vacation Rental Establishment licenses.
3. Conditions Under Which Permitted. A license shall not be granted for a vacation rental establishment unless all of the following conditions are met:
 - a. The Petitioner must provide to the Town Clerk a copy of the State Tourist Rooming House [permit-license](#) for the Subject Property, prior to the Town's license being effective; and evidence of each renewal of such State permit shall be filed by the Petitioner with the Town Clerk, such that evidence of a current State permit is always on file for the duration of the Town's vacation rental establishment license.
 - b. Transfer of a license because of transfer or sale of property is not permissible. Should such property be sold, then the license shall become void.
 - c. All vacation rental establishments shall be subject to and comply with Wisconsin Statutes Chapter [254, subchapter VII97](#) including maintaining a tourist rooming house annual [permit-license](#) as required by Wisconsin Statutes Section ~~254.69(2)~~[97.605\(1\)\(a\)](#), which sections are incorporated herein by reference.
 - d. All vacation rental establishments shall be subject to and comply with Wisconsin Administrative Code ~~HS 195~~[Section ATCP 72](#) which is hereby incorporated by reference.
 - e. Each vacation rental establishment shall be required to keep a register and require all guests to sign such register using their actual names and address before being assigned quarters. The register shall be available for inspection by the Waukesha County Sheriff's Department, and Town Code Enforcement Officer for a period of not less than one year.
 - f. A minimum of one off-street parking stall shall be provided for every guest bedroom with a minimum of three. All parking areas shall meet the size and location requirements of the Town Code and shall be hard-surfaced and maintained in a reasonably dustless condition.
 - g. Every vacation rental establishment shall be properly addressed with numbers on the street side of the structure, a minimum of 5" high and of contrasting color so as to be visible from the street.
 - h. The Town Board shall consider the potential impact to the surrounding neighborhood and proximity to any existing bed and

breakfast establishment or vacation rental establishment when reviewing a request for a vacation rental establishment license.

- i. Whenever the property changes ownership, an occupancy permit and a new license is required to ensure compliance with all State and local regulations and ordinances.
- j. Every license for a vacation rental establishment shall be placed on a February Town Board meeting agenda for consideration and possible action upon annual review, to ensure compliance with all licensing requirements. Such property may be inspected by the Waukesha County Sheriff's Department, Town Fire Department, Town Code Enforcement Officer, or other authorized personnel of the Town to investigate and determine if any violations exist.
- k. All refuse containers shall be screened from view.
- l. If the Town finds that any statement made on the license application is incorrect, at any time, the Town may immediately and summarily revoke the ~~conditional use permit~~ license.
- m. Sleeping quarters related to a vacation rental establishment use shall only be located within the principal structure on the lot. Accessory buildings cannot be used for sleeping quarters.
- n. Property that is used for a vacation rental establishment must have clearly delineated property lines, by approved fences, vegetation or other means to the satisfaction of the Town Board. Such clear delineation must be maintained for the duration of the license, to ensure that all users of the property are clearly aware of the boundaries of the property and confine their use to the applicable parcel.
- o. Unless the property is connected to a municipal sewer system, the Petitioner/Owner must provide to the Town Code Enforcement Officer, proof that is satisfactory to the Town Code Enforcement Officer that the septic system is properly sized for purposes of the proposed use. Such septic system must be properly maintained at all times for the duration of the conditional use permit.
- p. The vacation rental establishment occupancy limits shall not exceed the number of occupants ~~allows in~~ allowed by Wisconsin Administrative Code Section ~~DHS 195.14(2)(b)~~ ATCP 72.14(2)(b) per bedroom, and also shall not exceed 8 per 1,000 square feet of living area within the principal structure.
- q. The parcel cannot have more people on site than the higher of 20 people or the maximum number of people allowed under Wisconsin Administrative Code Section ~~DHS 195.14(2)(b)~~ ATCP 72.14(2)(b).

- r. The Petitioner/Owner must provide a copy of this section and a copy of the license, to all parties using the property for vacation rental purposes, prior to commencement of each such use.

(d.) Annual Limit. If a vacation rental establishment is rented for periods of more than 6, but fewer than 30 consecutive days the vacation rental establishment shall not operate outside of the 180 consecutive day period that begins on the date of the first such rental, for a 365 day period. The owner of the vacation rental establishment shall notify the Town Clerk in writing when the first 365 day period begins, and all subsequent 365 day periods shall be measured from that date. This limitation shall be interpreted in compliance with Wisconsin Statutes Section 66.1014(2)(d) 1.

(e.) Prohibition. Rental of a residential dwelling for 6 days or fewer is prohibited. For purposes of this subsection "rental" includes any real property that is subject to any verbal or written contract, lease, sublease, rental agreement, easement, instrument or other device (the "Agreement"), if all of the following circumstances apply: (i) the Agreement or Agreements create a right to occupy said property; (ii) such rights of occupancy have an actual duration of less than 7 days; and (iii) the Agreement requires payment or other remuneration or barter, for the benefit of the property owner.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law. Dated this ____ day of _____, 2023.

TOWN OF DELAFIELD

Ronald Troy, Town Chair

ATTEST:

Dan Green, Town Clerk

This ordinance posted or published _____.

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2023-06

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 17.08 7. B. OF THE TOWN OF DELAFIELD MUNICIPAL CODE CONCERNING THE PROCEDURE FOR ISSUANCE OF SIGN PERMITS

WHEREAS, Section 17.08(7)(B) of the Town of Delafield Municipal Code requires Plan Commission approval of certain sign permits; and

WHEREAS, with the hiring of a Town Administrator, some administrative functions of the Town government are better handled by the professional administration than by the Town's governing bodies, for more efficient operations and to provide a more efficient service to Town residents; and

WHEREAS, the Town Board hereby intends to delegate to the Town Code Enforcement Officer, who is under the supervision of the Town Administrator, the power to approve the issuance of sign permits; and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, as required by Wisconsin Statutes Section 62.23(7)(d), the Town Board and Town Plan Commission held a joint public hearing to consider input regarding the proposed ordinance on February 7, 2023; and

WHEREAS, following the joint public hearing, the Town Plan Commission recommended to the Town Board that the ordinance be adopted; and

WHEREAS, the Town Board finds that ordinance to allow the Town staff to issue sign permits is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendments on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the zoning amendments will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the

neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning Code" Section 17.08 entitled "Signs," subsection 7. entitled "Permits, Requirements and Procedures," subsection B. entitled "Procedure," is hereby repealed and re-created as follows.

B. Procedure.

~~1. Initial Review. All applications for sign permits shall be reviewed initially by the Code Enforcement Officer, who may issue permits for temporary signs and such other signs which pursuant to this chapter can be issued without review by the Plan Commission. The Code Enforcement Officer shall have the authority to deny such permits if the proposed signs do not comport with the requirements of this chapter, and shall otherwise issue the sign permits.~~

~~2. Plan Commission. Should the Code Enforcement Officer conclude, in his discretion, that the Plan Commission should review an application for a sign permit, or should this chapter require such review for a particular sign, the application will be forwarded to the Plan Commission for review at its next regularly scheduled meeting subject to established agenda length limits. The Plan Commission may vote to approve or deny the application based on the following factors:~~

~~a. The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of said area.~~

~~b. The proposed sign conforms to the location, size and style requirements set forth in this chapter.~~

~~c. The proposed sign conforms to the Town's long-range planning for the area as set forth in the Town's Master Plan as that term is defined in Section 62.23(3), Wis. Stats., and Comprehensive Plan per Section 66.1001, Wis. Stats., or relevant portions thereof.~~

~~d. The Plan Commission may establish guidelines, with the confirmation of the Town Board, which further define and interpret this chapter. Those guidelines, if any, shall be made available to all sign applicants.~~

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

Dated this ___ day of _____, 2023.

TOWN OF DELAFIELD

Ron Troy, Town Chair

ATTEST:

Dan Green Town Administrator-Clerk/Treasurer

This ordinance posted or published _____.

Plan Commission Report for February 7, 2023

Sign Permit Approval Ordinance Agenda Item No. 5. A.

Report

Due to change in the laws related to signs and sign content, the Town has minimal latitude when it comes to sign approvals. The Town can basically regulate size, location and lighting. Staff has determined that it would be more efficient to have staff review and approve signs. Many communities allow staff to review and approve signs with the ability to forward any applications to the Plan Commission if staff desires Plan Commission input.

The proposed ordinance shifts the approval process to the Code Enforcement Officer (Building Inspector) as part of the sign permit process.

Staff Recommendation:

I recommend approval of the ordinance as prepared by Attorney Larson.

Tim Barbeau, Town Engineer
January 23, 2023