



AGENDA
VILLAGE BOARD MEETING
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS WISCONSIN
November 19, 2015
7:00P.M.

1. Call to Order/ Roll Call
2. Verification of Compliance With Open Meeting Law
3. Pledge of Allegiance
4. PUBLIC HEARING
 - a. 2016 Budget
 - b. Discussion/Action regarding Resolution R2015-11-01, a Resolution adopting the 2016 Village of Richfield Budget
5. REPORT
 - a. Scenic Pit LLC. vs. Village of Richfield et. al., Case No. 2015CV000374
6. PUBLIC COMMENTS (Public comments are an opportunity for citizens to voice concerns to the Board regarding ITEMS ON THE AGENDA ONLY. Public comments are not a public hearing and are typically a one way conversation from a citizen to the Board. Individual comments shall not exceed 3 minutes, with a total time limit of approximately 20 minutes. Unless part of a Public Hearing, handouts will not be accepted by the Village. Comments beyond 20 minutes will be moved to the end of the meeting at the discretion of the President.)
7. CONSENT AGENDA
 - a. Vouchers for Payment
 - b. Treasurer's Report
 - c. Meeting Minutes:
 - i. October 15, 2015 – Regular Meeting
 - ii. October 26, 2015 – Special Meeting
 - d. New Operator Licenses
 - e. Move the Polling Location to Northbrook Church- Resolution R2015-11-02
 - f. Fee Schedule (Amendment) – Resolution R2015-11-03
8. DISCUSSION/ACTION ITEMS
 - a. Discussion/Action regarding Ordinance O2015-11-01, an Ordinance to rezone property (15.44ac) located at 3208 STH 167 (Tax Key: V10_027600E), from P-1, Parks and Recreation District to B-2, Community Business District for Logger's Park, LLC.
 - b. Discussion/Action regarding Ordinance O2015-11-02, an Ordinance to amend Section 70.198(D) relating to Conditional Uses in the B-2, Community Business District
 - c. Discussion/Action regarding Ordinance O2015-11-03, an Ordinance to create Chapter 172, entitled Animal Waste Storage Facilities
 - d. Discussion/Action regarding Ordinance O2015-11-04, an Ordinance related to prohibited acts in or on public lands
9. PUBLIC COMMENTS (...Continued)
10. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at www.richfieldwi.gov. Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members 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. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 or www.richfieldwi.gov with as much advance notice as possible.

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AFFIDAVIT OF POSTING

Pursuant to Sec. 985.02(2), Wis Stats., I, Bradley Calder, being duly sworn, state as follows:

1. I am an adult resident of the State of Wisconsin, and I make this affidavit on personal knowledge.
2. I hereby certify that I posted a copy of the attached:

- 1) Architectural Review Board Agenda - 2015. 11. 18
- 2) Village Board Agenda - 2015. 11. 19

on Nov 13, 2015 (date), 2:15 PM (time), at the Village posting locations, namely: on the outside bulletin board of the Village Hall located at 4128 Hubertus Road, Hubertus; on the outside bulletin board at the Hubertus Post Office located at 3695 Hubertus Road, Hubertus; on the outside bulletin board at the Richfield Post Office located at 1925 Hwy 175, Richfield; and on the outside bulletin board at the Colgate Post Office located at 3392 Hwy Q, Colgate.

Bradley Calder
Signature

11/13/2015
Date

Personally came before me this 13th day of November, 2015.

Margaret M. Rennells
Notary Public, State of Wisconsin
My commission expires 9/25/16

I also certify that notice of such meeting(s) were sent via email to the West Bend Daily News, the Germantown Express News, the Hartford Times Press, and the Milwaukee Journal Sentinel.

Signature

Date

I further certify that a copy has been posted to the Village website www.richfieldwi.gov.

Signature

Date

4 a-b



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

4a+4b

MEETING DATE: November 19, 2015

SUBJECT: 2016 Village Budget
DATE SUBMITTED: November 13, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ADOPT THE 2016 VILLAGE BUDGET AND THE ASSOCIATED TAX LEVY/MILL RATE?

ISSUE SUMMARY:

The Village’s budgeting season began on June 16, 2015 with the first meeting to discuss goals and objectives for budget improvements for the Village’s annual budgeting process. Between June and November, the Village Staff, Board, and general public have had the opportunity to inspect our annual budget document and offer comment on the same during the Community Budget Workshop on September 22, 2015. This was an opportunity for the general public to work side-by-side with the Village Board as a detailed accounting of both the revenues and expenditures were explained.

Since 2008, the Village has worked to update the annual budget by bringing it more in-line with generally accepted Government Finance Officers Association (GFOA) standards, and on July 29th, 2015, the Village received notification that we were the recipients of the 2015 ‘Distinguished Budget Presentation Award. As Village Administrator, I believe that our organization has again risen to the challenge to increase the level of transparency in our public budgeting process and produce a document that we believe is a true ‘Citizen’s Budget’. For the third year in a row, the Village’s previously adopted Village Budget has been featured by the League of Wisconsin Municipalities as the personified example of what line-item budgeting ought to look like. This is an accomplishment the Board and our taxpayers can be very proud of.

In the past year, the Village experienced considerable residential growth. This new residential growth has allowed the Village to utilize one of Governor Walker’s ‘Tools’ for municipalities, by affording the Village with the opportunity to increase the tax levy by only that amount our Village saw for new growth (1.28%), otherwise called ‘Net New Construction’. Under Wisconsin Act 32 in 2011, and all future years, a municipality is allowed to increase its levy over the amount it levied in the prior year by the percentage increase in equalized value from net new construction. At the same time, the Village will be seeing a reduction in its mill rate. The Village Board continues to be fiscally conservative, but cognizant of future anticipated expenses at the same time.

Net New Construction

2013	2014	2015
.72%	1.16%	1.28%

Village of Richfield Mill Rate History

2014	2015	2016
\$1.67	\$1.67	\$1.66

Without utilizing the Governor’s ‘Tools’ in this instance, the services the Village provides cannot be equitably distributed amongst all property owners. Many service requirements come along with the demands of a growing residential population. By utilizing Governor Walker’s ‘Net New Construction’ provision, we ensure the new growth our community has recently experienced and the services they will undoubtedly utilize are not diluted or subsidized by our existing tax base.



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

4a : 4b

MEETING DATE: November 19, 2015

SUBJECT: 2016 Village Budget
DATE SUBMITTED: November 13, 2015
SUBMITTED BY: Jim Healy, Village Administrator

Some of the biggest changes in this year's budget are related to the Capital Improvement purchases. The Village continues to save for large capital purchases over an extended period of time and as a result of that savings, this year the Village will be making several significant purchases. One being a new plow truck that the Village Board has allocated funds for and continually set aside money for this plow truck since 2013. In 2014, the decision was made to purchase a new plow truck and retain the oldest one in order to add another plow route to better service residents. This new purchase will begin the replacement process of our current fleet so we ensure that our vehicles are maintained adequately and we continue providing high levels of service to our residents. While monies are regularly set aside for specific projects, it is important that we recognize the ability of the Village Board to make the final decisions and change the designation for allocated funds as they feel would best serve the Village.

FISCAL IMPACT: _____ REVIEWED BY: _____
Village Deputy Treasurer

Initial Project Costs: N/A
Future Ongoing Costs: See Village Budget
Physical Impact (on people/space): See Village Budget
Residual or Support/Overhead/Fringe Costs: See Village Budget

- ATTACHMENTS:
1. Resolution R2015-11-01, a resolution adopting the 2016 Village of Richfield Budget
 2. 2016 Village Budget (details)
 3. November 12, 2015 West Bend Daily News story on 'new housing growth'

STAFF RECOMMENDATION:
Motion to adopt the 2016 Village Budget, as outlined in the 2016 'Notice of Public Hearing', for the Village of Richfield.

APPROVED FOR SUBMITTAL BY:

Village Staff Member

Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

RESOLUTION R2015-11-1

**A RESOLUTION ADOPTING THE 2016 ANNUAL PROGRAM BUDGET AND
ESTABLISHING THE TAX LEVY**

WHEREAS, the Village of Richfield requires an annual budget appropriating monies to finance activities of the Village for the ensuing fiscal year; and

WHEREAS, the Village Board of Trustees have duly considered and discussed a budget for 2016 as proposed by the Village Administrator and Deputy Treasurer; and

WHEREAS, the Village Board of Trustees held a public hearing on the 2016 Annual Program Budget on November 19, 2015, as required by Wisconsin law; and

WHEREAS, the 2016 budget requires a tax levy to partially finance the appropriations.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Richfield, Wisconsin, that;

Budgeted revenue estimates and expenditure appropriations for the year 2016 for the Village's General Fund; Richfield Utility; Bark Lake Utility; Richfield Utility #2 are hereby adopted as set forth in the attachment titled "Notice of Public Hearing for the Village of Richfield" and established in detail in the 2016 budget document.

BE IT FURTHER RESOLVED, that the property tax levy required to finance the 2016 Budget is \$2,506,722.00

PASSED THIS 19th DAY OF NOVEMBER 2015, BY THE VILLAGE BOARD OF THE VILLAGE OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN.

John Jeffords, Village President

Jim Healy, Administrator/Clerk

NOTICE OF PUBLIC HEARING FOR THE VILLAGE OF RICHFIELD

Notice is hereby given, pursuant to Sec. 65.90 Wis. Statutes, that on Thursday, November 19, 2015, at 7:00pm a PUBLIC HEARING on the proposed 2016 operating budget of the Village of Richfield will be held at the Village Hall, 4128 Hubertus Rd. A summary of the proposed budget is presented below. The detailed budget is available for public inspection at the Village Hall from 7:30am to 4:00pm, Monday through Friday.

GENERAL OPERATING FUND:	2014 ACTUAL	2015 BUDGET	2016 PROPOSED BUDGET	% CHANGE FROM 2015 BUDGET
REVENUES:				
PROPERTY TAXES	2,446,780	2,475,163	2,506,722	1.28%
OTHER TAXES	2,108	2,032	2,057	1.23%
INTERGOVERNMENTAL	769,024	896,422	737,534	-17.72%
LICENSES AND PERMITS	279,027	196,255	210,875	7.45%
FINES, FORFEITURES AND PENALTIES	853	405	405	0.00%
PUBLIC CHARGES FOR SERVICES	71,540	39,960	52,860	32.28%
INTEREST INCOME	10,559	13,700	13,700	0.00%
MISCELLANEOUS REVENUES	94,787	112,412	114,911	2.22%
SPECIAL ASSESSMENT INCOME-RIVERVIEW DR	7,728	8,140	8,140	0.00%
SPECIAL ASSESSMENT INCOME - SOUTHSHORE DR	1,281	1,404	1,404	0.00%
TRANSFER FROM DESIGNATED FUNDS	0	0	253,499	100.00%
TOTAL REVENUE	3,683,687	3,745,893	3,902,107	4.17%
EXPENSES:				
GENERAL GOVERNMENT	617,680	649,624	614,150	-5.46%
PUBLIC SAFETY	1,028,682	1,066,311	1,073,055	0.63%
PUBLIC WORKS	803,557	1,709,187	1,942,475	13.65%
PARKS/RECREATION	216,078	143,985	154,641	7.40%
CONSERVATION AND DEVELOPMENT	72,193	84,600	98,600	16.55%
CONTINGENCY	429,557	76,000	3,000	-96.05%
DEBT SERVICE - RIVERVIEW DRIVE	14,183	14,183	14,183	0.00%
DEBT SERVICE - SOUTH SHORE	2,003	2,003	2,003	0.00%
TOTAL EXPENDITURES	3,183,933	3,745,893	3,902,107	4.17%
TAX LEVY	2,446,780	2,475,163	2,506,722	1.28%
TAX RATE PER THOUSAND	1.6686	1.6687	1.6628	-0.35%
CAPITAL IMPROVEMENT FUND				
	2014 ACTUAL	2015 PROJECTED	2016 PROPOSED BUDGET	
REVENUES:				
CAPITAL OUTLAYS	846,401	1,006,449	928,218	
EXPENSES:				
CAPITAL OUTLAYS	782,590	843,950	1,053,259	
TRANSFER TO/FROM CIP FUND	63,811	162,499	(125,041)	
BEGINNING FUND BALANCE	1,692,016	1,755,827	1,918,326	
ENDING FUND BALANCE	1,755,827	1,918,326	1,793,285	
	2014 REVENUES	2015 YTD REVENUES	% CHANGE	
IMPACT FEE BUDGET				
PARK IMPACT FEES	14,390	30,268	110%	
FIRE IMPACT FEES	27,144	50,576	86%	
The following are the proposed levys for all funds of the Village of Richfield for 2016:				
	General Fund	Richfield Utility	Richfield Utility #2	Bark Lake Utility
TOTAL REVENUES	1,395,385	-	-	-
TOTAL EXPENDITURES	3,902,107	3,436	1,448	2,652
EXCESS	(2,506,722)	(3,436)	(1,448)	(2,652)
PROPERTY TAX CONTRIBUTIONS	2,506,722	3,436	1,448	2,652
Total Levy Amounts per Budget Year				
	2014	2015	2016	
GENERAL FUND	2,446,780	2,475,163	2,506,722	
RICHFIELD UTILITY	3,375	3,375	3,436	
BARK UTILITY	2,622	2,622	2,652	
RICHFIELD UTILITY #2	1,370	1,370	1,448	
Total	2,454,147	2,482,530	2,514,258	1.28%

The Village's Projected Outstanding General Obligation Debt at December 31, 2015 is \$0

Jim Healy
Village Administrator

**2016
BUDGET**

VILLAGE OF RICHFIELD												
2016 BUDGET												
EXPENDITURES												
		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		%
GENERAL GOVERNMENT		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	CHANGE
VILLAGE BOARD												
10 51100 100	SALARIES	29,860.00	29,860.00	29,860.00	29,860.00	29,860.00	29,860.00	29,860.00	12,442.00	29,860.00	0.00	0.00%
10 51100 130	SOCIAL SECURITY	2,284.00	2,283.98	2,284.00	2,284.00	2,284.00	2,284.00	2,284.00	952.00	2,284.00	0.00	0.00%
10 51100 106	STAFF PERFORMANCE INCENTIVES									10,700.00	10,700.00	100.00%
10 51100 320	DUES AND MEMBERSHIPS	4,541.00	4,575.06	4,510.00	4,474.00	4,386.00	4,414.00	4,386.00	4,321.00	4,368.00	-18.00	-0.41%
10 51100 321	SEMINARS AND TRAINING	64.00	63.00	200.00	17.00	250.00	0.00	250.00	0.00	250.00	0.00	0.00%
10 51100 331	ECONOMIC DEVELOPMENT	5,000.00	6,500.00	6,500.00	7,150.00	7,865.00	7,150.00	8,800.00	7,180.00	8,800.00	0.00	0.00%
		12,193.00										
	TOTAL VILLAGE BOARD	53,942.00	43,282.04	43,354.00	43,785.00	44,645.00	43,708.00	45,580.00	24,895.00	56,262.00	10,682.00	23.44%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
LEGAL COUNSEL		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 51300 210	ATTORNEY	47,402.00	67,590.00	80,969.00	75,098.00	55,000.00	74,146.00	69,000.00	56,210.00	69,000.00	0.00	0.00%
	TOTAL LEGAL	47,402.00	67,590.00	80,969.00	75,098.00	55,000.00	74,146.00	69,000.00	56,210.00	69,000.00	0.00	0.00%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
VILLAGE ADMINISTRATOR		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 51400 105	ADMINISTRATOR SALARY	81,835.00	93,450.00	95,758.00	93,061.00	94,130.00	66,476.00	80,000.00	43,077.00	80,800.00	800.00	1.00%
10 51100 106	STAFF PERFORMANCE INCENTIVE	6,161.00	0.00	0.00	3,950.00	0.00	6,750.00	10,700.00	750.00		-10,700.00	-100.00%
10 51400 130	SOCIAL SECURITY	11,081.00	6,919.20	7,091.00	7,147.00	7,201.00	4,991.00	6,260.00	3,271.00	6,181.00	-79.00	-1.26%
10 51400 131	HEALTH INSURANCE	7,291.00	12,551.00	12,586.00	12,360.00	12,360.00	7,946.00	11,108.00	7,953.00	13,279.00	2,171.00	19.54%
10 51400 132	PENSION	2,547.00	7,665.00	5,677.00	6,255.00	6,589.00	4,653.00	8,184.00	2,980.00	5,333.00	-2,851.00	-34.84%
10 51400 320	DUES AND MEMBERSHIPS	315.00	890.00	3,824.00	202.00	400.00	86.00	250.00	185.00	250.00	0.00	0.00%
10 51400 321	SEMINARS AND TRAINING	89.00	2,475.00	131.00	4,146.00	5,500.00	322.00	2,700.00	188.00	2,700.00	0.00	0.00%
	TOTAL VILLAGE ADMINISTRATOR	109,319.00	123,950.20	125,067.00	127,121.00	126,180.00	91,224.00	119,202.00	58,404.00	108,543.00	-10,659.00	-8.94%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
DEPUTY CLERK												
10 51420 100	DEPUTY CLERK	33,215.00	45,892.00	46,909.00	48,605.00	48,809.00	43,778.00	46,000.00	24,769.00	46,460.00	460.00	1.00%
10 51420 110	ADMINISTRATIVE ASST	31,967.00	24,480.00	15,825.00	16,046.00	15,756.00	15,943.00	17,000.00	9,184.00	17,809.00	809.00	4.76%
10 51420 116	INTERN	9,407.00	8,795.00	15,324.00	12,023.00	12,480.00	8,298.00	12,480.00	6,842.00	13,104.00	624.00	5.00%
10 51420 130	SOCIAL SECURITY	5,694.00	5,815.00	5,675.00	5,739.00	4,939.00	5,062.00	5,698.00	3,009.00	5,698.00	0.00	0.00%
10 51420 131	HEALTH INSURANCE	11,474.00	16,342.00	13,856.00	13,299.00	14,375.00	17,086.00	17,694.00	11,724.00	21,599.00	3,905.00	22.07%
10 51420 132	PENSION	5,982.00	5,893.00	3,335.00	3,239.00	3,417.00	3,031.00	3,220.00	1,684.00	3,066.00	-154.00	-4.78%
10 51420 205	WORK PERMITS	0.00	960.00	765.00	878.00	700.00	915.00	700.00	390.00	800.00	100.00	14.29%
10 51420 210	ORDINANCE EXPENSE	945.00	0.00	495.00	5,043.00	3,000.00	2,175.00	2,000.00	1,722.00	2,000.00	0.00	0.00%
10 51420 223	CRIMINAL INVESTIGATION	0.00	441.00	378.00	658.00	500.00	791.00	600.00	154.00	600.00	0.00	0.00%
10 51420 299	COMPUTER SUPPORT	728.00	781.00	753.00	753.00	800.00	0.00	800.00	0.00	800.00	0.00	0.00%
10 51420 311	LEGAL NOTICES AND PRINTING	3,950.00	2,262.00	2,112.00	2,264.00	2,200.00	1,874.00	2,200.00	335.00	2,200.00	0.00	0.00%
10 51420 320	DUES AND MEMBERSHIPS	4,257.00	145.00	215.00	310.00	200.00	235.00	200.00	65.00	200.00	0.00	0.00%
10 51420 321	SEMINARS AND TRAINING	68.00	553.00	101.00	1,186.00	1,400.00	684.00	1,400.00	85.00	1,400.00	0.00	0.00%
10 51420 810	CAPITAL OUTLAYS	17,544.00	0.00	6,014.00	0.00	0.00	0.00	1,000.00	0.00	0.00	-1,000.00	-100.00%
	TOTAL DEPUTY CLERK	125,231.00	112,359.00	111,757.00	110,043.00	108,576.00	99,872.00	110,992.00	59,963.00	115,736.00	4,744.00	4.27%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
ELECTION												
10 51440 115	POLL WORKERS	20,065.00	11,234.00	29,696.00	5,031.00	22,286.00	27,211.00	16,143.00	5,579.00	21,188.00	5,045.00	31.25%
10 51440 232	EQUIPMENT MAINTENANCE	2,452.00	960.00	1,548.00	1,973.00	1,600.00	1,159.00	1,600.00	0.00	1,600.00	0.00	0.00%
10 51440 310	OFFICE SUPPLIES AND EXPENSES	5,114.00	2,084.00	6,651.00	1,530.00	4,150.00	4,393.00	4,900.00	1,598.00	4,900.00	0.00	0.00%
10 51440 810	CAPITAL OUTLAY	0.00	856.00	1,901.00	0.00	0.00	9.00	0.00	50.00	0.00	0.00	0.00%
	TOTAL ELECTION	27,631.00	15,134.00	39,796.00	8,534.00	28,036.00	32,772.00	22,643.00	7,227.00	27,688.00	5,045.00	22.28%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
DEPUTY TREASURER		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 51520 100	DEPUTY TREASURER	49,679.00	50,848.00	51,309.00	51,711.00	52,808.00	42,242.00	53,335.00	21,754.00	46,000.00	-7,335.00	-13.75%
10 51520 121	ADMINISTRATIVE SERVICES COOP	1,920.00	1,751.00	1,212.00	2,768.00	29,888.00	26,686.00	40,400.00	1,015.00	1,290.00	-39,110.00	-96.81%
10 51520 130	SOCIAL SECURITY	3,864.00	3,933.00	3,903.00	3,917.00	6,326.00	5,537.00	7,171.00	1,710.00	3,618.00	-3,553.00	-49.55%
10 51520 131	HEALTH INSURANCE	9,307.00	11,425.00	10,027.00	10,841.00	13,333.00	10,294.00	13,990.00	3,101.00	5,956.00	-8,034.00	-57.43%
10 51520 132	PENSION	4,968.00	4,261.00	3,042.00	3,446.00	5,097.00	4,977.00	6,562.00	1,479.00	3,036.00	-3,526.00	-53.73%
10 51520 211	AUDIT	10,025.00	10,300.00	10,600.00	10,000.00	10,750.00	13,250.00	10,900.00	9,000.00	11,000.00	100.00	0.92%
10 51520 250	WEIGHTS AND MEASURES	-	-	-	2,400.00	2,500.00	2,411.00	2,500.00	2,400.00	2,500.00	0.00	0.00%
10 51520 299	COMPUTER SUPPORT	3,405.00	2,610.00	2,610.00	3,275.00	3,285.00	2,075.00	3,285.00	600.00	3,285.00	0.00	0.00%
10 51520 320	DUES AND MEMBERSHIPS	40.00	40.00	245.00	200.00	120.00	75.00	120.00	516.00	447.00	327.00	272.50%
10 51520 321	SEMINARS AND TRAINING	-	-	-	69.00	725.00	945.00	1,725.00	658.00	1,515.00	-210.00	-12.17%
	TOTAL	83,208.00	85,168.00	83,062.00	88,627.00	124,107.00	108,492.00	139,988.00	42,233.00	78,647.00	-61,341.00	-43.82%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
ASSESSOR		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 51530 122	BOARD OF REVIEW	225.00	270.00	270.00	570.00	275.00	327.00	275.00	0.00	275.00	0.00	0.00%
10 51530 124	CONTRACT SERVICES	34,500.00	37,200.00	30,000.00	47,500.00	47,500.00	47,500.00	47,500.00	19,792.00	47,500.00	0.00	0.00%
10 51530 130	SOCIAL SECURITY	17.00	21.00	0.00	7.00	26.00	0.00	26.00	0.00	26.00	0.00	0.00%
10 51530 225	STATE ASSESSING COSTS	1,707.00	1,588.00	1,537.00	1,482.00	1,500.00	1,367.00	1,500.00	0.00	1,500.00	0.00	0.00%
		36,449.00	39,079.00	31,807.00	49,559.00	49,301.00	49,194.00	49,301.00	19,792.00	49,301.00	0.00	0.00%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
NON-DEPARTMENTAL		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 51600 220	HEAT	3,141.00	3,510.00	2,673.00	2,684.00	3,600.00	4,054.00	5,000.00	2,448.00	5,000.00	0.00	0.00%
10 51600 221	ELECTRICITY	7,433.00	8,441.00	8,560.00	8,392.00	8,800.00	8,565.00	8,800.00	5,131.00	8,800.00	0.00	0.00%
10 51600 222	TELEPHONE/BROADBAND CONNE	4,112.00	5,145.00	4,730.00	4,552.00	5,400.00	5,743.00	5,400.00	2,598.00	5,400.00	0.00	0.00%
10 51600 230	JANITOR	4,720.00	3,751.00	2,817.00	1,912.00	3,204.00	4,539.00	3,250.00	2,136.00	6,408.00	3,158.00	97.17%
10 51600 231	BUILDING MAINTENANCE	2,201.00	1,218.00	2,817.00	1,373.00	1,500.00	11,965.00	1,500.00	684.00	1,000.00	-500.00	-33.33%
10 51600 232	EQUIPMENT MAINTENANCE	2,640.00	2,372.00	2,742.00	5,675.00	2,500.00	5,126.00	3,000.00	1,891.00	3,000.00	0.00	0.00%
10 51600 298	WEBSITE	1,168.00	1,258.00	347.00	255.00	3,500.00	1,185.00	3,500.00	4,772.00	4,500.00	1,000.00	28.57%
10 51600 299	COMPUTER SUPPORT	606.00	290.00	4,853.00	4,608.00	4,500.00	6,866.00	4,500.00	1,718.00	6,842.00	2,342.00	52.04%
10 51600 312	POSTAGE	6,749.00	7,483.00	8,185.00	12,501.00	3,200.00	7,092.00	3,200.00	2,675.00	3,200.00	0.00	0.00%
10 51600 314	NEWSLETTER	8,480.00	10,302.00	8,577.00	0.00	5,000.00	5,474.00	5,250.00	2,795.00	5,500.00	250.00	4.76%
10 51600 340	SUPPLIES AND EXPENSES	903.00	1,136.00	9,777.00	10,701.00	9,500.00	7,716.00	9,500.00	3,307.00	6,300.00	-3,200.00	-33.68%
10 51600 342	FUELS/PETROLEUM PRODUCTS	487.00	532.00	562.00	313.00	650.00	330.00	650.00	162.00	650.00	0.00	0.00%
	TOTAL NON-DEPARTMENTAL	42,640.00	45,438.00	56,640.00	52,966.00	51,354.00	68,655.00	53,550.00	30,317.00	56,600.00	3,050.00	5.70%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
TAXES												
10 51910 741	TAXES	696.00	888.00	676.00	190.00	600.00	800.00	600.00	0.00	600.00	0.00	0.00%
	TOTAL TAXES	696.00	888.00	676.00	190.00	600.00	800.00	600.00	0.00	600.00	0.00	0.00%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
INSURANCE		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET		
10 51930 510	WORKER'S COMPENSATION	13,281.00	16,119.00	23,722.00	16,977.00	15,000.00	21,257.00	17,224.00	18,861.00	24,425.00	7,201.00	41.81%
10 51930 511	PROPERTY INSURANCE	3,765.00	3,747.00	4,639.00	3,483.00	5,586.00	0.00	730.00	10,006.00	4,706.00	3,976.00	544.66%
10 51930 512	PUBLIC OFFICIAL LIABILITY	1,029.00	829.00	829.00	829.00	925.00	931.00	808.00	931.00	931.00	123.00	15.22%
10 51930 513	LIABILITY INSURANCE	18,313.00	20,054.00	23,099.00	25,755.00	27,815.00	26,579.00	20,441.00	21,517.00	9,660.00	-10,781.00	-52.74%
10 51930 515	VEHICLE INSURANCE	7,765.00	8,542.00	7,862.00	8,791.00	9,467.00	0.00	0.00	918.00	12,001.00	12,001.00	0.00%
10 51930 516	EMPLOYEE BONDS	0.00	100.00	100.00	100.00	112.00	50.00	0.00	0.00	50.00	50.00	0.00%
	TOTAL INSURANCE	44,153.00	49,391.00	60,251.00	55,935.00	58,905.00	48,817.00	39,203.00	52,233.00	51,773.00	12,570.00	32.06%
	TOTAL GENERAL GOVERNMENT	570,671.00	582,279.24	633,379.00	611,858.00	646,704.00	617,680.00	650,059.00	351,274.00	614,150.00	-35,909.00	-5.52%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
POLICE		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 52100 100	WASHINGTON COUNTY CONTRAC	281,972.00	300,710.00	306,352.00	302,219.00	308,000.00	311,103.00	325,000.00	122,682.00	331,500.00	6,500.00	2.00%
10 52100 342	FUEL/PETROLEUM PRODUCTS	3,662.00	9,398.00	10,166.00	9,124.00	10,000.00	8,705.00	10,000.00	3,071.00	10,000.00	0.00	0.00%
	TOTAL POLICE SERVICES	285,634.00	310,108.00	316,518.00	311,343.00	318,000.00	319,808.00	335,000.00	125,753.00	341,500.00	6,500.00	1.94%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
FIRE PROTECTION		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 52200 201	RICHFIELD FIRE COMPANY	430,618.00	435,315.00	439,558.00	444,958.00	452,750.00	456,908.00	463,624.00	231,812.00	472,391.00	8,767.00	1.89%
10 52200 202	RICHFIELD INSURANCE DUES	44,256.00	45,797.00	47,941.00	46,724.00	48,000.00	55,634.00	56,000.00	0.00	48,485.00	-7,515.00	-13.42%
10 52200 206	FIRE INSPECTION FEES	50.00	0.00	324.00	150.00	500.00	350.00	0.00	100.00	0.00	0.00	0.00%
10 52200 342	FUELS/PETROLEUM	12,267.00	13,617.00	14,911.00	14,254.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
TOTAL FIRE PROTECTION		487,191.00	494,729.00	502,734.00	506,086.00	501,250.00	512,892.00	519,624.00	231,912.00	520,876.00	1,252.00	0.24%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
INSPECTION		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 52410 100	BUILDING INSPECTOR	73,445.00	75,107.00	75,058.00	91,253.00	126,616.00	120,925.00	128,882.00	68,860.00	130,161.00	1,279.00	0.99%
10 52400 130	SOCIAL SECURITY	5,473.00	5,575.00	5,566.00	6,836.00	9,686.00	8,983.00	9,783.00	4,963.00	9,957.00	174.00	1.78%
10 52400 131	HEALTH INSURANCE	15,187.00	17,725.00	16,935.00	23,568.00	33,328.00	37,115.00	41,803.00	24,562.00	41,537.00	-266.00	-0.64%
10 52400 132	PENSION	7,345.00	6,294.00	4,450.00	6,119.00	8,863.00	8,587.00	8,952.00	4,682.00	8,525.00	-427.00	-4.77%
10 52400 222	CELL PHONE	666.00	533.00	380.00	460.00	1,800.00	1,751.00	1,800.00	1,077.00	1,800.00	0.00	0.00%
10 52400 232	EQUIPMENT MAINTENANCE	0.00	0.00	300.00	0.00	600.00	0.00	600.00	0.00	600.00	0.00	0.00%
10 52400 299	COMPUTER SUPPORT	437.00	995.00	995.00	0.00	500.00	0.00	500.00	0.00	500.00	0.00	0.00%
10 52400 320	DUES AND MEMBERSHIPS	507.00	407.00	348.00	342.00	1,100.00	975.00	1,100.00	342.00	1,100.00	0.00	0.00%
10 52400 321	SEMINARS AND TRAINING	746.00	637.30	697.00	415.00	1,600.00	980.00	1,600.00	361.00	1,600.00	0.00	0.00%
10 52400 341	HOUSE NUMBERS	416.00	217.00	199.00	306.00	200.00	278.00	200.00	0.00	200.00	0.00	0.00%
10 52400 342	FUELS/PETROLEUM PRODUCTS	1,726.00	2,627.00	2,662.00	2,212.00	5,000.00	2,997.00	5,000.00	946.00	3,764.00	-1,236.00	-24.72%
10 52400 345	STATE SEALS	763.00	0.00	917.00	917.00	600.00	1,222.00	600.00	756.00	600.00	0.00	0.00%
10 52400 810	CAPITAL OUTLAYS	0.00	0.00	0.00	3,220.00	8,640.00	8,766.00	8,640.00	5,026.00	8,617.00	-23.00	-0.27%
	TOTAL INSPECTION	106,711.00	110,117.30	108,507.00	135,648.00	198,533.00	192,579.00	209,460.00	111,575.00	208,961.00	-499.00	-0.24%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
PEST CONTROL		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 54100 219	ANIMAL CONTROL CONTRACT	5,000.00	5,000.00	5,000.00	2,718.00	3,403.00	3,403.00	2,727.00	1,364.00	1,718.00	-1,009.00	-37.00%
	TOTAL PEST CONTROL	5,000.00	5,000.00	5,000.00	2,718.00	3,403.00	3,403.00	2,727.00	1,364.00	1,718.00	-1,009.00	-37.00%
	TOTAL PUBLIC SAFETY	884,536.00	919,954.30	932,759.00	955,795.00	1,021,186.00	1,028,682.00	1,066,811.00	470,604.00	1,073,055.00	6,244.00	0.59%

**2016
BUDGET**

HWY DEPT		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 53311 100	SALARIES	188,653.00	186,398.00	179,540.00	201,690.00	157,797.00	181,733.00	197,199.00	107,378.00	219,458.00	22,259.00	11.29%
10 53311 116	WAGES PART-TIME	15,252.00	15,756.00	15,750.00	18,399.00	66,592.00	18,810.00	16,750.00	6,521.00	22,342.00	5,592.00	33.39%
10 53311 120	OVERTIME	7,436.00	8,645.00	10,311.00	5,099.00	5,668.00	7,006.00	6,000.00	4,752.00	9,455.00	3,455.00	57.58%
10 53311 130	SOCIAL SECURITY	15,279.00	15,438.00	15,072.00	16,651.00	17,600.00	15,379.00	16,826.00	8,727.00	19,221.00	2,395.00	14.23%
10 53311 131	HEALTH INSURANCE	56,727.00	57,234.00	52,562.00	51,931.00	47,664.00	53,838.00	64,038.00	30,991.00	74,018.00	9,980.00	15.58%
10 53311 132	PENSION	19,227.00	18,518.00	11,671.00	14,170.00	14,704.00	13,338.00	13,804.00	7,601.00	15,108.00	1,304.00	9.45%
10 53311 133	EMPLOYEE TESTING	436.00	964.00	992.00	837.00	1,250.00	487.00	1,250.00	146.00	650.00	-600.00	-48.00%
10 53311 141	CONTRACTED SERVICES	22,813.00	37,872.00	38,776.00	22,769.00	33,000.00	20,807.00	33,000.00	1,071.00	26,000.00	-7,000.00	-21.21%
10 53311 220	HEAT	7,220.00	7,408.00	5,307.00	7,944.00	11,550.00	14,409.00	15,550.00	10,263.00	7,550.00	-8,000.00	-51.45%
10 53311 221	ELECTRICITY	4,909.00	5,321.00	5,845.00	5,806.00	6,500.00	6,817.00	10,000.00	0.00	8,000.00	-2,000.00	-20.00%
10 53311 222	TELEPHONE	2,351.00	2,880.00	2,631.00	2,069.00	900.00	1,388.00	900.00	833.00	900.00	0.00	0.00%
10 53311 231	BLDG MAINT/JANITOR	4,796.00	6,428.00	6,597.00	5,289.00	3,204.00	6,285.00	3,250.00	1,353.00	3,250.00	0.00	0.00%
10 53311 321	SEMINARS AND TRAINING	831.00	2,829.00	155.00	249.00	575.00	264.00	575.00	856.00	2,075.00	1,500.00	260.87%
10 53311 322	SAFETY TRAINING	2,234.00	3,151.00	614.00	247.00	3,450.00	1,682.00	3,450.00	233.00	3,450.00	0.00	0.00%
10 53311 325	ENGINEERING SERVICES	0.00	37,995.00	65,704.00	44,186.00	40,000.00	42,547.00	30,000.00	0.00	20,000.00	-10,000.00	-33.33%
10 53311 340	SUPPLIES/EXPENSES	53,071.00	52,464.00	83,717.00	48,830.00	46,575.00	73,111.00	46,500.00	26,804.00	41,876.00	-4,624.00	-9.94%
10 53311 342	FUELS/PETROLEUM PRODUCTS	30,325.00	37,128.00	36,190.00	52,746.00	61,130.00	51,369.00	61,130.00	19,651.00	53,130.00	-8,000.00	-13.09%
10 53311 370	MAJOR REPAIR AND CONSTRUCT	762,684.00	849,313.00	716,534.00	792,112.00	650,704.00	49,175.00	800,000.00	19,444.00	823,760.00	23,760.00	2.97%
10 53311 371	ROAD SIGNS AND MARKINGS	6,803.00	6,688.00	3,228.00	5,215.00	5,500.00	5,053.00	5,500.00	420.00	5,500.00	0.00	0.00%
10 53311 372	ICE CONTROL	121,466.00	137,784.00	198,913.00	204,551.00	156,500.00	191,802.00	180,000.00	162,493.00	174,000.00	-6,000.00	-3.33%
10 53311 820	CAPITAL OUTLAYS	231,073.00	8,023.00	257,381.00	14,435.00	162,598.00	5,802.00	157,598.00	32,762.00	361,957.00	204,359.00	129.67%
	TOTAL GARAGE & SHEDS	1,553,586.00	1,498,237.00	1,707,490.00	1,515,225.00	1,493,461.00	761,102.00	1,663,320.00	442,299.00	1,891,700.00	228,380.00	13.73%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016	DIFFERENCE	
STREET LIGHTING		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET		
10 53420 221	STREET LIGHTS	14,973.00	18,842.00	18,909.00	19,118.00	26,400.00	20,666.00	26,400.00	8,026.00	33,400.00	7,000.00	26.52%
	TOTAL STREET LIGHTS	14,973.00	18,842.00	18,909.00	19,118.00	26,400.00	20,666.00	26,400.00	8,026.00	33,400.00	7,000.00	26.52%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
TRANSFER STATION		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 53630 100	SALARIES	5,403.00	5,031.00	5,374.00	5,726.00	5,040.00	6,030.00	5,874.00	3,047.00	5,874.00	0.00	0.00%
10 53630 130	SOCIAL SECURITY	407.00	445.00	412.00	438.00	386.00	461.00	386.00	233.00	449.00	63.00	16.32%
10 53630 291	WASTE DISPOSAL	3,077.00	4,265.00	4,875.00	6,055.00	3,522.00	7,018.00	3,522.00	2,633.00	3,552.00	30.00	0.85%
10 53630 340	SUPPLIES AND EXPENSE	444.00	0.00	13.00	52.00	250.00	0.00	0.00	23.00	0.00	0.00	0.00%
10 53630 342	FUELS	307.00	64.00	539.00	344.00	550.00	354.00	0.00	111.00	0.00	0.00	0.00%
10 53630 375	RECYCLING EXPENSES	9,206.00	7,462.00	6,190.00	5,489.00	7,500.00	7,926.00	7,500.00	419.00	7,500.00	0.00	0.00%
	TOTAL TRANSFER STATION	18,844.00	17,267.00	17,403.00	18,104.00	17,248.00	21,789.00	17,282.00	6,466.00	17,375.00	93.00	0.54%
	TOTAL PUBLIC WORKS	1,587,403.00	1,534,346.00	1,743,802.00	1,552,447.00	1,537,109.00	803,557.00	1,707,002.00	456,791.00	1,942,475.00	405,366.00	23.75%

**2016
BUDGET**

PARK		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 55200 110	SALARIES	0.00		0	0.00	44,028.00	42,098.00	44,684.00	24,283.00	45,125.00	441.00	0.99%
10 55200 111	PARK COMMISSION	2,475.00	1,380.00	1,260.00	1,020.00	840.00	960.00	1,260.00	420.00	1,260.00	0.00	0.00%
10 55200 116	WAGES PART-TIME	29,345.00	25,503.00	33,125.00	56,927.00	28,041.00	26,715.00	28,376.00	13,494.00	28,679.00	303.00	1.07%
10 55200 130	SOCIAL SECURITY	2,397.00	2,057.00	2,630.00	4,433.00	5,578.00	5,285.00	5,685.00	2,872.00	5,747.00	62.00	1.09%
10 55200 131	HEALTH INSURANCE	0.00	0.00	0.00	0.00	6,568.00	4,199.00	8,458.00	4,824.00	9,432.00	974.00	11.52%
10 55200 132	PENSION	0.00	0.00	936.00	3,331.00	4,736.00	4,463.00	4,672.00	2,558.00	4,562.00	-110.00	-2.35%
10 55200 221	ELECTRICITY	2,222.00	2,120.00	2,009.00	2,178.00	2,200.00	2,665.00	2,200.00	920.00	2,200.00	0.00	0.00%
10 55200 232	EQUIPMENT MAINTENANCE	8,501.00	1,046.00	1,044.00	695.00	1,150.00	1,533.00	3,000.00	724.00	3,000.00	0.00	0.00%
10 55200 233	GROUNDS MAINTENANCE	4,013.00	7,132.00	4,236.00	6,873.00	4,100.00	8,275.00	5,000.00	1,446.00	3,000.00	-2,000.00	-40.00%
10 55200 235	PARK BEAUTIFICATION	0.00	3,115.00	0.00	280.00	4,500.00	0.00	1,000.00	0.00	0.00	-1,000.00	-100.00%
10 55200 310	OFFICE SUPPLIES	78.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
10 55200 340	SUPPLIES AND EXPENSES	839.00	1,047.00	1,171.00	706.00	1,000.00	1,147.00	1,000.00	624.00	1,000.00	0.00	0.00%
10 55200 342	FUELS	4,519.00	4,299.00	4,055.00	4,108.00	4,500.00	6,198.00	4,500.00	694.00	2,500.00	-2,000.00	-44.44%
10 55200 343	FERTILIZER AND WEED CONTROL	310.00	942.00	3,215.00	5,633.00	4,500.00	3,121.00	4,500.00	303.00	3,500.00	-1,000.00	-22.22%
10 55200 344	METROS AND LIQUID WASTE DISP	4,348.00	5,205.00	5,961.00	5,665.00	8,000.00	6,718.00	6,000.00	2,670.00	4,086.00	-1,914.00	-31.90%
10 55200 810	CAPITAL OUTLAYS	18,296.00	21,487.00	2,560.00	0.00	3,500.00	1,426.00	3,500.00	0.00	20,000.00	16,500.00	471.43%
10 55200 820	BARK LAKE BOAT LAUNCH	0.00	0.00	32,851.00	42,266.00	0.00	82,313.00	0.00	78.00	0.00	0.00	0.00%
	TOTAL PARKS	77,343.00	75,333.00	95,053.00	134,115.00	123,241.00	197,116.00	123,835.00	55,910.00	134,091.00	10,256.00	8.28%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
HISTORICAL SOCIETY		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 55200 346	MILL PARK ELECTRICITY	303.00	474.00	457.00	553.00	650.00	462.00	650.00	0.00	650.00	0.00	0.00%
10 55300 810	MILL FOUNDATION CONSULTING	4,344.00	22,800.00	700.00	5,100.00	1,000.00	0.00	1,000.00	0.00	1,000.00	0.00	0.00%
10 55300 840	MILL FOUNDATION CONTINGENCY	0.00	0.00	10,000.00	12,500.00	12,500.00	12,500.00	12,500.00	0.00	12,500.00	0.00	0.00%
TOTAL HISTORICAL SOCIETY		4,647.00	23,274.00	11,157.00	18,153.00	14,150.00	12,962.00	14,150.00	0.00	14,150.00	0.00	0.00%
RECREATION		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 55300 700	RICHFIELD DAYS FIREWORKS	8,713.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	-	6,400.00	400.00	6.67%
TOTAL RECREATION		8,713.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	0.00	6,400.00	400.00	6.67%
TOTAL LEISURE ACTIVITIES		90,703.00	104,607.00	112,210.00	158,268.00	143,391.00	216,078.00	143,985.00	55,910.00	154,641.00	10,656.00	7.40%
PLANNING		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
PLANNING AND ZONING												
10 56300 214	ASSISTANT TO THE ADMINISTRAT	1,481.00	40,592.00	42,229.00	43,907.00	44,550.00	1,697.00	0.00	0.00	0.00	0.00	0.00%
10 56300 216	CONSULTING SERVICES	63,987.00	13,553.00	11,699.00	19,461.00	32,000.00	29,830.00	45,000.00	6,837.00	20,000.00	-25,000.00	-55.56%
10 56300 114	ARCHITECTURAL REVIEW BOARD	840.00	870.00	300.00	960.00	1,350.00	1,380.00	1,350.00	150.00	1,350.00	0.00	0.00%
10 56300 117	PLAN COMMISSION	3,030.00	2,663.00	2,190.00	2,430.00	2,250.00	2,310.00	2,250.00	300.00	2,250.00	0.00	0.00%
10 56300 118	ZONING APPEALS BOARD	1,110.00	900.00	0.00	210.00	1,000.00	0.00	1,000.00	180.00	1,000.00	0.00	0.00%
10 56300 130	SOCIAL SECURITY	1,422.00	3,348.00	3,351.00	3,540.00	3,760.00	408.00	0.00	48.00	0.00	0.00	0.00%
10 56300 131	HEALTH INSURANCE	0.00	8,277.00	7,567.00	9,049.00	7,700.00	3,134.00	0.00	0.00	0.00	0.00	0.00%
10 56300 132	PENSION	1,363.00	3,395.00	2,504.00	2,926.00	3,119.00	119.00	0.00	0.00	0.00	0.00	0.00%
10 56300 320	DUES AND MEMBERSHIPS	30.00	69.00	521.00	291.00	310.00	0.00	0.00	0.00	0.00	0.00	0.00%
10 56300 321	SEMINARS AND TRAINING	15.00	147.00	355.00	836.00	525.00	20.00	0.00	0.00	0.00	0.00	0.00%
10 56300 348	PROFESSIONAL SERVICES	9,741.00	375.00	10,166.00	11,435.00	20,000.00	15,061.00	20,000.00	5,772.00	14,000.00	-6,000.00	-30.00%
10 56300 810	CAPITAL OUTLAYS	0.00	19,419.00	20,328.00	150.00	3,000.00	0.00	0.00	0.00	0.00	0.00	0.00%
10 56300 330	MILEAGE	0.00	0.00	0.00	128.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
TOTAL PLANNING AND ZONING		83,019.00	93,608.00	101,210.00	95,323.00	119,564.00	53,959.00	69,600.00	13,287.00	38,600.00	-31,000.00	-44.54%
TOTAL PLANNING												0.00%
ENGINEERING		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10 56400 324	DEVELOPMENT REVIEW AND INSPECTION SERVICES	39,872.00	9,368.00	7,835.00	3,323.00	5,000.00	7,536.00	10,000.00	0.00	10,000.00	0.00	0.00%
10 56400 325	ENGINEERING SERVICES	24,068.00	13,184.00	13,353.00	16,046.00	5,000.00	10,698.00	5,000.00	16,107.00	5,000.00	0.00	0.00%
10 56400 840	MATCHING GRANTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45,000.00	45,000.00	100.00%
TOTAL ENGINEERING SERVICES		63,940.00	22,552.00	21,188.00	19,369.00	10,000.00	18,234.00	15,000.00	16,107.00	60,000.00	45,000.00	300.00%
TOTAL CONSERVATION AND DEVELOPMENT		146,959.00	116,160.00	122,398.00	114,692.00	129,564.00	72,193.00	84,600.00	29,394.00	98,600.00	14,000.00	16.55%

**2016
BUDGET**

		2010	2011	2012	2013	2014	2014	2015	6/30/2015	2016		
	CAPITAL IMPROVEMENT PLAN	ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	YTD	BUDGET	DIFFERENCE	
10-57620-860	CAPITAL IMPROVEMENT PLAN	10,898.00	25,275.30	61,293.00	755,254.00	65,000.00	29,557.00	76,000.00	22,097.00	3,000.00	-73,000.00	-96.05%
10-57620-870	CAPITAL IMPROVEMENT PLAN						400,000.00					
	TOTAL CONTINGENCY ACCOUNT	10,898.00	25,275.30	61,293.00	755,254.00	65,000.00	429,557.00	76,000.00	22,097.00	3,000.00	-73,000.00	-96.05%

**2016
BUDGET**

DEBT SERVICE	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ACTUAL	2014 BUDGET	2014 ACTUAL	2015 BUDGET	6/30/2015 YTD	2016 BUDGET	DIFFERENCE	
10 58100 610											
PRINCIPAL											
RIVERVIEW	14,954.00	9,225.00	10,027.00	10,027.00	10,578.00		10,578.00	12,320.00	10,578.00	0.00	0.00%
SOUTH SHORE	0.00	1,007.00	1,057.00	1,057.00	1,108.00		1,108.00	0.00	1,108.00	0.00	0.00%
	0.00	0.00	11,084.00	11,084.00	11,686.00	11,686.00	0.00	11,686.00	0.00		0.00%
10 58290 620											
INTEREST											
RIVERVIEW	7,708.00	4,958.65	4,156.00	4,156.00	3,605.00		3,605.00	3,865.00	3,605.00	0.00	0.00%
SOUTH SHORE	0.00	995.00	945.00	946.00	895.00		895.00	0.00	895.00	0.00	0.00%
	0.00	0.00	5,101.00	5,102.00	4,500.00	4,500.00		4,500.00			
TOTAL DEBT SERVICE	22,662.00	16,185.65	16,185.00	16,186.00	16,186.00	16,186.00	16,186.00	32,371.00	16,186.00	0.00	0.00%
TOTAL EXPENDITURES	3,313,832.00	3,298,807.49	3,622,026.00	4,164,500.00	3,559,140.00	3,183,933.00	3,744,643.00	1,418,441.00	3,902,107.00	157,464.00	4.21%

Home construction up in Richfield

FROM THE FRONT

By **JOE VANDELAARSCHOT**

Daily News

Home sales are on the rise since the end of the recent national recession, but home construction has also been on the rise over the past two years, especially in Richfield.

A local builder and a village official say the area is recovering from the recession.

“It’s been an exceptionally good year as far as building new homes,” Richfield Administrator Jim Healy said. “The number of building permits have been up substantially over the past two years.”

According to the Greater Milwaukee Home Association, home sales increased about 6.5 percent in September. Richfield has seen an upswing in building homes after the

Home construction up in Richfield

FROM THE FRONT

Homes:

Construction taking place in Richfield subdivision

A8



Workers tend to the roof of a home near supplies for the foundation to another home as construction continues in the Timber Stone subdivision Tuesday afternoon in Richfield. **John Ehlke/Daily News**

recession ended.

“This year the village has had 42 new home starts and with this mild November, it’s probably realistic that we may get an additional house or two before the year closes out,” Healy said. “In 2013 when we

had 44 new homes, I believe we were in the top 10 for the 'greater Milwaukee area' and in the top 25 in Wisconsin for new construction home starts."

Tim Stortz, owner of Stortz Custom Homes in Richfield, said the number of homes being built dipped in 2010 and 2011, but improved after that.

"We could see the recovering starting last year and we got a lot busier," said Stortz. "In talking with other contractors I know that all over Washington County builders have been much busier this year."

Stortz's employees are building four homes in the Timber Stone subdivision in Richfield. He said when the subdivision opened it had 100 lots for homes. He said over the last couple of years sales of those lots picked up considerably.

"There's been a good increase in building activity," Stortz said. "New starts are taking off. Other contractors are staying busy, too. It's great to see building is making a good comeback from just a few years ago."

Healy said the village has also seen an increase in the number of other types of permits issued over the previous four years. Many of the permits are for home construction, but many are for industrial or commercial construction or remodeling.

Healy said communities are "competing for more rooftops."

"A think there are a lot of factors involved, but I think one important one is the great schools we have in the village," Healy said. "That's a factor that's very important to families when they are considering where to build a new home."

Reach reporter Joe VanDeLaarschot at jvan@conley.net.



Lumber is brought to the site of a home construction in the Timber Stone subdivision Tuesday afternoon in Richfield. **John Ehlke/Daily News**

5 a

November 6, 2015

VIA MESSENGER

Clerk of Circuit Court
Circuit Court, Washington County
432 E. Washington Street
P. O. Box 1986
West Bend, WI 53095

RECEIVED

NOV 9 2015

**ARENZ, MOLTER, MACY,
RIFLE & LARSON, S.C.**

Re: Scenic Pit LLC v Village of Richfield
Washington County Circuit Court Case No. 15-CV-374

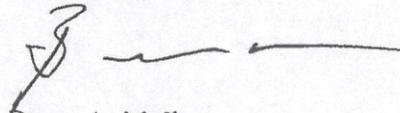
Dear Clerk:

Enclosed for filing are an original and one copy of the plaintiff's Notice of Appeal in the above-referenced matter. Please file stamp and return the copy to the waiting messenger. In addition, checks in the amount of \$195 payable to the Court of Appeals and for \$15 payable to your Court are enclosed for the filing fees.

By copy of this letter, the enclosed is being served today upon counsel for the defendant.

Thank you for your assistance in this matter.

Very truly yours,



Bruce A. McNay

cc: H. Stanley Riffle (w/encl)
Joseph M. Wirth (w/encl)
Scenic Pit LLC (w/encl)
Clerk Wisconsin Court of Appeals (w/encl)

STATE OF WISCONSIN

CIRCUIT COURT

WASHINGTON COUNTY

SCENIC PIT LLC,

Plaintiff,

v.

VILLAGE OF RICHFIELD, and JIM HEALY,

Defendants.

Case No. 15-CV-374

PLAINTIFF'S NOTICE OF APPEAL

Notice is hereby given that plaintiff, Scenic Pit LLC, appeals to the Court of Appeals, District 2, from the whole of the final judgment or order, entered on October 2, 2015, in the Circuit Court for Washington County, the Honorable Andrew T. Gonring presiding, in favor of Defendants and against Scenic Pit LLC, wherein the court granted summary judgment in favor of the defendants and dismissed the plaintiff's complaint with prejudice.

This is not an appeal within Wisconsin Statutes §752.31(2).

This if not and appeal to be given preference in the circuit court or court of appeals pursuant to statute.

Dated: November 6, 2015

McInay Button Law LLC
Counsel for Plaintiff

By: 
Bruce A. McInay
State Bar No.: 1006609

Address:
1971 Washington Street, Suite 201
Grafton, WI 53024
(262) 421-8060
(262) 421-8059 --fax
bruce@mcbusinesslaw.com

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NOV 9 2015

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

Case Caption (Case Name) Scenic Pit LLC, Plaintiff v. Village of Richfield and Jim Healy, Defendants	<h2 style="margin: 0;">DOCKETING STATEMENT</h2> Circuit Court Case No. <u>15-CV-374</u> Case Number Issued by Court of Appeals
---	---

Appellant(s) (Cross-Appellant) Scenic Pit LLC	Attorney's Name and Address Bruce A. McInay McInay Button Law LLC 1971 Washington Street, Suite 201 Grafton, WI 53024 Attorney's Telephone Number (262) 421-8060	(Space for file stamp.)
Respondent(s) (Cross-Respondent) Village of Richfield, Wisconsin Jim Healy	Attorney's Name and Address Joseph M. Wirth Piper, Schmidt & Wirth 732 North Jackson, Fourth Floor Milwaukee, WI 53202-4620 Attorney's Telephone Number (414) 225-4060	

CRITERIA FOR EXPEDITED APPEALS

- This Docketing Statement is used solely to determine whether an appeal should be placed on the expedited appeal calendar. The respondent is not required to respond to the Docketing Statement. Generally, an appeal is appropriate for the expedited appeal calendar if:
 1. no more than 3 issues are raised;
 2. the parties' briefs will not exceed 15 pages in length; and
 3. the briefs can be filed in a shorter time than normally allowed.
 These requirements can be modified somewhat in appropriate cases.
- Parties should assume that the appeal will proceed under regular appellate procedure unless the court notifies them that the appeal is being considered for placement on the expedited appeals calendar.

JURISDICTION

Has judgment or order appealed from been "entered" (filed with the clerk of circuit court)?
 Yes No If yes, date of entry October 2, 2015.

Is appeal timely? (See §808.04, Wisconsin Statutes)
 Yes No

Is judgment or order final (does it dispose of the entire matter in litigation as to one or more of the parties)?
 Yes No (If "no", explain jurisdiction basis for appeal on separate sheet.)

NATURE OF ACTION – Briefly describe the nature of action and the result in circuit court:

Action for declaratory judgment regarding application of the holding in *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642, 547 N.W.2d 770 (1996), to the plaintiff's planned operation of a clean-fill landfill in the Village of Richfield, Wisconsin, especially as it relates to the regulation of such facilities being an issue of state-wide concern.

ISSUES – Specify the issues to be raised on appeal: (Attach separate sheet if necessary.)

(Failure to include any matter in the docketing statement does not constitute waiver of that issue on appeal. The court may impose sanctions if it appears available information was withheld. Court of Appeals Internal Operating Procedures, sec. VII(2)(b).)

Did the Circuit Court err as a matter of law in ruling on summary judgment that plaintiff's planned clean-fill land fill was subject to local approvals from the Village of Richfield, in light of the holding in *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642, 547 N.W.2d 770 (1996), that such approvals are not necessary for such facilities under the statutory and regulatory scheme contained in §§289.33 and 289.43(8), and NR 500.08.

STATE OF WISCONSIN

CIRCUIT COURT

RECEIVED
09-09-2015
WASHINGTON COUNTY
Washington County
Clerk of Circuit Court

SCENIC PIT LLC,

Plaintiff,

v.

Case No.: 15-CV-000374

Case Code: 30701

VILLAGE OF RICHFIELD and
JIM HEALY

Defendants.

**FINAL ORDER FOR SUMMARY JUDGMENT DISMISSAL
OF ALL CLAIMS AND CAUSES OF ACTION**

The parties having come before the Court on September 1, 2015, for hearing upon the Plaintiff's motion for partial summary judgment, with Attorney Bruce A. McIlroy appearing on behalf of the Plaintiff along with the Plaintiff's representative, Dana Zoulek, appearing in person; and Attorney Joseph M. Wirth appearing on behalf of the Defendants along with Village Attorney H. Stanley Riffle and Jim Healy appearing in person;

The court has reviewed the briefs, the supporting materials, and the papers and pleadings on file herein, and has considered the argument of counsel; and upon the findings and for the reasons stated by the court on the record, which such record is specifically incorporated herein;

IT IS HEREBY ORDERED THAT, the Plaintiff's motion for partial summary judgment is *denied*.

RECEIVED

NOV 9 2015

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

IT IS FURTHER ORDERED THAT, the Defendants' request, pursuant to Wis. Stat. §802.08, for an order granting summary judgment dismissing, upon the merits, all of the plaintiff's claims and causes of action is *granted*.

IT IS FURTHER ORDERED THAT, the motion to intervene and become party to this action filed on behalf of Richfield Residents Against Dump, LLC, which such matter is presently pending, is hereby *denied as moot*.

NOW, THEREFORE, IT IS ORDERED THAT, all claims and causes of action against the Village of Richfield and Jim Healy are dismissed upon the merits, with prejudice; as prevailing parties, the defendants may also apply to the court for a determination of an award of costs and disbursements.

This a final order, as that term is used within the Wisconsin Statutes, for all purposes.

Dated this 29 day of September, 2015.

BY THE COURT:



HONORABLE ANDREW T. GONRING
Circuit Court Judge



MCILNAY BUTTON LAW FIC
1971 WASHINGTON STREET
GRAFTON, WI 53024
P: 262-421-8060
F: 262-421-8059
WWW.MCBUSINESSLAW.COM

November 6, 2015

VIA MESSENGER

Clerk of Circuit Court
Circuit Court, Washington County
432 E. Washington Street
P. O. Box 1986
West Bend, WI 53095

RECEIVED

NOV 9 2015

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

Re: *Scenic Pit LLC v Village of Richfield*
Washington County Circuit Court Case No. 15-CV-374

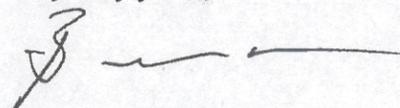
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Enclosed for filing are an original and one copy of the plaintiff's Notice of Appeal in the above-referenced matter. Please file stamp and return the copy to the waiting messenger. In addition, checks in the amount of \$195 payable to the Court of Appeals and for \$15 payable to your Court are enclosed for the filing fees.

By copy of this letter, the enclosed is being served today upon counsel for the defendant.

Thank you for your assistance in this matter.

Very truly yours,



Bruce A. McIlroy

cc: H. Stanley Riffle (w/encl)
Joseph M. Wirth (w/encl)
Scenic Pit LLC (w/encl)
Clerk Wisconsin Court of Appeals (w/encl)

STATE OF WISCONSIN

CIRCUIT COURT

WASHINGTON COUNTY

SCENIC PIT LLC,

Plaintiff,

v.

Case No. 15-CV-374

VILLAGE OF RICHFIELD, and JIM HEALY,

Defendants.

PLAINTIFF'S NOTICE OF APPEAL

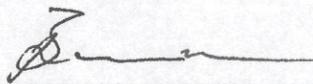
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This is not an appeal within Wisconsin Statutes §752.31(2).

This if not and appeal to be given preference in the circuit court or court of appeals pursuant to statute.

Dated: November 6, 2015

McInay Button Law LLC
Counsel for Plaintiff

By: 

Bruce A. McInay
State Bar No.: 1006609

Address:
1971 Washington Street, Suite 201
Grafton, WI 53024
(262) 421-8060
(262) 421-8059 --fax
bruce@mcbusinesslaw.com

RECEIVED

NOV 9 2015

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

7



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

7

MEETING DATE: November 19, 2015

SUBJECT: Consent Agenda
DATE SUBMITTED: November 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO APPROVE THE ATTACHED CONSENT AGENDA?

ISSUE SUMMARY:

Included for your review are the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from October 15th and 26th and New Operator Licenses, Resolutions R2015-11-02 and R2015-11-03.

FISCAL IMPACT: _____
REVIEWED BY: Kathleen Schatz
Village Deputy Treasurer

Initial Project Costs:
Future Ongoing Costs:
Physical Impact (on people/space):
Residual or Support/Overhead/Fringe Costs:

- ATTACHMENTS:
- 1. Vouchers for Payment
 - 2. Treasurer's Report
 - 3. Meeting Minutes from October 15, 2015 & October 26, 2015
 - 4. New Operator License List, Copy of Applications, Background Investigation Report
 - 5. Resolution R2015-11-02, move the Polling Location to Northbrook Church
 - 6. Resolution R2015-11-03, fee schedule revision

STAFF RECOMMENDATION:

Motion to approve the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from October 15 and 26, 2015, New Operator Licenses, and Resolution(s) R2015-11-02 and R2015-11-03.

APPROVED FOR SUBMITTAL BY:

[Signature]
Village Staff Member

[Signature]
Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

7 a

Fa

VILLAGE OF RICHFIELD
VOUCHERS FOR PAYMENT
NOVEMBER 2015

BATCH #1

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
9631	510810-09-15	10/15/15	Premium Waters Inc.	\$37.79	Monthly Water Invoice
9632		10/15/15	Kings Way Homes	\$2,000.00	Road Bond Refund for 1140 Boulder Court
9633		10/15/15	Douglas Cherkauer	\$2,129.66	Quarter 3 Invoice for Work Completed
9634	16870	10/15/15	Digital Edge Copy & Print	\$115.25	Blue Prints, Permits and Stickers
9635	1540390915	10/15/15	Conley Media LLC	\$172.04	Legla Notice/Public Hearing
9636		10/15/15	WI Dept. of Justice	\$35.00	September Background Checks
9637	104441768	10/15/15	US Cellular	\$448.64	Monthly Service Charges through 10/02
9638		10/15/15	WE Energies	\$15.71	1896 State Road 164, Gazebo
9639-9665		10/16/15	October Vouchers Payable		Vouchers Payable
9666		10/19/15	WE Energies	\$2,769.41	Street Lighting Invoice
9667		10/19/15	Stortz Custom Homes, LLC	\$370.00	New Home Building Permit Reimb. (Overpayment)
ACH		10/20/15	Village of Richfield	\$16,611.12	Bi-Weekly Payroll
EFTPS		10/20/15	Federal Tax Deposit	\$6,066.87	FICA Tax
ACH		10/20/15	State Withholding Tax	\$1,178.94	State Income Tax
ACH		10/20/15	Wisconsin Deferred Compensation	\$250.00	457 Plan (Payroll deduction)
9668		10/22/15	Krueger Custom Homes	\$2,000.00	Road Bond Refund for 1114 Hickory Hill Pkwy
9669		10/22/15	Bob and Carol Mayer	\$2,000.00	Road Bond Refund for 337 Pine View Court
9670		10/22/15	Richfield Rockets	\$601.82	Fall Ball Reimbursement
9671		10/22/15	Monte Ewing Consulting	\$150.00	Electrical Code Training
9672		10/22/15	Office Copying Equipment LTD	\$224.17	Office Printing Supplies
9673		10/22/15	WE Energies	\$1,549.52	Heat and Electric
9674	624098	10/22/15	North Shore Bank Leasing LLC	\$718.04	Building Inspector Vehicle Lease
9675	843259	10/27/15	Delta Dental	\$206.80	Dental Insurance for November
9676		10/27/15	Lakeshore Newspapers, LLC	\$139.00	Daily News Subscription
9677	262628750110	10/27/15	AT&T	\$189.61	October Phone Bill Invoice
9678		10/27/15	First Federal Savings Bank	\$347.68	Additional H S A Contribution
9679		10/27/15	Capital One Bank	\$305.88	Capital One September Bill
ACH		10/27/15	United Health Care	\$9,054.24	November Health Insurance
ACH		10/27/15	Wisconsin Retirement	\$6,271.38	September WI Retirement
			TOTAL BATCH #1	\$55,958.57	Checks Written End of October 2015

BATCH #2

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
ACH		11/3/15	Village of Richfield	\$16,323.23	Bi-Weekly Payroll
ACH		11/3/15	State Withholding Tax	\$1,102.35	State Income Tax Payment
EFTPS		11/3/15	Federal Tax Deposit	\$6,010.68	FICA Tax
ACH		11/3/15	Wisconsin Deferred Compensation	\$250.00	457 Plan (payroll deduction)
ACH		11/4/15	Village of Richfield	\$2,046.14	Monthly Payroll
EFTPS		11/4/15	Federal Tax Deposit	\$555.57	FICA Tax
9680	55817	11/4/05	Lange Enterprises	\$451.74	24 Barricade Lights
9681	888873	11/4/15	Decker Supply Co. Inc.	\$1,849.08	Mega Marker Sheeting
9682	339670	11/4/15	Fox Welding Sales, Inc.	\$29.09	Tip Cleaner Drill Type
9683		11/4/15	Road Equipment Parts Center	\$138.43	Brake Chamber Truck #19
9684		11/4/15	Menards	\$425.67	Village Hall & DPW Supplies and Expenses
9685		11/4/15	Port-A-John	\$398.00	Waste Facilities Disposal
9686	119689-000	11/4/15	Geo Synthetics, Inc.	\$160.00	Straw Blanket and Staples
9687		11/4/15	American Public Works Assoc.	\$194.00	Membership Renewal
9688	5330422	11/4/15	Fahrner Asphalt Services LLC	\$23,682.00	Crack Sealing Contract
9689	D0255830	11/4/15	Hallman Lindsay Paints	\$329.36	Repair Kit Titan
9690		11/4/15	Payne & Dolan, Inc.	\$1,073.40	SA Richfield, V/O
9691		11/4/15	Equal Rights Division	\$30.00	October Work Permits
9692		11/4/15	Milwaukee Business Journal	\$95.00	Renew Subscription
9693	5794349-2275-	11/4/15	Waste Management of Milwaukee	\$491.44	November 2015 Waste Management
9694		11/4/15	WE Energies	\$2,219.67	Street Lighting Services for October
9695		11/4/15	Charter Communications	\$158.80	November Business Service Charges
9696	153522	11/4/15	Banyon Data Systems, Inc.	\$1,590.00	Fund and Pay Support

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VILLAGE OF RICHFIELD
VOUCHERS FOR PAYMENT
NOVEMBER 2015

9697		11/4/15	Washington County Treasurer	\$18.99	Managed Forest Law Payment
9698		11/4/15	Woodbury Homes	\$2,000.00	Road Bond Refund for 5209 Fox Hollow Drive
9699		11/4/15	Pomps Tire Service Inc.	\$1,460.64	Plow Truck Steer Tires and Mitas Front Tires
9700		11/4/15	Fox Bros. Piggly Wiggly	\$38.27	Office Supplies
9701		11/5/15	GAI Consultants	\$17,409.25	General Engineering and MS4 Permit
9702		11/5/15	Victory Homes	\$2,000.00	Road Bond Refund for 1180 Timberstone Way
9703		11/5/15	Ruebl Builders	\$2,000.00	Road Bond Refund for 1114 Timberstone Way
9704		11/5/15	Kingsway Homes	\$1,356.65	Road Bond Refund for 5167 Fox Hollow Drive
9705	510810-10-15	11/10/15	Premium Waters Inc.	\$38.99	October Water Invoice
9706	RI102622546	11/10/15	FP Mailing Solutions	\$117.00	PostBase Mailing Machine
9707	1540391015	11/10/15	Conley Media LLC	\$62.80	Public Hearing Notice
9708	20217	11/10/15	Ontech Systems Inc.	\$100.35	October IT Assistance
9709		11/10/15	Neu's Building Center, Inc.	\$154.44	Fluid Film and Shop Stock Tools
9710	301109	11/10/15	Badger State Industries	\$100.12	Can Lines, 112
9711	345814	11/10/15	Bumper to Bumper	\$115.41	Truck #8
9712	4004144	11/10/15	Stark Pavement Corp.	\$264.00	3/8 Surface
9713	5390	11/10/15	Washington County Treasurer	\$15,923.22	Centerline Painting
9714	9001935872	11/10/15	Acuity Specialty Products, Inc.	\$448.58	Zep Redi-Grease Aero DZ
9715		11/10/15	Registration Fee Trust	\$77.50	License Plate Renewal for Park Trailer
9716	62250293	11/10/15	C N A Surety	\$50.00	Bond/Policy for 2016
9717		11/10/15	Victory Homes	\$2,000.00	Road Bond Refund 430 Harvest Moon Court
9718		11/10/15	James Craig Builders	\$2,000.00	Road Bond Refund 1395 Windy Knoll
			TOTAL BATCH #2	\$107,339.86	Checks Written Beginning of November 2015

**BATCH #3

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
	10689		Arenz, Molter, Macy, Riffle & Larson, S.C.	\$9,643.40	Fire Impact, Reflections Village, Coyle
	4124		Associated Appraisal Consultants, Inc.	\$3,958.33	Professional Services Agreement
			Bonnie Quaegber	\$534.00	Cleaning Services
			Cintas Corporation	\$905.75	DPW Employee Uniform Cleaning Services
	29-80		Civi Tek Consulting	\$686.00	Consultant Planning Services for October
			Falls (NAPA) Auto Parts	\$407.95	DPW & Park Supplies and Expenses
	2134121		Force America Distributing, LLC	\$157.18	25 Micron Glass Element
	C0019454		General Code	\$495.00	eCode360 Annual Maintenance
	V0083680		Hallman Lindsay	\$149.48	Stripe Kote Athletic Ready-Mix
			Hopson Oil LLC	\$3,502.29	October Fuel Invoice
	39477		Houseman & Feind, LLP	\$767.11	Carla Whitcomb
	C041001095:01		Interstate PowerSystems	\$61.61	Gasket/Cover/Bolt
	234654		Kaestner Auto Electric	\$89.99	Shop Stock/Truck Wash Brush
	93252		KerberRose S.C.	\$1,900.00	Audi of Financial Statements for Year Ended 12/31/2014
	3037217		Lakeside International Trucks	\$575.81	Repairs to Truck #11
			TOTAL BATCH #3	\$23,833.90	Checks Still Needing Approval***

**BATCH #4

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
			Menards	\$359.20	Election & DPW Supplies and Expenses
	1384744		Northeast Asphalt	\$1,175.01	Eden Aggregate Site
			Port-A-John	\$136.00	Waste Disposal
			Quill	\$326.64	Office Supplies
			Richfield Volunteer Fire Company	\$38,635.32	Fire Protection and Emergency Medical Services
			Road Equipment Parts Center	\$104.04	Supplies and Expenses
	9183		Schmitt Sanitation LLC	\$180.00	Pump Holding Tank
	28129		Utecht Tool & MFG., Inc.	\$365.00	Disassemble, MFG Rod, Reseal
	8493		Washington County Sheriff's Office	\$28,512.86	Sheriff Contract Services for October 2015
	49523		Western Culvert & Supply Inc.	\$91.00	18" Flared End Section
			TOTAL BATCH #4	\$69,885.07	Checks Still Needing Approval***
			TOTAL	\$257,017.40	

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VILLAGE OF RICHFIELD
 Treasurer's Report for October 31, 2015

BANK ACCOUNT BALANCES

	Interest Rate	Beginning Balance September 30, 2015	Interest Earned	Ending Balance October 31, 2015
Landmark Checking Account	0.25%	\$ 1,039,732.87	\$ 193.04	\$ 605,452.35
LGIP General Fund	0.14%	\$ 737,381.06	\$ 87.04	\$ 737,929.19
LGIP Fire Impact Fees	0.14%	\$ 228,595.30	\$ 27.14	\$ 231,406.44
LGIP Park Impact Fees	0.14%	\$ 90,431.06	\$ 10.73	\$ 91,476.79
LGIP Tax Account	0.14%	\$ 461.14	\$ -	\$ 0.05
FNB Entrepreneur Plus Account	0.05%	\$ 2,711.98	\$ 0.11	\$ 2,712.09
FNB Platinum MMD Account	0.15%	\$ 257,555.24	\$ 31.75	\$ 257,586.99
Bank Mutual MM Account	0.33%	\$ 251,349.25	\$ 80.16	\$ 251,429.41

CERTIFICATES OF DEPOSIT

	Purchase Date	Expiration Date	Interest Rates	Amount
First National Bank	October 31, 2015	April 30, 2017	0.55%	\$ 251,318.99
Bank Mutual	March 3, 2015	October 3, 2016	1.05%	\$ 252,914.20

** All CD's are fully FDIC insured**

LETTERS OF CREDIT/PERFORMANCE BONDS/DEVELOPER GUARANTEES

	Purchase Date	Expiration Date	Amount
Reflections Richfield Investments LLC	March 11, 2014	March 16, 2016	\$ 712,650.00
Reflections Richfield Investments LLC	March 11, 2014	March 16, 2016	\$ 150,000.00
D&S Weyer No. II, LLC	June 23, 2015	August 31, 2016	\$ 153,151.00

PERMIT PERFORMANCE BOND

	Held Since	Expiration Date	Amount
T-Mobile Central LLC Wireless Communication Tower	March 11, 2014	N/A	\$ 25,000.00

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Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes October 15, 2015
7:00 pm

1. Call to Order/ Roll Call

The meeting was called to order by Trustee Dan Neu at 7:00 pm. A quorum of the Village Board was present. Present: Village Board of Trustees; Rock Brandner, Bill Collins, Dan Neu, and Sandy Voss.

Also present: Village Administrator Jim Healy, Administrative Services Coordinator KateLynn Schmitt and Village Attorney Val Anderson.

Excused Absence: Village President John Jeffords.

2. Verification of Compliance With Open Meeting Law

Village Administrator Healy verified that the meeting was posted per statute at three local post offices and the Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

3. Pledge of Allegiance

4. REPORT

a. Associated Appraisals 'Annual Report' – Dean Peters, Village Assessor

Dean Peters gave his 'Annual Report' to the Village Board highlighting some of the most important accomplishments of the assessors in 2015. This year marked their third year in a six year contract of their reassessment of the entire Village of Richfield. Finally the assessed values of the Village compared to market values have historically been sitting at around 105%. This year the assessment dipped just below 100% at 99.7%. Each year the assessors look to bring the Village's assessment roll near the 100% mark. Finally Mr. Peter's informed the board that Associated Appraisals has now completed 50% of its assessments in the Village and that in 2016, Associated Appraisals would be focusing on commercial properties in the Village.

5. PUBLIC COMMENTS

Ms. Danah Zoulek, 623 Amy Belle Road, Colgate, stated that Associated Appraisals incorrectly assessed 609 Scenic Road in the past and in February of 2014 the Village Board voted to reimburse the owners for that over assessment. Ms. Danah Zoulek also spoke about the Special Village Board Meeting relating to the direct legislation petitions she circulated.

Jeff Gonyo, 2668 Hwy 164, Highway J Citizens Group, stated that Reflections Village has gone through three (3) bankruptcies and the village has spent thousands of hours of Village Board time micro managing this development. Mr. Gonyo believes the Village should pass over control of Reflections Village to the Reflections Village Home Owners Association. In regards to the Special Village Board meeting Mr. Gonyo stated that he hoped the Village Board was going to have a public comment period the same way they allow for public comments at regular board meetings.

Gil Frank, 4156 Elmwood Road, Colgate, requested to speak in regards to the Hwy 175 Business District first and stated that the new zoning was incomplete. Mr. Frank also stated that the meeting minutes from the Plan Commission Meeting were incorrect. The final motion to approve the minutes was made by Trustee Collins and seconded by Kurt Bartel. Mr. Frank stated Kurt Bartel should not have voted on the minutes because he was not at the meeting. Mr. Frank said the lots north of the railroad tracks should be changed before approving the new business ordinance.

Ed Rycheck, Boy Scout Group #139, brought his Boy Scout Group to the Village Board Meeting so the boys could work on obtaining their merit badge, "citizenship in the community". Mr. Rycheck stated that the boys would be observing and writing a paper on how they agreed or disagreed with one of the issue's on the agenda.

6. CONSENT AGENDA

- a. **Vouchers for Payment**
- b. **Treasurer's Report**
- c. **Meeting Minutes:**
 - i. **September 15, 2015 – Special Meeting**
 - ii. **September 17, 2015 – Regular Meeting**
- d. **New Operator Licenses**

Motion by Trustee Brandner to approve the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from September 15th Special Meeting and September 17th Regular Meeting, and New Operator Licenses; Seconded by Trustee Voss; Motion carried unanimously

7. DISCUSSION/ACTION ITEMS

- a. **Discussion/Action regarding the creation of Section 70.200.5 of the Village's Zoning Code – Downtown Business District**

Administrator Healy gave an update about the purpose of the new downtown district. He discussed Trustee Brandner's proposed amendments to the ordinance which were provided to the Village Board prior to the meeting which would incorporate restaurants and taverns as conditional uses in the new district.

Motion by Trustee Voss to approve the Ordinance O2015-10-01, an Ordinance to create Section 70.200.5, entitled Downtown Business District; Seconded by Trustee Collins; Motion carried unanimously.

- b. **Discussion/Action regarding multiple amendments to Section 70.212, entitled Walkable Hamlet District**

Mr. Healy stated that when Reflections Village was originally proposed it was never the idea that the Village Architectural Review Board (ARB) would be approving every home in the Reflections Village subdivision. The idea was that the ARB would review and approve seven (7) types of homes that homeowners would have to choose from. Now the Village has been working with the individuals currently in control of the subdivision to ensure that several of the restrictions controlled by the Village Board are released. Phase III has been sold, Phase II has been altered, and the Village is now considering the 50 lots with 13 left to be sold. Staff is working with the receiver, the homeowners association, and real estate developer to work through process of relinquishing control as quickly as possible so new homes can begin construction once they have been approved by the subdivision's homeowner's association.

Motion by Trustee Collins approve Ordinance O2015-10-03, an Ordinance to amend Section of 70.212(G)(2), Walkable Hamlet District, relating to the removal of home design restrictions; Seconded by Trustee Brandner; Motion carried unanimously.

- c. **Discussion/Action regarding multiple amendments to Section 70.133, entitled Site, building and Operations Plan Review, specifically those provisions which deal with the architectural review board processes/standards for properties in the Walkable Hamlet District**

Motion by Trustee Bradner to approve Ordinance O2015-10-02, an Ordinance to amend Section 70.133(C)(3)(d) relating to the removal of restrictions for homes in the Walkable Hamlet Zoning District to go through the Architectural Review Board process; Seconded by Trustee Voss; Motion carried unanimously.

- d. **Discussion/Action regarding the partial rezoning of property located at 3791 Pioneer Road, Tax Key: V10_0045-00A from LC, Lowland Conservancy to Rs-1, Country Estates District**

Administrator Healy provided a brief summary of the project to the Village Board.

Motion by Trustee Voss to approve the adoption of Ordinance O2015-10-04, an Ordinance to rezone a portion of Tax Key: V10_004500A from LC, Lowland Conservancy District to Rs-1, Country Estates District; Seconded by Trustee Collins; Motion carried unanimously.

e. Discussion/Action regarding a request for “Special Exception” per Section 135-19(G)(2), 2243 Candle Light Court

Village Administrator Healy read the ordinance 135-19(G)(2) aloud to the board and explained that the property owner had consent from the neighboring property owner, closest to the wood burning unit, to install solid wood burning unit.

Trustee Voss asked if Building Inspector had any objections to the installation of the unit. Administrator Healy stated the Building Inspector would be working hand-in-hand with property owner.

Motion by Trustee Brander to conditionally approve the request to place a solid-fuel-fired device at 2243 Candle Light Court, subject to the following Specific Conditions of Approval:

- 1) Written assurances are provided to the Village’s Building Inspector of non-objection from those parcels with 350’ of the structure.
- 2) The alternative where ‘substantial justice’ is served by placing it 350’ away from one of the residential parcels as depicted on the site plan.
- 3) All other necessary conditions of approval the Village’s Building Inspector may deem necessary and appropriate.

Seconded by Trustee Collins; Motion carried unanimously.

f. Discussion regarding the scheduling of a special Village Board meeting in October

Administrator Healy questioned the availability of the Village Board the week of October 26th for Monday, Tuesday, and Wednesday. He stated it was the Village President’s preference to do the meeting on Monday, October 26th, but he would make the other dates work if that was the desire of the Board.

Healy went on to state that the only thing that would be on the October 26th Special Village Board Meeting at 7:00 PM would be the direct legislation the Board would consider.

8. PUBLIC COMMENTS (...Continued)

No one spoke.

9. ADJOURNMENT

Motion by Trustee Collins to adjourn the meeting at 7:52 pm; Seconded by Trustee Voss; Motion carried unanimously.

Respectfully Submitted,

Jim Healy
Village Administrator

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes October 26, 2015
7:00 pm

1. Call to Order/ Roll Call

The meeting was called to order by Village President John Jeffords at 7:04 pm. A quorum of the Village Board was present. Present: Village Board of Trustees; Rock Brandner, Bill Collins, Dan Neu, and Sandy Voss.

Also present: Village Administrator Jim Healy, Administrative Services Coordinator KateLynn Schmitt and Village Attorney John Macy.

2. Verification of Compliance With Open Meeting Law

Village Administrator Healy verified that the meeting was posted per statute at three local post offices and the Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

3. Pledge of Allegiance

4. PUBLIC COMMENTS

Landy Hansen, 3837 Oak Ridge Court requested to go on record stating that he is not in favor of expanding the Village Board because it's hard enough finding five (5) people to serve. Mr. Hansen also stated that he would not be a fan of enacting term limits because of the hidden agenda behind the direct legislation.

Scott Clow, 3855 Wooded Ridge Trail, Colgate requested to echo everything that Mr. Hansen had said. Mr. Clow stated that it is hard to find people to serve on the Board for practically nothing. Mr. Clow said that the community voted for the Board, they didn't have to, but they did, and the Board serves as the voice of the community.

Jeff Gonyo, 2668 Hwy 164, Highway J Citizens Group stated that while he is not a Village resident the Highway J Citizens Group has residents that live in the Village of Richfield. Mr. Gonyo thanked the residents who signed the petition and stated that every person that signed the petitions were Village of Richfield residents. Mr. Gonyo stated that term limits encourage more citizen involvement and participation and puts government back in the hands of the people. Mr. Gonyo asked the Village Board to honor the wishes of the residents who signed the petition by adopting the legislation.

Danah Zoulek, 623 Amy Belle Road, Colgate stated that she is a fourth generation resident of the Village of Richfield. Ms. Zoulek stated that the petition is personal for her since several friends have been negatively impacted by the current Village Board. Ms. Zoulek said that when her and her attorney tried to open the line of communication they were turned down. Ms. Zoulek stated that having more Board members who represent the community would provide more representation. Ms. Zoulek stated that quarry redevelopment is good for the environment.

Gil Frank, 4156 Elmwood Road, Colgate stated that he was at the meeting to support the petition and ask the Village Board to accept the direct legislation involving term limits and increasing the Village Board size. Mr. Frank said a recent motion for the Richfield Volunteer Fire Department was made with only three (3) voting members of the Village Board voting. Mr. Frank stated more people on the board would help alleviate these types of problems.

Jean Arntz, 139 E Lake Lane, Colgate stated that she signed the petition and was sorry for signing without realizing the consequences of her actions.

Marie Graziano, 1787 Whispering Woods Court, Richfield stated that our current Trustees manage all of Richfield. Ms. Graziano stated that our Village is run very efficiently at little cost to our taxpayers and adding two additional trustees also means adding additional expenses in order to pay for those trustees. Ms. Graziano stated

that we already have term limits and they are called elections. Ms. Graziano stated that 1,100 people only represents 15% of the total number of registered voters the Village has. She asked what the other 85% of registered voters who did not sign the petition would want.

Patty Groeschl, 129 E Lake Lane, Colgate stated that Jeff Gonyo knocked on her door and spoke to her husband without telling him who he was or where he was from. Ms. Groeschl read a prepared statement from Maggie Annhauser, a neighbor, who believed she was lied to and signed the petition without realizing what it was really about.

Doug Felton, 535 Scenic Road, Colgate thanked each board member for their service because he believes that theirs is oftentimes a thankless job. Mr. Felton does not believe the Village needs term limits or an increase to the Board. Mr. Felton thanked the Village Board for standing firm. Mr. Felton stated that tonight the Board heard from two (2) people that signed the petition without knowing the full story. He thanked the Village Board for their hard work.

5. DISCUSSION/ACTION ITEMS

a. Discussion/Action regarding a direct legislation petition to institute term limits on the Village Board by Ms. Danah Zoulek

Village Administrator Healy introduced the topic stating that the Village Board could accept the proposed direct legislation or place it on the 2016 spring election.

Trustee Collins requested to play three (3) videos that he believed to be advantageous to help the other Village Trustees better understand Ms. Zoulek and her agenda. Trustee Collins asked that we honor the process. The motivation of the petitioner is not out of need, but out of greed.

Trustee Voss stated that she does believe there is a time and a place for term limits. Trustee Voss does not think that it is currently appropriate for the local Village Board level. Trustee Voss stated that the other Village Board members have been mentors to her and she's honored to be working with everyone on the Board.

Trustee Brandner made a motion to reject the proposed direct legislation to forbid the Village of Richfield and President to serve as Trustee or President for no more than six (6) years; Trustee Neu seconded; Motion carried unanimously.

b. Discussion/Action regarding a direct legislation petition to expand the Village Board size by Ms. Danah Zoulek

Trustee Neu stated that they discussed increasing the Village Board when they first became a Village. Being on the Board at that time, he explained they chose to keep the Board small in order to preserve the small town-like feeling. Trustee Neu stated that was the way he felt then and that continues to be the way he feels today.

President Jeffords stated that he wanted to express his thoughts and the merits of the petitions. First to the motivation of Ms. Zoulek not wanting to work through the Village process regarding the Scenic Pit. That frustrating situation went to court and the Village won their case against Ms. Zoulek. Next, Ms. Zoulek decided she was going to try to work her agenda from within and run for Village Trustee. Ms. Zoulek was not successful in that endeavor in the spring. President Jeffords then discussed what the motivation was behind Jeff Gonyo partnering with Ms. Zoulek to circulate petitions. President Jeffords stated that Mr. Gonyo does not work, operate, vote, or live in the Village of Richfield. Mr. Jeffords stated that Mr. Gonyo actually lives in the Town of Polk. The Town of Polk, the Town he lives in, has a Board size of only three, and yet Mr. Gonyo wants to double our Board to more than twice that of his own.

**Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes October 26, 2015
7:00 pm**

Mr. Gonyo has forced Village of Richfield residents to spend thousands upon thousands of dollars on his open records requests and legal fees over the years and after losing in courts, Mr. Gonyo has never paid the thousands of dollars in attorney fees he owes the Village. Mr. Jeffords then described the merits of the petition itself, to increase the Village Board size and enact term limits. Nothing has really changed in the Village since the original decision was made to have a five member Village Board in 2008. Perhaps when population numbers rise and the Village changes more significantly that this is something that would be necessary, but the current petition is not being brought forth before the Board out of necessity but instead out of self-interests.

Trustee Brandner stated that he does not understand who would want to change the current structure of the Village Board. The Village residents have a low tax rate and the Village Board has been fiscally responsible saving money.

Trustee Collins addressed the “thankless job” comment from the public and stated that the job is actually fulfilling because of the people he has gotten the opportunity to work with. The diversity of thought and opinion has enriched him.

Trustee Collins make a motion to send to referendum the proposed direct legislation to increase the Village Board to (7) individuals; Seconded by Trustee Voss; Motion carried unanimously.

6. ADJOURNMENT

Motion by Trustee Voss to adjourn the meeting at 8:20 pm; Seconded by Trustee Neu ; Motion carried unanimously.

Respectfully Submitted,

Jim Healy
Village Administrator

7 d

November 19, 2015 Meeting

New Operator Licenses

Name	Place of Employment	Course or valid license	Recommendation
Fany Cortes	La Cabana	Course	Approved
Cynthia Funmaker	Hairy Lemon	Course	Approved
Dawn Mohr	Fat Charlies	Course	Approved
Amity Sierra	La Cabana	Course	Approved
Miranda Zeitler	Sloppy Joes	Course	Approved

7 e

RESOLUTION R2015-11-02

A RESOLUTION TO MOVE THE POLLING LOCATION IN THE VILLAGE OF RICHFIELD TO NORTHBROOK CHURCH

WHEREAS, the Village of Richfield, Washington County, Wisconsin needed to relocate the Polling Location for the 2014 and 2015 Elections to Crown of Life School due to an approved expansion at Northbrook Church; and

WHEREAS, the Village of Richfield is grateful to Crown of Life School for generously donating their space to serve our community; and

WHEREAS, the Village of Richfield has been invited back to Northbrook Church now that the construction has been completed for the purposes of hosting elections.

NOW, THEREFORE, BE IT RESOLVED, for all future elections the polling location where all Richfield residents will vote at is Northbrook Church, located at 4014 STH 167; and

BE IT FURTHER RESOLVED, that it has been determined that Northbrook Church after all renovations having been made will offer enhanced accessibility for voters to park, enter the building and locate the proper district/wards and the Election Inspectors will be able to better administer the election process in the newly constructed gathering area which will foster a positive voting experience for residents and hopefully enhance voter turnout.

This Resolution shall take effect and be in force from and after its passage and posting.

PASSED THIS 19th DAY OF NOVEMBER 2015, BY THE VILLAGE BOARD OF THE VILLAGE OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN.

John Jeffords, Village President

Attest: Jim Healy, Administrator/Clerk

7 f

RESOLUTION R2015-11-03

A RESOLUTION AMENDING THE FEE SCHEDULE FOR THE VILLAGE OF RICHFIELD

WHEREAS, the Village Board of the Village of Richfield, Washington County, Wisconsin, has determined that it is prudent that the fees be reviewed for cost effectiveness; and

WHEREAS, modifications have been identified and revisions requested to the fee schedule.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Richfield, that the following fee schedule be approved as defined in the attached schedule and be effective upon passage and posting of this resolution.

PASSED THIS 19TH DAY OF NOVEMBER, 2015 BY THE VILLAGE BOARD OF THE VILLAGE OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN.

John Jeffords, Village President

Attest: Jim Healy, Administrator/Clerk

Erosion control fees:

a. One- and two-family lots	\$150.00/lot
b. Multifamily units	\$200.00/building, plus \$5.00/1,000 square feet of disturbed lot area, \$1,000.00 maximum
c. Commercial lots	\$200.00/building, plus \$5.00/1,000 square feet of disturbed lot area, \$1,000.00 maximum
d. Industrial lots	\$200/building, plus \$5.00/1,000 square feet of disturbed lot area, \$1,000.00 maximum
e. Institutional lots	\$200.00/building, plus \$5.00/1,000 square feet of disturbed lot area, \$1,000.00 maximum
f. Other	\$55.00 minimum

Other fees charged to the Village from other government entities for reviewing plans or permits.

Fees charged are required to be paid at the time of application. Fees charged are at cost.

Miscellaneous permits/fees:

a. Driveway/Culvert	\$50.00
b. Fences	\$50.00
c. Signs	\$50.00, plus \$0.50/square foot over 10 square feet on one side, \$200.00 max
<u>d. "Re-Lettering" of Existing Signs</u>	<u>\$25.00</u>
e. Sheds (less than 192 sq ft)	\$50.00
f. Temporary Sign	\$15.00
g. Temporary Support Banner	\$25.00
h. On-site Contest Signs	\$15.00

8 a

8a



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: November 19, 2015

SUBJECT: Rezoning – Tax Key: V10_027600E, Logger’s Park
DATE SUBMITTED: November 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION OF THE PLAN COMMISSION FOR THE APPROVAL OF THE PROPOSED REZONING OF 3208 STH 167, FROM P-1, PARKS AND RECREATION DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT?

ISSUE SUMMARY:

The petition before us tonight is being submitted by Mr. John Bagues on behalf of Logger’s Park, LLC, for his business property, Logger’s Park, located at 3208 STH 167. The subject parcel is generally located on the corner of STH 167 and STH 175. Please refer to the Washington County GIS Map in the Attachments for locational purposes. The petitioner has been working with Staff and the Plan Commission over the course of the last few months regarding the future development of his 15.44 ac parcel. Past discussions with the Plan Commission have discussed the merits of a potential rezoning of his property, in whole or in part, and any related zoning code text amendments to be consistent with any rezoning effort.

The property owner is requesting the Village a change in zoning designation for the entire property from P-1, Parks and Recreation District to B-2, Community Business District. The intent of the B-2, Community Business District is as follows:

“The B-2 Community Business District is intended to provide for individual or large groups of retail and customer service retail establishments in a shopping center setting. This type of district is usually located at or near the intersections of two arterial streets or highways and designed for the convenience of weekly or monthly one-stop shopping and includes such amenities as increased open space and ample off-street parking and loading areas and architectural screening or landscaping”.

The minimum lot size for this District is eight (8) acres. Setbacks for properties in the B-2 District are 100’ from the street right-of-way and 40’ from either side and 40’ from the rear yard boundary line. As discussed at the Plan Commission meeting in October, the property directly to the north, Pioneer Bowl, is presently zoned B-2 as well. Staff believes that a reasonable argument could be made that essentially the same operations exist on both properties. Each business’ primary operation revolves around some sort of “recreational” activity. Pioneer Bowl and Logger’s Park each have baseball/softball leagues (for adults and children), sand volleyball leagues which operate on the site, as well as their own liquor licenses and the ability to sell food. The distinguishing factor between Pioneer Bowl and Logger’s Park, is the bowling, which is a Permitted Principal Use in the B-2 District.

Later tonight, Staff is also proposing a code amendment to Section 70.198(D) relating to Conditional Uses in the B-2 District. The proposed text amendment would allow for “Outdoor Recreational Activities”, defined as baseball/softball, sand volleyball, ice skating, and mini golf. By doing so, not only do we accomplish bringing Logger’s Park into greater conformity if you choose to see fit, but we also give an avenue to legalize the outdoor recreational activities occurring on both sites.



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: November 19, 2015

SUBJECT: Rezoning – Tax Key: V10_027600E, Logger’s Park
DATE SUBMITTED: November 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

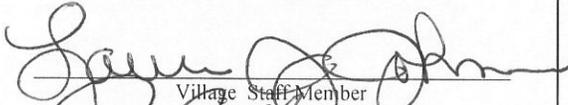
A Public Hearing was scheduled on November 5th and pursuant to our municipal code, a Class II Notice ran for two consecutive weeks in the West Bend Daily News. Every property owner within 300’ of the subject property was contacted. Mailings were distributed to adjacent property owners on Monday, October 26th, which is 10 day prior to the hearing.

On November 5, 2015 Plan Commission made the following recommendation to the Village Board:
Motion by Vice-Chairman Berghammer to recommend to the Village Board the adoption of Ordinance O2015-11-01, an Ordinance to rezone 3208 STH 167 (Tax Key: V10_027600E) from P-1, Parks and Recreation District to B-2, Community Business District; Seconded by Commissioner Melzer; Motion passed without objection.

FISCAL IMPACT: _____ *REVIEWED BY:* _____
Village Deputy Treasurer
Initial Project Costs: None.
Future Ongoing Costs: None.
Physical Impact (on people/space): Diversified Business Uses in the B-2, District.
Residual or Support/Overhead/Fringe Costs: None.

- ATTACHMENTS:*
- 1. Class II Public Hearing Notice
 - 2. Ordinance O2015-11-01, an Ordinance to rezone Tax Key: V10_027600E from P-1 to B-2
 - 3. Washington County GIS overview of subject property

STAFF RECOMMENDATION:
Motion to approve Ordinance O2015-11-01, an Ordinance to rezone 3208 STH 167 (Tax Key: V10_027600E) from P-1, Parks and Recreation District to B-2, Community Business District.

<p>APPROVED FOR SUBMITTAL BY:</p> <p> _____ Village Staff Member</p> <p> _____ Village Administrator</p>	<p>VILLAGE CLERK USE ONLY BOARD ACTION TAKEN</p> <table><tr><td>Resolution No. _____</td><td>Continued To: _____</td></tr><tr><td>Ordinance No. _____</td><td>Referred To: _____</td></tr><tr><td>Approved _____</td><td>Denied _____</td></tr><tr><td>Other _____</td><td>File No. _____</td></tr></table>	Resolution No. _____	Continued To: _____	Ordinance No. _____	Referred To: _____	Approved _____	Denied _____	Other _____	File No. _____
Resolution No. _____	Continued To: _____								
Ordinance No. _____	Referred To: _____								
Approved _____	Denied _____								
Other _____	File No. _____								

(Class II Pubic Notice)
NOTICE OF PUBLIC HEARING
VILLAGE OF RICHFIELD
Thursday, November 5, 2015

PLEASE TAKE NOTICE:

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Plan Commission will conduct three (3) public hearings on Thursday, November 5, 2015 at 7:00 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033 to consider the petitions by:

- 1) Mr. and Mrs. Edward Stuesser to rezone a portion of their property (12.204 acres) located at 3200 Pleasant Hill Road (Tax Key: V10-0255-00Y) from A1, Exclusive Agricultural District to A2, General Agricultural District.
- 2) Logger's Park, LLC to rezone their property (15.44 acres) located at 3208 STH 167 (Tax Key: V10_027600E) from P-1, Parks and Recreation District to B-2, Community Business District.
- 3) The Village of Richfield to consider an amendment to Section 70.198(D) relating to Conditional Uses in the B-2, Community Business District.

For information regarding this public hearing, please contact Jim Healy, Village Administrator at (262)-628-2260. A map showing the location of the subject property is available from the Village Clerk during normal business hours. All interested parties will be heard. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's Office at (262)-628-2260 with as much advance notice as possible.

Dated this October 20, 2015

Publication Dates:

October 22, 2015

October 29, 2015

Jim Healy
Village Administrator
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033
(262)-628-2260

STATE OF WISCONSIN VILLAGE OF RICHFIELD WASHINGTON COUNTY
ORDINANCE O2015-11-01

AN ORDINANCE TO REZONE A SUBJECT PARCEL OF LAND IN THE VILLAGE OF RICHFIELD AND TO AMEND THE ZONING MAP OF THE VILLAGE OF RICHFIELD PURSUANT TO SECTION 70.163 OF THE MUNICIPAL CODE

WHEREAS, Logger's Park LLC. is acting as the petitioner to rezone the property at 3208 STH 167 shown in Attachment 1, otherwise described by Tax Key: V10_027600E from P-1, Parks and Recreation District to B-2, Community Business District; and

WHEREAS, the subject property contains 15.44 acres; and

WHEREAS, the rezoning petition has been submitted to the Village of Richfield Plan Commission for report and recommendation; and

WHEREAS, the required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Village's zoning regulations; and

WHEREAS, the Plan Commission conducted a public hearing on November 5, 2015; and

WHEREAS, the Plan Commission has recommended to the Village Board that the rezoning change be made; and of the recommendation of the Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, having determined that the rezoning is substantially conforming to the Village's Comprehensive Plan, and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare for 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 the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent the zoning ordinance for the Village of Richfield, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the development is conducted pursuant to the following conditions and is in strict compliance with the same.

NOW, THEREFORE, the Village of Richfield Village Board, Washington County, Wisconsin ordains as follows:

Section 1. Zoning Map Change

The subject property is hereby rezoned as described above and depicted in Attachment 1, attached hereto, and the zoning map of the Village of Richfield is hereby amended to incorporate the zoning of the subject properties.

Section 2. Effective Date

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

Adopted this 19th day of November, 2015

Attest:

John Jeffords, Village President

Attest: Jim Healy, Village Administrator/Clerk



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Attachment Z

8 b



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: November 19, 2015

SUBJECT: Zoning Code Amendment – 70.198(D), Conditional Uses in B-2 District
DATE SUBMITTED: November 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION OF THE PLAN COMMISSION FOR THE APPROVAL OF THE PROPOSED AMENDMENT TO THE B-2, COMMUNITY BUSINESS DISTRICT CONDITIONAL USES LIST?

ISSUE SUMMARY:

Over the course of the last few Plan Commission meetings, Village Staff has been soliciting possible solutions from that Body regarding the future of Mr. Bogues' property. To recap, Mr. Bogues has been looking for new tenants for his 10,000 sqft building which was previously occupied by Momentum Health Club. The issue, as described by Mr. Bogues, was the limited amount of business uses allowed in the P-1, Parks and Recreation District. The P-1, Parks and Recreation District, was crafted in this manner by design so as to be narrowly construed. The genesis for the District as we have it today, as understood by Staff, was Mr. Bogues' predecessor Mr. Don Seib who was the previous property owner, was instrumental in its creation. Mr. Bogues solicited the help of the Village to assist with the marketability of his property. Due to the fact that his proposed rezoning is consistent with the Village's Future Land Use Map, discussions ensued regarding the potential rezoning of the property in whole or only a portion thereof.

At the October 1, 2015 Plan Commission meeting two different zoning classifications were discussed. The first, was the B-4, Highway Business District and the second was the B-2, Community Business District. Considerable discussion was had regarding the Village's Consultant Planner's recommendation of the B-4 District versus the Staff-proposed B-2 District. However, at the time it was based on the presupposition that the ~16 acre parcel would be subdivided in some manner. From speaking with the property owner, his preference was to keep the property all one zoning classification for ease and convenience rather than seeking an amendment to allow "mini golf" in business zoning classification. The preferred business classification by the property owner was B-2, Community Business District. The intent of the B-2, Community Business District is as follows:

"The B-2, Community Business District is intended to provide for individual or large grounds of retail and customer service retail establishments in a shopping center setting. This type of district is usually located at or near the intersections of two arterial streets or highways and designed for the convenience of weekly or monthly one-stop shopping and includes such amenities as increased open space and ample off-street parking and loading areas and architectural screening or landscaping".

As discussed, the property directly north of Logger's Park, Pioneer Bowl, is zoned B-2. In the list of Principal Permitted Uses, "Bowling/pool establishments" is listed as a principal permitted use. Also listed in the B-2 district are other types of sporting recreational activities such as "indoor tennis" and "racquetball" establishments. In an effort to (in a sense) "legalize" the prevailing outdoor uses on both properties, or to give us the vehicle to do so, Village Staff is proposing to amend the Conditional Uses Section of the B-2 District to allow "Outdoor Recreational Activities".



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

86

MEETING DATE: November 19, 2015

SUBJECT: Zoning Code Amendment - 70.198(D), Conditional Uses in B-2 District
DATE SUBMITTED: November 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

Staff would be hesitant to recommend expanding the uses to anything other than what currently occurs on the property of Logger's Park and Pioneer Bowl. Outdoor recreation, broadly defined, is any leisure time activity conducted outdoors. Within the vast range of such a definition lies an almost unlimited number of possible activities, which we would like to avoid to the greatest extent possible.

A Public Hearing was conducted on November 5, 2015, and pursuant to our municipal code a Class II Notice has ran for two consecutive weeks in the West Bend Daily News. At the conclusion of the Public Hearing, the Plan Commission made the following recommendation to the Village Board:

Motion by Commissioner Melzer to recommend to the Village Board the adoption of Ordinance O2015-11-02, as amended, an Ordinance to amend Sec. 70.198(D) of the Village Code relating to Conditional Uses allowed in the B-2, Community Business District; Seconded by Commissioner Lalk; Motion passed without objection.

FISCAL IMPACT:

REVIEWED BY:

Village Deputy Treasurer

Initial Project Costs: None
Future Ongoing Costs: None
Physical Impact (on people/space): Variable
Residual or Support/Overhead/Fringe Costs: Maintenance

ATTACHMENTS:

- 1. Class II Public Hearing Notice
2. Ordinance O2015-11-02, an Ordinance to amend Sec. 70.198(D) of the Village Code

STAFF RECOMMENDATION:

Motion to approve Ordinance O2015-11-02, an Ordinance to amend Sec. 70.198(D) of the Village Code relating to Conditional Uses allowed in the B-2, Community Business District.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

[Signature of Village Staff Member]

Village Staff Member

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

[Signature of Village Administrator]

Village Administrator

(Class II Public Notice)
NOTICE OF PUBLIC HEARING
VILLAGE OF RICHFIELD
Thursday, November 5, 2015

PLEASE TAKE NOTICE:

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Plan Commission will conduct three (3) public hearings on Thursday, November 5, 2015 at 7:00 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033 to consider the petitions by:

- 1) Mr. and Mrs. Edward Stuesser to rezone a portion of their property (12.204 acres) located at 3200 Pleasant Hill Road (Tax Key: V10-0255-00Y) from A1, Exclusive Agricultural District to A2, General Agricultural District.
- 2) Logger's Park, LLC to rezone their property (15.44 acres) located at 3208 STH 167 (Tax Key: V10_027600E) from P-1, Parks and Recreation District to B-2, Community Business District.
- 3) The Village of Richfield to consider an amendment to Section 70.198(D) relating to Conditional Uses in the B-2, Community Business District.

For information regarding this public hearing, please contact Jim Healy, Village Administrator at (262)-628-2260. A map showing the location of the subject property is available from the Village Clerk during normal business hours. All interested parties will be heard. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's Office at (262)-628-2260 with as much advance notice as possible.

Dated this October 20, 2015

Publication Dates:

October 22, 2015

October 29, 2015

Jim Healy
Village Administrator
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033
(262)-628-2260

ORDINANCE 2015-11-02

**AN ORDINANCE
TO AMEND SECTION 70.198(D) OF THE VILLAGE OF RICHFIELD VILLAGE CODE
RELATING TO CONDITIONAL USES IN THE B-2, COMMUNITY BUSINESS DISTRICT**

WHEREAS, the Village of Richfield, in an effort to eliminate ambiguities in the Village's Chapter 70 Zoning Code, have proactively sought out solutions to assist in administrative zoning interpretations; and

WHEREAS, the Village values the longstanding businesses in the Village and desires to give them all of the necessary 'tools' to continue to allow them to be successful and prosper; and

WHEREAS, the proposed amendment will generally allow the owners of such establishments, commonly identified as Logger's Park and Pioneer Bowl, to be considered legal, conforming land uses, consistent with the review and approval requirements in the zoning regulations; and

WHEREAS, the Village Plan Commission held a joint public hearing on November 5, 2015 as required by Section 70.163(E) of the Village of Richfield Zoning Ordinance, after providing due notice as required by Section 70.45 of the Village of Richfield Zoning Ordinance; and

WHEREAS, following the joint public hearing, the Village Plan Commission reviewed the proposed changes and recommended that the petition by Staff be granted as requested; and

WHEREAS, following the joint public hearing, and upon due consideration of the recommendation from the Village Plan Commission, the Village Board finds that the public necessity, convenience, welfare and good zoning practice requires that the amendment to the zoning ordinance be granted as recommended by the Village Plan Commission;

NOW, THEREFORE, the Village Board of the Village of Richfield, Washington County, Wisconsin, do ordain as follows:

SECTION 1: Chapter 70 of the Village of Richfield Village Code entitled "Zoning Code", Section 70.198 entitled "B-2, Community Business District," subsection (D) entitled "Conditional Uses," is hereby repealed and recreated to read follows:

D. Conditional uses (see section 70.241). Conditional uses in the B-2 district are as follows:

1. Any use similar in character to the permitted uses listed in subsections (B) and (C) of this section and conducted as a retail business on the premises and catering to the general public.
2. Fast-food restaurants, which may or may not include a drive-up service window, a walk-up service window, or drive-up area where customers consume food and drink while sitting in a motor vehicle. If a fast-food restaurant without a drive-up service window, a walk-up service window, or a drive-up area is approved, the addition of any of the aforementioned may only occur as a conditional use.
3. Residential dwellings provided that such dwellings are located in the principal building, not on the ground level floor, and that access to/from such dwellings is directly to/from the exterior of the building. There shall

also be a minimum gross floor area of 750 square feet for an efficiency-type or one-bedroom dwelling and 900 square feet for a two-bedroom unit. A dwelling unit with more than two bedrooms shall not be allowed.

4. Petroleum service stations.
5. Hotels and motels.
6. Liquor stores.
7. Outdoor Recreational Activities (**Defined as, baseball/softball, volleyball, ice skating and mini golf**).
8. Taverns.

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 ordinances 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 take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted this 19th day of November, 2015

John Jeffords, President

ATTEST:

Jim Healy, Village Administrator

Village of Richfield, WI
Thursday, October 29, 2015

Chapter 70. Zoning

ARTICLE III. Districts

70.198. B-2 Community Business District.

- A. Intent. The B-2 community business district is intended to provide for individual or large groups of retail and customer service retail establishments in a shopping center setting. This type of district is usually located at or near the intersections of two arterial streets or highways and designed for the convenience of weekly or monthly one-stop shopping and includes such amenities as increased open space and ample off-street parking and loading areas and architectural screening or landscaping.
- B. Permitted principal uses. Permitted principal uses in the B-2 district are as follows:
1. All principal uses permitted in the B-1 business district; and
 2. The following uses:
 - Antique stores.
 - Appliance stores.
 - Bakeries including the baking of goods for local sale.
 - Bowling/pool establishments.
 - Caterers.
 - Clock-watch shops.
 - Clothing repair shops.
 - Crockery stores.
 - Department stores.
 - Electrical supply stores.
 - Food lockers.
 - Furniture stores.
 - Furniture upholstery shops.
 - Furriers.
 - General offices.
 - Heating supply stores.
 - Indoor tennis/racquetball establishments.
 - Indoor theaters.
 - Jewelry stores.
 - Laundry and dry-cleaning establishments employing not more than seven persons.
 - Lodges and fraternal clubs.
 - Music or musical instrument stores.
 - Natoriums.
 - Newspaper/magazine stores.

Paint, glass, and wallpaper stores.
Pet shops.
Photographic supplies and camera stores.
Plumbing supply stores.
Quick printing shops.
Radio broadcasting studios.
Stationery stores.

C. Permitted accessory uses. Permitted accessory uses in the B-2 district are as follows:

1. Garages for storage of vehicles used in conjunction with the operation of a business.
2. Off-street parking and loading areas.
3. Nonilluminated or internal illuminated nonflashing signs (see section 70.186).

D. Conditional uses (see section 70.241). Conditional uses in the B-2 district are as follows:

1. Any use similar in character to the permitted uses listed in subsections (B) and (C) of this section and conducted as a retail business on the premises and catering to the general public.
2. Fast food stores and restaurants.
3. Residential dwellings provided that such dwellings are located in the principal building, not on the ground level floor, and that access to/from such dwellings is directly to/from the exterior of the building. There shall also be a minimum gross floor area of 750 square feet for an efficiency-type or one-bedroom dwelling and 900 square feet for a two-bedroom unit. A dwelling unit with more than two bedrooms shall not be allowed.
4. Petroleum service stations.
5. Hotels and motels.
6. Liquor stores.
7. Taverns.

E. Lot area and width. Lot area and width in the B-2 district are as follows:

1. Lots shall have a minimum area of eight acres.
2. Lots shall be not less than 400 feet in width at the building setback line.

F. Building height and size. Building height and size in the B-2 district are as follows:

1. No building or parts of a building shall exceed 45 feet in height.
2. No individual store or shop shall have a total floor area of less than 450 square feet.
3. The sum total of the first floor area of all principal and accessory uses shall not exceed 25% of the total lot area.

G. Setback and yards. Setback and yards in the B-2 district are as follows:

1. There shall be a minimum building setback of 100 feet from the street right-of-way.
2. There shall be a side yard of not less than 40 feet in width on either side of principal buildings.
3. There shall be a rear yard of not less than 40 feet.

- H. Parking and loading space. Parking and loading space in the B-2 district are as follows:
1. Minimum off-street parking requirements are:
 - a. Two square feet of paved off-street parking space for each one square foot of total retail floor area for business uses; and
 - b. Two off-street parking spaces for each residential dwelling exclusive of and in addition to the off-street parking requirements for business uses. (See section 70.185)
 2. There shall be adequate loading and unloading space.
- I. Minimum utility service. Minimum utility service in the B-2 district shall be electricity, and county approved wastewater treatment and disposal, and water supply systems.
- J. Special regulations. To encourage a business use environment in the B-2 district that is compatible with the residential character of the Village, building/zoning permits for permitted uses in business districts shall not be issued without prior review by and approval of the Village Plan Commission. Such review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, drainage and screening and landscape plans, plans for the provision of public and private utilities, and site plans for business operations.
[Ord. No. 05-08-01, 8-18-2005]

8 c



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: November 19, 2015

SUBJECT: Creation of Chapter 172, Animal Waste Storage Facilities
DATE SUBMITTED: November 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO AMEND ITS VILLAGE CODE TO CREATE A CHAPTER TO SPECIFICALLY DEAL WITH 'ANIMAL WASTE STORAGE FACILITIES'?

ISSUE SUMMARY:

The purpose of the creation of this ordinance is to codify a series of ordinances which would regulate the design, construction, maintenance, proper abandonment and permit processing of animal waste storage facilities. When the Village of Richfield was a 'town' this was administered by the County. Now that we are statutorily a Village, it is incumbent on us to regulate this ourselves. Ultimately, the goal of the entire chapter of the Village Code is to provide for adequate disposal of animal waste in order to prevent water pollution and to comply with provisions of NR 151 as it relates to agricultural performance standards and prohibitions.

Dating back to 2014, the Village has been having discussions with Washington County regarding the enactment of a waste storage ordinance. Currently, the Village does not have any rules and regulations in place and the County Conservationist, Paul Sebo, has graciously provided to the Village a "model ordinance" which is based on the County's language for the Village to utilize. As a part of this process, much like many area towns in Washington County, an intergovernmental agreement would be formed with the Land & Water Conservation Department for them to administer this ordinance on our behalf as "designee". This intergovernmental agreement would be at no cost to taxpayers. A 'user fee' would simply be paid by the property owner. County Conservationist Sebo currently oversees approximately 80 permitted facilities throughout the County, 50 of which existed at the time of the ordinance adoption in 1991. Currently, the Village does not have any facilities being managed or proposed which would necessitate this type of a review.

Some important aspects of this ordinance chapter for your consideration are as follows:

- **Why "Animal Waste Storage"?** Animal waste storage, if left unchecked, has the potential to harm the health of Village residents, surrounding livestock, aquatic life, and other animal and plants. It also has been shown to have a detrimental effect on both groundwater and surface waters.
- **What's the Purpose?** The purpose of this chapter is to 1) regulate the location, design construction, installation, alteration, use and closure of animal waste storage facilities; 2) regulate the management of wastes from these facilities in order to prevent water pollution and thereby promoting the health, safety and welfare of the community; 3) prevent the spread of disease, and 4) promote the prosperity and general welfare of the citizens of the Village. It is also intended to provide for the administration and enforcement to provide penalties for violations and remedies for property owners who are aggrieved by a decision.
- **Where can these be located?** These types of waste storage facilities are 'structures' as defined by the Village Code. They would be subject to the setback limitations for those Districts where this type of use is permitted.



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

8c

MEETING DATE: November 19, 2015

SUBJECT: Creation of Chapter 172, Animal Waste Storage Facilities
DATE SUBMITTED: November 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

Tonight Mr. Sebo has asked to come before the Board to discuss these matters and answer any potential questions that you might have.

FISCAL IMPACT:

REVIEWED BY: _____
Village Deputy Treasurer

Initial Project Costs: None
Future Ongoing Costs: Administrative
Physical Impact (on people/space): Regulations on animal waste.
Residual or Support/Overhead/Fringe Costs: Administrative

ATTACHMENTS:

- 1) Ordinance O2015-11-03, an Ordinance regulating animal waste storage facilities
- 2) Letter dated November 12, 2015 from County Conservationist Paul Sebo

STAFF RECOMMENDATION:

Motion to approve Ordinance O2015-11-03, an ordinance to create Chapter 172 of the Village Code, entitled Animal Waste Storage Facilities subject to the Village Attorney's final review and approval.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Village Staff Member

Village Administrator

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

ORDINANCE 2015-11-03

**AN ORDINANCE REGULATING ANIMAL WASTE
STORAGE FACILITIES IN THE VILLAGE OF RICHFIELD**

WHEREAS, the Village Board of the Village of Richfield has authority pursuant to s. 61.34, Wis. Stat., to enact ordinances to promote the health, safety, welfare, and convenience of the public; and

WHEREAS, the Village Board believes it is appropriate to regulate animal waste storage facilities and that such regulations are needed to promote public health, safety, and welfare in the Village of Richfield; and

WHEREAS, the goal of this Chapter is to provide for adequate disposal of animal waste in order to prevent water pollution and negative storm water management situations; and

WHEREAS, the Village Board has determined that all the procedural requirements and notice requirements have been satisfied.

NOW, THEREFORE, the Village Board of the Village of Richfield, Washington County, Wisconsin DO ORDAIN AS FOLLOWS:

Section 1. Chapter 172 of the municipal code, titled "Animal Waste Storage Facilities," is created and shall read as follows:

CHAPTER 172**ANIMAL WASTE STORAGE FACILITIES****Article 1. Introduction****172.01 Authority**

This chapter is adopted under authority granted by s. 61.34, Wis. Stats.

172.02 Title.

This chapter shall be known as, referred to, and may be cited as the Animal Waste Storage Facility Ordinance and is hereinafter referred to as this chapter.

172.03 Findings and declaration of policy.

- A. The Village Board of the Village of Richfield finds that storage of animal waste in storage facilities not meeting technical design and construction standards may cause pollution of the ground and surface waters, and may result in actual or potential harm to the health of Village residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of the Village.

- B. The Village Board also finds that improper management of animal waste storage facilities, including improper land application of stored animal waste, may cause pollution of the ground and surface waters.
- C. The Village Board also finds that abandoned animal waste storage facilities may cause pollution of ground and surface waters and may be considered a human health hazard.
- D. The Village Board further finds that the technical standards developed by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) provide effective, practical, and environmentally safe methods of storing and utilizing animal waste and proper methods for closure/reclamation of abandoned facilities.

172.04 Purpose.

The purpose of this chapter is to (1) regulate the location, design, construction, installation, alteration, use and closure of animal waste storage facilities; (2) regulate the management of wastes from these facilities; in order to prevent water pollution and thereby protect the health of Village residents and transients; (3) prevent the spread of disease; and (4) promote the prosperity and general welfare of the citizens of the Village. It is also intended to provide for the administration and enforcement of this chapter and to provide penalties for violations of this chapter.

172.05 Interpretation.

The provisions of this chapter shall be considered to be minimum requirements and shall be liberally construed in favor of the Village, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

172.06 Severability.

If any section, provision, or portion of this chapter is ruled invalid by a court, the remainder of the chapter shall not for that reason be rendered ineffective.

172.07 through 172.10 Reserved

Article 2. General Provisions

172.11 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned animal waste storage facility. An animal waste storage facility that is idle or no longer used for its intended purpose.

Administering authority. For the purposes of Washington County, means the County Conservationist or his or her designee; and for purposes of other governing entities (towns, villages, cities) within Washington County, means a governmental employee or contracted firm that is designated by the governing body to administer this Chapter.

Animal waste. Livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers, and debris normally included in animal waste handling operations.

Animal waste storage facility. A concrete, wooden, steel, or otherwise fabricated structure, or an excavated or earthen impoundment specifically designed and made for the purposes of temporarily storing and holding of animal waste. Installation of a manure transfer system will be considered a waste storage facility for purposes of this chapter.

Applicant. Any person who applies for a permit under this chapter.

Manure transfer system. A manure conveyance system using structures, conduits, or equipment. It includes transfer through a hopper, reception structure or tank, a pump, channel or conduit. Additional definitions and criteria are listed within the standard as identified in s. 172.14.

Permit. The signed, written statement issued by the administering authority under this chapter authorizing the applicant to construct, install, reconstruct, enlarge, or substantially alter an animal waste storage facility.

Permittee. Any person to whom a permit is issued under this chapter.

Person. Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.

Substantially altered. A change to a structure or facility that results in its relocation or a significant change to the size, depth or configuration including; replacement of a liner, an increase in the volumetric capacity or area by greater than 20 percent, or a change in livestock management from one species of livestock to another such as cattle to horses.

Technical Guide. The Wisconsin version of the Natural Resources Conservation Service field office Technical Guide published by the Natural Resources Conservation Service of the U.S. Department of Agriculture.

Water pollution. Contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

172.12 Applicability.

The requirements of this chapter apply to all lands located in the Village of Richfield, the boundary of which may change from time to time. Activities subject to regulation include the construction, installation, reconstruction, enlargement, substantial alteration, or closure of an animal waste storage facility.

172.13 Compliance with permit requirements.

A person is in compliance with this chapter if he or she follows the procedures of this chapter, receives a permit from the administering authority before beginning activities subject to regulation under this section, and complies with the requirements of the permit.

172.14 Technical standards.

- A. Applicable technical standards. The technical standards listed below shall be adhered to during any activities permitted under the authority of this chapter. A copy of these standards can be obtained from the administering authority.
- (1) Waste storage facilities. The standards for design and construction of animal waste storage facilities are those in standards 313 (Waste Storage Facility), 634 (Manure Transfer) of the Technical Guide. Construction specifications referenced within the above listed standards shall also be adhered to. Compliance with standards other than those previously listed above, including those referenced within the above listed applicable standards, shall not be required for the purpose of complying with the provisions of this chapter.
 - (2) Land application of animal waste. The standard for management and utilization of animal waste through land application with regard to preventing water pollution is found in standard 590 (Nutrient Management) of the Technical Guide.
 - (3) Abandoned animal waste storage facility. The standard for closure of animal waste storage facilities is found in standard 360 (Closure of Waste Impoundments) of the Technical Guide. Construction specifications referenced within the above listed standards shall also be adhered to.
 - (4) Construction site erosion control. The standards for controlling soil erosion from construction sites are those technical standards identified, developed, or disseminated by the Wisconsin Department of Natural Resources, as outlined in ch. NR 151, Wis. Adm. Code.
- B. Subsequent modification of standards. The standards of the Technical Guide and the Wisconsin Department of Natural Resources as outlined in ch. NR 151, Wis. Adm. Code are adopted and by reference made a part of this chapter as if fully set forth herein. Any future amendment, revision or modification of the standards incorporated herein are made part of this chapter unless otherwise acted upon by the Village Board.
- C. Variances. Variances from these standards can only be granted by the custodian of the technical standards or through an appeal by the applicant in accordance with Article 6 of this chapter unless otherwise acted upon by the Village Board.

172.15 through 172.20 Reserved

Article 3. Animal Waste Storage Facility Permit

172.21 General.

No animal waste storage facility or parts thereof may be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or its use changed without an animal waste storage facility permit as provided in this chapter, and without compliance with the provisions of this chapter. The requirements of this chapter shall be in addition to any other chapter or administrative rule regulating animal waste storage or applicable technical standards. In the case of conflict, the most stringent provisions shall apply.

172.22 Exceptions to permit requirement.

Emergency repairs such as repairing a broken pipe, or equipment, leaking dikes or the removal of stoppages may be performed without an animal waste storage facility permit. Such work shall be reported to the administering authority as soon as possible with a maximum of 2 working days for a determination as to whether an animal waste storage facility permit will be required for an additional alteration or repair to the facility. The administering authority may consult with the Village Board prior to making this determination. This chapter shall not require a permit for routine maintenance or repair of an existing animal waste storage facility or transfer equipment. In addition, no permit is required for barnyard construction or alteration which does not meet the definition of animal waste storage facility in s. 172.11 of this chapter.

172.23 Fees and bonds.

- A. Fees. The fee for a permit under this chapter shall be established by the administering authority and adopted by the Village Board. The fee shall reflect reasonable expenses associated with administration of this chapter. The fee is non-refundable and must be submitted with the application.
- B. Financial security. The administering authority may require a cash bond or escrow until final certification of construction is received in accordance with s. 172.26(5).

172.24 Permit application.

- A. An application for an Animal Waste Storage Facility Permit shall be filed with the administering authority on forms supplied by the administering authority and shall include a plan specifying the following:
 - (1) The number and kinds of animals for which storage is provided and design duration.
 - (2) A sketch of the facility and its location in relation to buildings, roads, lot lines, and other features within 250 feet, and homes within 500 feet of the proposed facility. The sketch shall be drawn to scale, with a scale no smaller than one inch equals 100 feet.
 - (3) The structural details, including dimensions, cross sections, and concrete thickness and reinforcement.
 - (4) The location of any wells within 300 feet of the facility.

- (5) The soil test pit and/or soil depth boring locations and soil descriptions to a depth of at least 5 feet below the planned bottom of the facility, or to bedrock if at a lesser depth.
 - (6) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.
 - (7) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. If a navigable body of water lies within 500 feet of the facility, the location and distance to the body of water shall be shown.
 - (8) The scale of the drawing and the north arrow.
 - (9) A time schedule for construction of the facility.
 - (10) A description of the method in transferring animal waste into and from the facility.
 - (11) A nutrient management plan which meets the standards specified in s. 172.14.
 - (12) A construction site erosion control plan which meets the standards specified in s. 172.14.
 - (13) Any other additional information required by the administering authority to determine compliance with this chapter.
- B. An application for closure of an abandoned animal waste storage facility shall include the information specified in sub (A) 2-4, 7, 9, 12 and 13 above. The application shall describe (1) the construction methods to be used, (2) compliance with the technical standards, and (3) the intended future use of the site.

172.25 Review of application.

- A. The administering authority shall receive and review all permit applications.
- B. The administering authority shall determine if the proposed facility meets the required standards set forth in s. 172.14. In making this determination, the administering authority may require a site inspection and/or may consult with an outside agency.
- C. Within 30 days after receiving the completed application and fee, the administering authority shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required from the applicant, the administering authority has 30 days from the receipt of the additional information in which to approve or disapprove the application. If, in addition to the applicant's information, the administering authority requires comment from an outside agency, the administering authority has 30 days from receipt of the comments from the outside agency in which to approve or disapprove the application.
- D. The administering authority shall mail a copy of action taken by the administering authority and the permit to the Village of Richfield. The administering authority may mail a copy of

the action taken and permit to other agencies or units of government that may have jurisdiction over the proposed facility.

172.26 Permit conditions.

All permits issued under this chapter shall be subject to the following conditions and requirements in addition to any other conditions or requirements imposed by the administering authority, Village Board, other state agencies or local units of government:

- (1) Design and construction shall be carried out in accordance with the animal waste storage facility plan and applicable standards specified in s. 172.24.
- (2) The permittee shall give 2 working days notice to the administering authority before starting any construction activity authorized by the permit.
- (3) The permittee certifies in writing that all other State, County, Village, Army Corp of Engineers or other State or Federally required permits will be obtained from the appropriate authorities. The administering authority may require proof of any permit known to be needed prior to issuing an animal waste storage facility permit.
- (4) Approval in writing must be obtained from the administering authority prior to any modifications to the approved animal waste storage facility plan.
- (5) The permittee and, if applicable, the contractor or professional engineer, licensed in the State of Wisconsin, shall certify in writing that the facility was installed as planned and designed. A copy of the signed certification sheet shall be given to the administering authority within 30 days of completion of installation. Administering authority personnel may conduct site inspection during and following construction to determine that the facility was installed as planned and designed. Any approved changes made to the animal waste storage facility plans shall be specified in the certification sheet and approved by the administering authority.
- (6) Unless an extension is granted by the administering authority, all activities authorized by permit must be completed within 2 years from the date of issuance after which such permit shall be void.

172.27 Permit revocation.

The administering authority may revoke any permit issued under this chapter if the holder of the permit has misrepresented any material fact in the permit application or animal waste storage facility plan, or if the holder of the permit violates any of the conditions of the permit. The permittee shall be immediately notified of the revocation in writing giving the reason(s) for revocation.

172.28 through 172.40 Reserved

Article 4. Administration

172.41 Delegation of authority.

As designated by the Village Board, the administering authority is authorized to administer and enforce this chapter.

172.42 Administrative duties.

In the administration and enforcement of this chapter, the administering authority, or designated representative, shall:

- (1) Keep an accurate record of all permit applications, animal waste storage facility plans, permits issued, inspections made, and other official actions.
- (2) Review permit applications and issue permits in accordance with this chapter.
- (3) Inspect animal waste storage facility construction/closure to insure the facility is being constructed/closed according to plan specifications.
- (4) Investigate complaints relating to compliance with this chapter.
- (5) Perform other duties as specified in this chapter.
- (6) Provide technical services to the applicant to the extent resources are available.

172.43 Inspection authority.

The administering authority, or designated representative, is authorized to enter upon any lands affected by this chapter to inspect the land prior to or after permit issuance to determine compliance with this chapter pursuant to the authority granted by s. 92.07(14), Wis. Stats. Entry by the administering authority or designated representative may also be according to s. 66.0119, Wis. Stats. Refusal to grant permission to enter lands affected by this chapter for purposes of inspection may be grounds for denial of the permit or revocation thereof.

172.44 Enforcement authority.

- A. All enforcement actions will be referred to and issued by the designated enforcement officer of the Village except when the violation is an immediate and significant threat to the public or the environment, as determined by the administering authority. The enforcement officer, or designated representative, is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this chapter. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this chapter. The order shall specify that the activity must cease.
- B. Any permit revocation or order stopping work shall remain in effect unless retracted by the Village Board, administering authority, or designated representative, or by a court of general jurisdiction; or until the activity is brought into compliance with this chapter.

172.45 through 172.50 Reserved

Article 5: Violations

172.51 Penalties.

Any person who violates, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be subject to a forfeiture, as may be established by the Village Board, plus costs of prosecution for each violation. An unlawful violation includes failure to comply with any standard of this chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense.

172.52 Enforcement of injunction.

As a substitute for, or an addition to forfeiture actions, the administering authority may seek enforcement of any part of this chapter by court actions seeking injunctions or restraining orders.

172.53 through 172.60 Reserved

Article 6. Appeals

172.61 Authority.

The Zoning Board of Appeals established in s. 70.101 of the municipal code shall serve as the appeal authority under s. 68.09(2), Wis. Stats., and is therefore authorized to hear and decide appeals of any order, requirement, decision, or determination by the administering authority in administering this chapter.

172.62 Procedure.

- A. The rules, procedures, duties and powers of the Zoning Board of Appeals and the provisions of ch. 68, Wis. Stats., shall apply to appeals under this chapter.
- B. A request for an appeal shall be filed with the Village Administrator within 30 days of action or decision to be appealed. The appeal request shall specify whether an interpretation of chapter requirements or a variance is sought and the grounds thereof.
- C. The appeal shall be heard by the Zoning Board of Appeals at a regularly scheduled meeting with public notice as required by s.19.81, Wis. Stats. The appeal shall be heard within 45 days of the date the appeal is filed with the Village Administrator. A copy of the meeting notice shall be sent to the applicant and the appropriate Village Board. The Village Administrator shall transmit to the Zoning Board of Appeals all documents constituting the record from which the appeal was taken.
- D. A written decision regarding the appeal shall be made within a reasonable time.
- E. The final decision on an appeal shall be in the form of a written determination signed by the Chairperson or Secretary of the Zoning Board of Appeals. The determination shall state the specific facts, which are the basis for the Board's decision and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, deny the appeal for lack of justification or grant or deny the application for a variance. The reasons or justifications for granting an appeal including a description of the hardship or practical difficulty which was demonstrated by the applicant in the case of a variance, shall be clearly stated in the recorded minutes of the Board's meeting.

172.63 Who may appeal.

Appeals may be taken by any person having a substantial interest which is adversely affected by the order, requirement, decision, or determination made by the administering authority.

172.64 Variances.

A. The Zoning Board of Appeals may upon appeal authorize a variance from the requirements of this chapter when, upon showing by the applicant, unnecessary hardship would result from a literal enforcement of this chapter. The granting of a variance for unnecessary hardship shall:

- (1) Be consistent with the spirit and purpose of this chapter as set forth in s. 172.4.
- (2) Not permit an activity or practice that may fail structurally or otherwise and cause significant water pollution or other offsite impacts.
- (3) Be due to unique circumstances and not to the general conditions of the area.
- (4) Not be granted for a self-created hardship.
- (5) Not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the right of other persons.
- (6) Not be granted solely on the basis of economic gain or loss.
- (7) Not be granted solely on the fact that certain conditions existed prior to the effective date of the chapter.

B. The Zoning Board of Appeals may authorize a variance from the requirements of this chapter provided the applicant receives a variance from the technical standards through the Natural Resources Conservation Service or other qualified engineering authority. If public funds are involved, this may be a program requirement.

Section 2. This ordinance shall take effect upon passage and posting as set forth in s. 61.50, Wis. Stats.

Section 3. 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 ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Adopted this 19th day of November, 2015

John Jeffords, Village President

Attest:

Jim Healy, Village Administrator/Clerk



Washington County

Planning and Parks Department

Land and Water Conservation Division

November 12, 2015

Jim Healy
Village of Richfield Administrator
4128 Hubertus Road
Hubertus, WI 53033

Dear Mr. Healy:

I am writing to you today to encourage the Village of Richfield to consider adopting an ordinance that regulates the construction, management and/or abandonment of animal waste storage facilities. Washington County's Animal Waste Storage Ordinance became effective on January 1, 1991. It is designed to prevent water pollution by requiring all new or substantially altered manure storage facilities be designed and built to technical standards and specification. In 2006 we revised this ordinance to require permits for the proper abandonment of manure storage facilities that are no longer intended to be utilized.

The county's ordinance applies to all unincorporated areas of the county, which historically included the Town of Richfield; however when Richfield incorporated as a Village the county's ordinance no longer applied. As you know the Village still has a fairly large agricultural base and as farming continues to evolve the potential exists for either new or existing animal operations wanting to construct a waste storage facility. On many farms, storage is the preferred manure-handling option. It eliminates the inconvenience of daily hauling, and allows manure to be conveniently stockpiled in a single facility until conditions are environmentally safe and agronomically correct for field application. However, proper construction, routine maintenance and/or proper abandonment are essential in preventing surface or groundwater pollution, or the human health hazards that these facilities can pose.

With the adoption of an Animal Waste Storage Facilities ordinance I would like to offer our services to the Village of Richfield in helping to administer this ordinance. Through a separate Intergovernmental Agreement we, the Washington County Land and Water Conservation Division, would be providing services to your residents at no cost to the Village. Any fees for our services would be paid through permit fees that we would collect directly from the applicant.

If you have any questions regarding this matter please do not hesitate to call.

Sincerely,

Paul B. Sebo

Paul B. Sebo
County Conservationist

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VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: November 19, 2015

SUBJECT: Municipal Code Amendment – 270-2(E), Firearms in Public Parks
DATE SUBMITTED: November 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO AMEND ITS VILLAGE CODE RELATED TO FIREARMS IN PUBLIC PARKS?

ISSUE SUMMARY:

Wisconsin's 'Concealed Carry Law' was signed into law on July 8, 2011 and went into effect on November 1, 2011. According to the Wisconsin Department of Justice's (DOJ) website, in 2014 alone, 33,691 law abiding citizens were issued a permit to carry a concealed weapon. As this number presumably grows, so do the educational efforts for citizens and organizations alike as they come across the 'growing pains' regarding impacts to municipal ordinances. On July 20, 2011, the previous Village Administrator was issued a memo by the Village Attorney outlining several impacts of the 'Concealed Carry Law' on municipalities. In summary, they are as follows:

- Local ordinances or resolutions which restrict the discharge of a firearm do not apply and cannot be enforced if the 'conduct is justified' or the discharge was privileged, i.e., it was in self-defense or in defense of persons or property or under coercion, etc.
- Municipalities cannot enforce against disorderly conduct due to carrying, loading, or going armed with a firearm.
- Concealed weapons cannot be carried into any portion of a building that is a police station, or any portion of a building that is a municipal court room if court is in session.
- It is trespass to carry a firearm into a municipal building if the local governmental unit has notified the actor not to enter or remain in the building while carrying a firearm. The notification must be made by a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies, such that any individual entering the building can be reasonably expected to see the sign. The sign must be at least five inches by seven inches in size.
- There is no ability to create a general prohibition against firearms within public parks.

At the December 15, 2011, Village Board meeting, the Board decided to not prohibit the carrying or keeping of firearms in public buildings. However, no action was taken on any proposed ordinance amendment referring to the impacts of the law and the interplay between public land and parks the Village owns.

On Thursday, October 22nd, Village President John Jeffords and the Board received an email from a local resident who resides in Colgate. He pointed out to the Board this apparent contradiction and sought for ways it could be changed. Staff was directed by the Village President to place this on the agenda for consideration by the entire Board. Specifically, Section 720-2(E), which states that it is a 'prohibited act' for any person to 'carry, keep, or use any firearm, bow and arrow, slingshot, trap gun or other shooting device' in or upon any public grounds in the Village.

Therefore, Staff is proposing a minor amendment to this section to insert the following language as the first sentence to the "Prohibited Acts" section of law in question:

"Except for those instances which are exempted, preempted, or allowed by State and/or Federal Law..."

This minor modification to the text, which has been reviewed and approved by the Village Attorney, remedies the cause for concern our resident has while still keeping in place many of the safeguards the Statutes have codified which dictates and outlines responsible gun ownership and behavior.



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: November 19, 2015

SUBJECT: Municipal Code Amendment – 270-2(E), Firearms in Public Parks
DATE SUBMITTED: November 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

FISCAL IMPACT:

REVIEWED BY: _____

Village Deputy Treasurer

Initial Project Costs: None
Future Ongoing Costs: None
Physical Impact (on people/space): None
Residual or Support/Overhead/Fringe Costs: None

ATTACHMENTS:

- 1) Wisconsin DOJ Concealed Carry Weapon FAQ (page 35 of 49)
- 2) Village Attorney John Macy written correspondence dated July 20, 2011
- 3) Email from Village Resident to Village Board dated October 22, 2015
- 4) Ordinance O2015-11-04, an ordinance to amend Section 270-2

STAFF RECOMMENDATION:

Motion to approve Ordinance O2015-11-04, an ordinance to amend Section 270-2 of the Village Code regarding prohibited acts in or upon any public grounds in the Village.

APPROVED FOR SUBMITTAL BY:

Village Staff Member

Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

**WISCONSIN'S CARRYING CONCEALED WEAPON LAW
QUESTIONS AND ANSWERS
JUNE 1, 2013**

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- Intentionally discharge a firearm into a vehicle or building under circumstances in which the person should realize there might be a human being present unless privileged. Intentionally discharges a firearm from a vehicle while on a highway or in a parking lot unless justified or privileged.*
- Possess, purchase, sell, offer to sell, manufacture, or goes armed with a switchblade knife.*
- Possess tear gas or similar substance except for pepper spray.*
- Use tear gas or similar substances or pepper spray against a law enforcement officer or during a crime.*
- Possess, purchase, sell, transport or use a machinegun unless authorized by law.*
- Possess, purchase, sell, transport or use a short-barreled shotgun or rifle (shotgun with a barrel length of less than 18 inches or an overall length of less than 26 inches and a rifle with a barrel length of less than 16 inches or an overall length of less than 26 inches).*
- Sell or distribute an imitation firearm.*
- Carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person.*
- Possess, sell or deliver a firearm silencer unless specifically allowed by law. Endanger the safety of another by the negligent operation of handling of a dangerous weapon.*
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DISCLAIMER: This document broadly discusses—in question-and-answer format—the laws and procedures governing licenses to carry concealed weapons in Wisconsin. Every effort has been made to be as accurate as possible. However, this document does not constitute either an informal or formal opinion of the Wisconsin Attorney General, does not constitute legal advice or guidance and does not create an attorney-client relationship. It creates no rights beyond those established under the constitutions, statutes, regulations and administrative rules of the United States and the State of Wisconsin. Nor does it attempt to provide answers to every question that may arise regarding carrying concealed weapons. Many factors may affect your decision whether to apply for a license to carry concealed weapons in Wisconsin. You should review the statutes governing CCW and consult a private attorney for specific information and advice. This document only reflects the law as of the date of its publication and may be superseded or affected by other versions or changes in the law.

Wisconsin Act 35: <http://legis.wisconsin.gov/2011/data/acts/11Act35.pdf>

EFFECTIVE DATE

When did Wisconsin's carrying concealed law become effective?

Wisconsin Act 35 was signed into law on July 8, 2011, published on July 22, 2011 and was effective November 1, 2011.

Wisconsin Act 35: <http://legis.wisconsin.gov/2011/data/acts/11Act35.pdf>

When can I start carrying a concealed weapon?

Once you have received a CCW license

DOJ is required to establish, by rule, a [list of states](#) that issue CCW licenses or permits that either requires or designates that the holder of the license or permit chose to submit to a background check that is comparable to the check conducted under Wisconsin law. *Wis. Stat. § 165.25(12)*. A person who possesses a CCW license or permit from one of the states designated by DOJ may carry concealed in Wisconsin. *Wis. Stat. § 15.60((1)(f) and (2g)(a))*.

Out-of-state CCW licenses issued to Wisconsin residents are not valid in Wisconsin. All Wisconsin residents must obtain a Wisconsin CCW license in order to carry concealed in Wisconsin.

CARRYING CONCEALED WEAPON LICENSE PROCESS AND REQUIREMENTS

A. Eligibility for a CCW license

Who is eligible to apply for a CCW license?

In order to obtain a CCW license, the applicant must:

- Be 21 years of age or older.
- Not prohibited from possessing a firearm under state or federal law.
- Not have been ordered as a condition of bail or release in a criminal case from possessing a dangerous weapon.
- Be a Wisconsin resident.
- Have provided proof of the firearms training required for a license. (see **Training Requirement** below)

Wis. Stat. § 175.60(3)(a) through (g).

Who cannot get a CCW license?

- A person under 21 years of age. *Wis. Stat. § 175.60(3)(a)*.
- A person who is prohibited from possessing a firearm under state or federal law. *Wis. Stat. § 175.60(3)(b) and (c)*.

- A person who has been ordered as a condition of bail or release in a criminal case from possessing a dangerous weapon. *Wis. Stat. § 175.60(3)(d) and (e).*
- A person who is not a Wisconsin resident. *Wis. Stat. § 175.60(3)(f).*
- A person who has not provided proof of the training required for the issuance of a license. *Wis. Stat. § 175.60(3)(g).*

Who is prohibited from possessing a firearm under state and federal law?

Under state law the following persons are prohibited from possessing a firearm: *Wis. Stat. § 941.29.*

1. The person has been **convicted of a felony in Wisconsin.** *Wis. Stat. § 941.29(1)(a).* Unless the person has been pardoned of the felony and has been expressly authorized to possess a firearm under 18 USC app. 1203; or has been relieved of disabilities under 18 USC 925(c). *Wis. Stat. § 941.29(5).*
2. The person has been **convicted of a crime elsewhere that would be a felony if convicted in Wisconsin.** *Wis. Stat. § 941.29(1)(b).* Unless the person has been pardoned of the felony and has been expressly authorized to possess a firearm under 18 USC app. 1203; or has been relieved of disabilities under 18 USC 925(c). *Wis. Stat. § 941.29(5).*
3. The person was **adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in this state would be a felony.** *Wis. Stat. § 941.29(1)(bm).* Unless a court subsequently determines that the person is not likely to act in a manner dangerous to public safety. *Wis. Stat. § 941.29(8).*
4. The person **was found not guilty of a felony in Wisconsin by reason of mental disease or defect.** *Wis. Stat. § 941.29(1)(c).* Unless, a court subsequently determines that: 1) the person is no longer insane or no longer has a mental disease, defect or illness, AND 2) the person is not likely to act in a manner dangerous to public safety. *Wis. Stat. § 941.29(7).*
5. The person **was found not guilty or not responsible for a crime elsewhere that would be a felony in this state by reason of insanity or mental illness, disease or defect.** *Wis. Stat. § 941.29(1)(d).* Unless, a court subsequently determines that: 1) the person is no longer insane or no longer has a mental disease, defect or illness, AND 2) the person is not likely to act in a manner dangerous to public safety. *Wis. Stat. § 941.29(7).*
6. The person **has been committed to treatment under s. 51.20(13)(a) and ordered not to possess a firearm** under § 51.20(13)(cv)1. *Wis. Stat. § 941.29(1)(e).* Unless the prohibition has been cancelled. *Wis. Stat. § 941.20(9)(a).*
7. The person **has been ordered not to possess a firearm under any of §§ 51.20(13)(cv)1, 51.45(13)(i)1, 54.10(3)(f)1, or 55.12(10)(a) (mental**

health commitments). *Wis. Stat. § 941.20(1)(em).* Unless the court order has been cancelled. *Wis. Stat. § 941.20(9b).*

8. The person is **enjoined under an injunction issued under § 813.12 or 813.122 (harassment or domestic abuse) or under a tribal injunction**, as defined in § 813.12(1)(e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under § 941.29 and that has been filed under § 806.247(3). *Wis. Stat. § 941.29(1)(f).* Unless the person is a peace officer and the person possesses a firearm while in the line of duty or, if required to do so as a condition of employment, while off duty; OR, 2) the person is a member of the U.S. armed forces or national guard and the person possesses a firearm while in the line of duty. *Wis. Stat. § 941.29(10).*

(Note – the prohibition against firearm possession under this subsection does not apply to any correctional officer employed before May 1, 1982, who is required to possess a firearm as a condition of employment. This exemption applies if the officer is eligible to possess a firearm under any federal law and applies while the officer is acting in an official capacity. *Wis. Stat. § 941.29(6).*

Under federal law the following persons are prohibited from possessing a firearm that has been shipped or transported in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. *18 USC Ch. 44 § 922(g)(1)-(9).*

- 1 A person who has been **convicted** in any court of, **a crime punishable by imprisonment for a term exceeding one year;**
2. A person who is a **fugitive** from justice;
3. A person who is an **unlawful user of or addicted to any controlled substance** (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
4. A person who has been **adjudicated as a mental defective or who has been committed to a mental institution;**
5. A person who, being an **alien**—
 - (A) is **illegally or unlawfully in the United States;** or
 - (B) except as provided in subsection 18 USC 44 § 922(y)(2), **has been admitted to the United States under a nonimmigrant visa** (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(26));
6. A person who has been **discharged from the Armed Forces under dishonorable conditions;**
7. A person who, having been a citizen of the United States, has **renounced his or her citizenship;**
8. A person who is **subject to a court order** that—
 - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

- (B) **restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child;** and
 - (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
 - (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
9. A person who has been **convicted in any court of a misdemeanor crime of domestic violence**. Section 922(g)(9) of Title 18 includes a firearm prohibition for misdemeanor convictions even if the statute does not specifically define the offense as domestic violence: 1) if there was use or attempted use of physical force or the threatened use of a deadly weapon and; 2) was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

B. Application and general requirements

When can I apply for a CCW license?

After meeting all of the license eligibility requirements.

Where can I apply for a CCW license?

License applications are available from and are to be submitted to the Wisconsin Department of Justice (DOJ). *Wis. Stat. § 175.60(7)*. Application forms are available on the [DOJ Website](#). Applicants may also send a letter to the DOJ requesting to have an application mailed to them.

How do I apply for a CCW license?

An individual may apply for a license by submitting a completed application form containing three original signatures stating that the information submitted in or with the application is true and complete to the best of his or her knowledge, acceptable proof of training, and a license fee in the amount of **\$40**. *Wis. Stat. § 175.60(7)*. Applications should be mailed to: Wisconsin Department of Justice, ATTN: Firearms Unit, P.O. Box 7130, Madison, WI 53707-7130.

Where can I get a copy of the application form?

DOJ shall make the forms available on its [website](#) and, upon request, by mail. *Wis. Stat. § 175.60(5)(b)*.

What is required to apply for a license?

All of the following:

1. A completed application form containing three original signatures stating that the information submitted in or with the application is true and complete to the best of the applicant's knowledge. *Wis. Stat. § 175.60(7)*.

2. One check or money order made out to the Department of Justice in the amount of **\$40**. This pays for the \$30 license fee and the \$10 background check fee. *Wis. Stat. § 175.60(7)(c) & Wis. Stat. § 175.60(7)(d)*
3. Proof of training. *Wis. Stat. § 175.60(7)(e)*.

What personal information is required in an application?

Name, address, date of birth, Wisconsin driver's license or identification card number, race, sex, height, and eye color. *Wis. Stat. § 175.60(2m) (b)*.

What additional information is contained on the application?

1. A statement regarding when the applicant is ineligible for a license.
2. A statement explaining self-defense and defense of others under s. 939.48, with a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement.
3. A statement, with a place for the applicant to sign his or her name, to indicate that the applicant has read and understands the requirements of this section.
4. A statement that an applicant may be prosecuted if he or she intentionally gives a false answer to any question on the application or intentionally submits a falsified document with the application.
5. A statement of the penalties for intentionally giving a false answer to any question on the application or intentionally submitting a falsified document with the application.
6. A statement of the places where a licensee is prohibited from carrying a weapon, as well as a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement.

Wis. Stat. § 175.60(5)(a).

Applicants will also be asked to answer a series of questions relating to their eligibility to possess firearms under state and federal law, residency and training.

Are applicants subject to a background check?

Yes. A background check will be conducted to determine whether the applicant is prohibited from possessing a firearm. *Wis. Stat. § 175.60(9g)*.

How much does it cost to apply?

\$40, of which \$30 is to pay for the license application process and \$10 is for a criminal background check fee. *Wis. Stat. § 175.60(7)(c) and (d).*

What happens if a check used to pay for the CCW license is returned for insufficient funds?

The applicant will be assessed a \$20 insufficient funds fee. If a license has not yet been issued the application will be deemed incomplete. If the license has been issued it will be cancelled. *Wis. Stat. § 20.905(2).*

How long will it take to get a CCW license after I submit an application?

DOJ must either issue a license or deny the license application within 21 days of receiving the completed application. *Wis. Stat. § 175.60(9)(b).*

The above time limits do not apply to incomplete applications.

What information is contained on a license?

- Full name
- Date of birth
- Residence address
- Physical description including sex, height, and eye color.
- Date of issuance of the license
- Date of expiration of the license
- The name of this state
- A unique identification number
- A statement of the requirement to inform DOJ of any change of address within 30 days after moving and the penalty for a violation.

Wis. Stat. § 175.60(2m)(b).

How long is a license good for?

Five (5) years from the date on which it was issued, unless the license is suspended or revoked. *Wis. Stat. § 175.60(15)(a).*

What happens if my license is lost or destroyed?

If a license is lost, a licensee no longer has possession of his or her license, or a license is destroyed, unreadable, or unusable, a licensee may submit to the department a replacement request form requesting a replacement license, the license or any portions of the license if available, and a \$12 replacement fee. The department shall issue a replacement license to the licensee within 14 days of receiving the statement and fee. *Wis. Stat. § 175.60(13).*

What if I currently have a license or permit as a private detective or private security business?

Under current law a person employed by a private detective agency or private security firm may possess dangerous weapons if in compliance with rules established by the Department of Regulation and Licensing. That law remains the same, but the law now requires that the rules shall allow concealed carry for public agency law enforcement officers, qualified out-of-state law enforcement officers, a former law enforcement officer under certain circumstances, and a CCW licensee and out-of-state licensee. *Wis. Stat. § 440.26(3m)(a)-(d)*. Therefore, a person employed by a private detective agency or private security firm may carry concealed **if they have a CCW license** or are qualified current or former law enforcement officers. The firearms training course required of employees of private detectives or private security companies meets the training requirement necessary to obtain a CCW license. *Wis. Stat. § 175.60(4)(a)(d)*.

C. Training requirement

What kind of training is required to get a license?

In an application for a license, an individual must include proof of having received firearms training. The proof of training requirement may be met by **any** of the following:

1. A copy of a document, or an affidavit from an instructor or organization that conducted the course or program, that indicates that the individual completed any of the following (but see note below):
 - The hunter education program established by the Department of Natural Resources (DNR) or a substantially similar program that is established by another state, country, or province and that is recognized by DNR.
 - A firearms safety or training course that is conducted by a national or state organization that certifies firearms instructors. A model certificate is available [here](#).
 - A firearms safety or training course that is available to the public and is offered by a law enforcement agency
 - A firearms safety or training course that is taught by an instructor who is certified by a national or state organization that certifies firearms instructors or by an instructor certified by DOJ, and that is available to the public and offered by any of the following: a technical college, a college or university, a private or public institution or organization, or a firearms training school.
 - A firearms safety or training course that is offered to law enforcement officers or to owners and employees of licensed private detective and security agencies.
 - A firearms safety or training course that is conducted by a firearms instructor who is certified by a national or state organization that certifies firearms instructors or who is certified by DOJ.
2. Documentation that the individual completed military, law enforcement, or security training that gave the individual experience with firearms that is substantially equivalent to a course or program described above.
3. A current or expired license, or a photocopy of a current or expired license, that the individual holds or has held that indicates that the individual is licensed or has been licensed to carry a firearm in this state or in another state or in a county or

municipality of this state or of another state unless the license has been revoked for cause. You must complete for [DJ-LE-289](#) from the DOJ website and include it with a copy of the license.

4. Documentation of completion of small arms training while serving in the U.S. armed forces as demonstrated by an honorable discharge or general discharge under honorable conditions or a certificate of completion of basic training with a service record of successful completion of small arms training and certification. *Wis. Stat. § 175.60(4)(a).*

Is it unlawful for firearms instructors to provide false information?

Yes. A firearms instructor who intentionally submits false documentation indicating that a person has met the CCW training requirements is guilty of a crime and may be prosecuted under Wis. Stat. § 946.32 (false swearing). *Wis. Stat. § 175.60(17)(c).*

Does a trainer have any legal liability or responsibility for the conduct of persons provided training?

Under the statute a person providing training in good faith is immune from liability arising from any act or omission related to the course if the course is one listed under the statute. *Wis. Stat. § 175.60(21)(d); Wis. Stat. § 175.49(6).*

However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

Does DOJ certify instructors?

DOJ will only be approving Law Enforcement Standards Board certified firearms instructors to instruct DOJ curriculum. It will not be certifying civilian instructors.

DOJ is not approving or establishing the curriculum of any other firearms training course offered by any other national or state organization.

Does DOJ provide training for instructors or students?

No. While DOJ may certify instructors and develop a suggested curriculum, it will not directly provide training.

Does DOJ have a recommended training course?

DOJ developed a concealed weapons training course to be used by DOJ certified instructors and is available to DOJ instructors on WILENET.

Will an on-line training course satisfy the requirements to obtain a concealed carry permit?

No.

D. Emergency license

What if I believe I have an emergency need for a CCW license?

A person who believes they need a license immediately may petition a court in the county where he or she resides for an emergency license. A court may issue an emergency license if the court determines it is necessary to protect the person from death or great bodily harm unless it knows that the person is ineligible for a license. *Wis. Stat. § 175.60(9r)(a)*.

How long is an emergency license valid?

An emergency license is only good for 30 days unless revoked by the court. *Wis. Stat. § 175.60(9r)(b)*.

The court shall revoke an emergency license if it determines that the person is ineligible for a license. *Wis. Stat. § 175.60(9r)(bm)*.

An emergency license is void if the person applies for a regular license and is found ineligible to get a license. *Wis. Stat. § 175.60(9r)(c)*.

If I am issued an emergency license, must I follow the same laws, rules and restrictions as regular licensees?

Yes. Your "emergency" license does not give you a greater right to defend yourself or others, nor are you exempted from the other laws and procedures governing concealed carry during the 30-day term of your license.

E. Change of address

What happens if I move after I get a CCW license?

The law requires a licensee to notify DOJ of a change of address on the Change of Address [form](#) within 30 days of changing his or her address. *Wis. Stat. § 175.60(11)(b)1*.

If you request a replacement license containing the new address you must include a check or money order in the amount of \$12 made payable to the Wisconsin Department of Justice. *Jus 17.12(3)*.

F. Former law enforcement officers

Is there a different procedure to get a CCW license for a former state or federal law enforcement officer?

Yes. However, such former officers may also obtain a regular CCW license.

See: [LAW ENFORCEMENT OFFICERS](#)

G. Appeal of license denial

What are my rights if my license application is denied?

If DOJ denies a completed application, DOJ must inform the applicant in writing, stating the reason and factual basis for the denial. *Wis. Stat. § 175.60(9)(b)2*. This denial or approval must be completed within 21 days for completed applications.

Wis. Stat. § 175.60(9)(b); Wis. Act 35, § 100(2). **These time limits do not apply to incomplete applications.**

DOJ has [promulgated rules](#) that provide for the administrative review of any action by DOJ that denies a license application or suspends or revokes a license. *Wis. Stat. § 175.60(14g).*

A person whose license has been denied, suspended, or revoked by DOJ may also appeal directly to the circuit court of the county in which the individual resides. *Wis. Stat. § 175.60(14m)(a) and (b).*

A court appeal must be initiated by filing a petition for review within 30 days of receiving notice of the denial, revocation or suspension. *Wis. Stat. § 175.60(14m)(b).*

H. Penalties for false information

What if someone provides false information on a CCW license application?

Wis. Stat. §§ 175.60(7)(b) and 15(b)2 require applicants to state that the information the applicant is submitting is true and complete to the best of his or her knowledge.

Wis. Stat. § 946.32 makes it a crime to make a false statement under oath or affirmation which the person does not believe is true.

Is it unlawful for firearms instructors to provide false information?

Yes. A firearms instructor who intentionally submits false documentation indicating that a person has met the CCW training requirements is guilty of a crime and may be prosecuted under *Wis. Stat. § 946.32* (false swearing). *Wis. Stat. § 175.60(17)(c).*

I. Updates on license qualification

Is information on eligibility to have a CCW license updated?

Yes. Clerks of court are required to notify DOJ of felony convictions and other bases for license disqualification. DOJ will check that information with the list of CCW licensees and, if applicable, either [revoke or suspend](#) the license. *Wis. Stat. § 175.60(11).*

A person who becomes disqualified from possessing a firearm may be prosecuted for such conduct regardless of whether their CCW license has been suspended or revoked.

J. Reciprocity with other states

Does a Wisconsin license allow me to carry concealed in another state?

Maybe. Whether another state will recognize a Wisconsin CCW license is governed by the law of the other state. If the statutes of another state recognize Wisconsin CCW licenses, then a Wisconsin CCW license holder may carry in that state. In addition, DOJ may enter into reciprocity agreements with other states as to matters relating to licenses or other authorization to carry concealed weapons. *Wis. Stat. § 175.60(18).* If such agreements are created, then a Wisconsin CCW licensee holder may carry in that state. Now that the permanent rules are approved, the DOJ will be able to contact other states regarding reciprocity. As this information is developed, it will be updated on the

DOJ website. However, a Wisconsin CCW licensee should always contact the particular state where they wish to carry concealed for information on the laws of that state.

K. Applicability of federal law

Does a Wisconsin CCW license allow me to possess or carry firearms or dangerous weapons on the land and buildings of the US government?

No. Federal law applies to US Government land and property and a Wisconsin CCW license does not necessarily authorize CCW on federal government property.

As of February 22, 2010, it became legal for persons to carry firearms in any unit of the National Park System or the National Wildlife Refuge System **IF:**

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

16 USC § 1a-7b.

However, federal law also prohibits firearms in certain facilities in parks and Wildlife refuges (such as visitor centers, government offices, etc.). The law also does not allow the concealed carry of other weapons.

The possession of firearms and other weapons is also prohibited or restricted at other federal government property. Persons wishing to possess firearms on federal land or buildings should check with the appropriate federal agency authority for the applicable law.

LAW ENFORCEMENT OFFICERS

A. Current Wisconsin Law enforcement officers

Has anything changed regarding the ability of current Wisconsin law enforcement officers carrying concealed weapons?

No. The CCW statute still exempts law enforcement officers (peace officers) from any prohibition on carrying concealed weapons. However, the definition of a peace officer for this purpose does not include a commission warden who is not state certified. *Wis. Stat. §941.23(2)(a).*

B. Wisconsin Public Agency employees

Are employees of other state agencies allowed to carry concealed weapons?

Employees of other state agencies allowed to carry concealed weapons **only if** they fall within the definition of public agency law enforcement officers. A person employed by a public agency in Wisconsin as a law enforcement officer can carry a concealed handgun in a state park, state fish hatchery, and wildlife refuge if:

- The agency authorized the person to carry a weapon.

- The person is not subject to any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority.
- The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.
- The person is not prohibited from possessing a firearm under federal law.

Wis. Stat § 29.089(2)(a), 29.091(2)(a), 29.621(4)(a).

Are there other limits on possession by a public agency employee?

Yes. A public agency employee who is allowed to carry a concealed firearm may not carry a machinegun, a destructive device as defined under federal law, a firearm silencer, or carry while under the influence of an intoxicant. *Wis. Stat § 29.089(2)(a), 29.621(4)(a) and 941.23(2)(b)1 to 3.*

C. Qualified active duty out-of-state law enforcement officers

May law enforcement officers from another state carry concealed weapons in Wisconsin?

Yes, if they meet certain criteria. The law provides that a **qualified** out-of-state law enforcement officer can carry concealed in Wisconsin if they meet certain criteria and follow statutory restrictions. *Wis. Stat. § 941.23(2)(b).*

Who is considered a qualified out-of-state law enforcement officer?

A qualified out-of-state law enforcement officer is defined as someone who meets all of the following criteria:

1. Is employed by a state or local government agency in another state.
2. The agency has authorized the person to carry a firearm.
3. The person is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority.
4. The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.

Wis. Stat. § 941.23(1)(g).

What limits are there on possession by out-of-state law enforcement officers?

A qualified out-of-state law enforcement officer **cannot**:

1. Carry concealed a machinegun.
2. Carry concealed a destructive device as defined under 18 USC 921(a)(4).
3. Carry a firearm silencer.
4. Carry while under the influence of an intoxicant.

5. Carry a concealed weapon other than a firearm.

Wis. Stat. § 941.23(2)(b).

D. Former law enforcement officers

Is there a different procedure to get a CCW license for a former Wisconsin law enforcement officer, former out-of-state law enforcement officer, or federal law enforcement officer?

A former state, out-of-state, or [federal law enforcement officer](#) may obtain a CCW license through the general licensing process described above, but if the former officer chooses, he or she may instead (or also) request his or her former law enforcement employer to issue a **photo ID card and/or certification card** which would permit the former officer to carry a concealed firearm.

1. Former Wisconsin law enforcement officers

Can a former Wisconsin law enforcement officer carry a concealed weapon?

A former Wisconsin law enforcement officer may obtain a regular CCW license and may carry concealed pursuant to such a license.

In addition, if a former Wisconsin law enforcement officer does not possess a regular CCW license, that former officer still can carry a firearm concealed if:

- a) the former officer possesses a photo ID issued by the law enforcement agency from which the former officer separated from service and the ID indicates that within the past 12 months preceding the date of possession the former officer has been tested or found by the law enforcement agency to meet the standards for qualification in firearms training that the agency sets for active law enforcement officers to carry a firearm of the same type as the firearm the former officer is carrying. *Wis. Stat. § 941.23(2)(c)1 and 941.23(3)(b)1.*

OR

- b) the former officer possesses a photo ID card issued by the law enforcement agency from which the former officer separated **AND** a certification card issued under s. 175.49(2). *Wis. Stat. § 941.23(2)(c)1a and 941.23(3)(b).*

Who is considered a former law enforcement officer?

A former law enforcement officer is a person who separated from service as a law enforcement officer at a state or local law enforcement agency in Wisconsin. *Wis. Stat. § 175.49(1)(e).*

A law enforcement agency means an agency that consists of one or more persons employed by the state or a political subdivision of a state that has as its purposes the prevention and detection of crime and the enforcement of laws or ordinances, and that is authorized to make arrests for crimes. *Wis. Stat. § 175.49(1)(f).*

"Law enforcement officer" means a person who is employed by a law enforcement agency for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest. *Wis. Stat. § 175.49(1)(g)*.

How does a former law enforcement officer obtain a CCW certification card?

The former officer may request, at his or her expense, that a law enforcement agency that employed the former law enforcement officer (except as otherwise provided) issue the former law enforcement officer a certification card. *Wis. Stat. § 175.49(2)(a)*.

The law enforcement agency shall issue the certification card unless certain statutory disqualifiers exist. *Wis. Stat. § 175.49(2)(b)*.

What would prevent a former law enforcement officer from receiving a CCW certification card?

The law enforcement agency may not issue the former law enforcement officer a certification card under [Wis. Stat. § 175.49(2)(a)], unless the law enforcement agency first verifies all of the following:

1. The former law enforcement officer **separated from service** as a law enforcement officer with the law enforcement agency **in good standing**.
2. The former law enforcement officer **served as a law enforcement officer for an aggregate of at least 10 years or the former law enforcement officer separated from law enforcement service due to a service-connected disability**, as determined by the law enforcement agency, **after completing any applicable probationary period**.
3. The former officer has not been found by a qualified medical professional employed by the law enforcement agency to be **unqualified to be a law enforcement officer for reasons related to the former officer's mental health** and the former law enforcement officer has not entered into an agreement with the law enforcement agency from which he or she separated from service in which the former officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to his or her mental health and in which he or she declines the photographic identification for that reason.
4. The former law enforcement officer is **not prohibited under federal law from possessing a firearm** as indicated by a search of the transaction information for management of enforcement system and the national criminal background check system.
5. The former law enforcement officer **has, during the previous 12 months at his or her own expense, been found to meet the standards established by the state for qualification in firearms training for active law enforcement officers to carry a firearm** of the type listed under the certification. If the state does not establish such a standard then the applicable standard is that established for

the same purpose by the law enforcement agency from which the former law enforcement officer separated from service.

The finding of qualification must be made either by the state or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active law enforcement officers in this state.

Wis. Stat. § 175.49(2)(b).

What does the certification state?

1. The type of firearm the former law enforcement officer is certified to carry, but no former law enforcement officer may be certified to carry a machine gun, a firearm silencer, or a destructive device.
2. The former law enforcement officer has been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type that are established by the state or, if the state does not establish standards, by the law enforcement agency from which the former law enforcement officer separated.
3. The date on which the firearms training qualification was made and an expiration date that is 12 months later than that date.
4. That, due to the firearms training the former law enforcement officer is qualified to carry a concealed firearm.

Wis. Stat. § 175.49(2)(a).

2. Former federal law enforcement officers

Who is considered a former federal law enforcement officer?

A "Former federal law enforcement officer" means a person who separated from service as a law enforcement officer at a federal law enforcement agency and who resides in Wisconsin. *Wis. Stat. § 175.49(1)(d).*

A law enforcement agency means an agency that consists of one or more persons employed by the federal government, including any agency described under 18 USC 926C (e) (2), that has as its purposes the prevention and detection of crime and the enforcement of laws or ordinances, and that is authorized to make arrests for crimes. *Wis. Stat. § 175.49(1)(f).*

"Law enforcement officer" means a person who is employed by a law enforcement agency for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest. *Wis. Stat. § 175.49(1)(g).*

How does a former federal law enforcement officer obtain a CCW certification card?

A former federal law enforcement officer may obtain a regular Wisconsin CCW license and may carry concealed pursuant to such a license.

In addition, if a former federal law enforcement officer does not possess a regular CCW license, that former officer still can carry concealed if he or she has requested and obtained, at his or her expense, a [certification card](#) from Wisconsin DOJ. *Wis. Stat. § 175.49(3)(a)*.

Wisconsin DOJ may issue the certification card unless certain statutory disqualifiers exist. *Wis. Stat. § 175.49(3)(a)*.

What would prevent a former federal law enforcement officer from receiving a CCW certification card?

Wisconsin DOJ may not issue the former federal law enforcement officer a certification card unless it first verifies all of the following:

1. The former federal law enforcement officer separated from service as a law enforcement officer with the law enforcement agency in good standing.
2. The former federal law enforcement officer served as a law enforcement officer for an aggregate of at least 10 years or the former federal law enforcement officer separated from law enforcement service due to a service-connected disability, as determined by the law enforcement agency from which the former federal law enforcement officer separated, after completing any applicable probationary period.
- 3a. A qualified medical professional employed by the law enforcement agency from which the former federal law enforcement officer separated has not found the former federal law enforcement officer to be unqualified to be a law enforcement officer for reasons related to the former officer's mental health.
- 3b. The former federal law enforcement officer has not entered into an agreement with the law enforcement agency from which he or she separated from service in which the former officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to his or her mental health.
4. The former federal law enforcement officer is not prohibited under federal law from possessing a firearm as indicated by a search of the transaction information for management of enforcement system and the national criminal background check system.
5. The former federal law enforcement officer has, during the previous 12 months at his or her own expense, been found to meet the standard established by the state for qualification in firearms training for active law enforcement officers to carry a firearm of a type described in the certification. If the state does not establish such a standard, then the applicable standard is that established for the same purpose by any law enforcement agency in this state. The

finding of qualification must be made either by the state or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active law enforcement officers in this state.

Wis. Stat. § 175.49(3)(b).

What does the certification state?

1. The type of firearm the former law enforcement officer is certified to carry, but no former federal law enforcement officer may be certified to carry a machine gun, a firearm silencer, or a destructive device.
2. The former law enforcement officer has been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type that are established by the state or, if the state does not establish standards, by any law enforcement agency in the state.
3. The date on which the firearms training qualification was made and an expiration date that is 12 months later than that date.
4. That due to the firearms training the former law enforcement officer is qualified to carry a concealed firearm.

Wis. Stat. § 175.49(2)(a) (state officers) and (3)(a) (federal officers).

3. Former out-of-state law enforcement officers

Can a former out-of-state law enforcement carry concealed?

Yes, if certain criteria are met. *Wis. Stat. § 941.23(2)(c).*

What are the criteria to carry concealed?

- (a) the individual possesses a photo ID issued by the law enforcement agency from which the individual separated from service, indicating that within the past 12 months preceding the date of possession the individual was tested or found by the law enforcement agency to meet the standards for qualification in firearms training that the agency sets for active law enforcement officers to carry a firearm of the same type as the firearm the former officer is carrying. *Wis. Stat. § 941.23(2)(c)1 and 941.23(3)(b)1.*

OR

- (b) a photo ID card issued by the law enforcement agency from which the former officer separated from service **AND** a certification card issued by the state in which the former officer resides, if the former officer resides in another state, that indicates that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, the former officer has been found to meet the standards established by his or her state of residence for qualification in firearms training for active law enforcement officers to carry a firearm of the type the former officer is carrying. If the former

officer's state of residence does not establish such a standard, then the applicable standard is that established for the same purpose by any law enforcement agency in the former officer's state of residence. The finding of qualification must be made by the state in which the former officer resides, or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active law enforcement officers in that state. *Wis. Stat. § 941.23(2)(c)1a and 941.23(3)(b)2.*

Are there any limits on carrying concealed?

Yes. See [Issues common to both former state, out-of-state, and federal law enforcement officer certifications.](#)

4. *Issues common to both former state, out-of-state, and federal law enforcement officer certifications.*

Are there any limits on carrying concealed?

Yes. In order to lawfully carry the following criteria apply:

- The former officer must possess the appropriate identification. *Wis. Stat. § 941.23(2)(c)1.*
- The weapon must be of the type described in the photo ID or certification. *Wis. Stat. § 941.23(2)(c)2.*
- Within the preceding 12 months the former officer must have met the standards of the state where he or she resides for training and qualification for active law enforcement officers to carry firearms. *Wis. Stat. § 941.23(2)(c)3.*
- The weapon is not a machine gun or destructive device. *Wis. Stat. § 941.23(2)(c)4.*
- The former officer is not carrying a firearms silencer. *Wis. Stat. § 941.23(2)(c)5.*
- The former officer is not under the influence of an intoxicant. *Wis. Stat. § 941.23(2)(c)6.*
- The former officer is not prohibited under federal law from possessing a firearm. *Wis. Stat. § 941.23(2)(c)7.*

Does a photo ID or certification include weapons other than a firearm?

No. The photo ID or certification only allows the carrying of a concealed **firearm**. *Wis. Stat. § 175.49(2)(a).* In order to carry other weapons concealed (electric weapon, knife or billy club), a regular CCW license is required. In addition, only a firearm of the type listed on the ID or certification can be carried concealed. *Wis. Stat. § 941.23(3)(b)1 and 175.49(2)(a)1.*

Does either a former law enforcement officer photo ID or certification limit the right to openly carry a firearm?

No. It does not limit a former officer's right to go armed with a firearm that is not concealed. *Wis. Stat. § 175.49(7).*

Can a former officer carry in or on the grounds of a school or within 1,000 feet of a school?

Unless the former law enforcement officer meets one of the other exceptions under the statute, **the law enforcement ID or certification does not allow the possession of a firearm** in or on school grounds or within 1,000 feet of school grounds. Also see: **POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY.**

Does a photo ID or certification card issued to former law enforcement officers confer any law enforcement powers or authority?

No. The ID or certification card do not confer any law enforcement powers or authority. The certification card is also required to contain a statement that the card does not confer any law enforcement authority and does not make the card holder an employee or agent of the certifying agency or DOJ. *Wis. Stat. § 175.49(4)(c).*

5. Photo ID cards

What type of photo ID card is required?

There are 2 types of photo IDs referenced under the statute. *Wis. Stat. 941.23(2)(c) and (3)(b)1 and (3)(b)2.*

The first type is a simple photo ID issued by the law enforcement agency from which the former officer separated from service. *Wis. Stat. 941.23(3)(b)2.* This type of photo ID is **insufficient to carry concealed unless combined either with a certification card** issued under 175.49(2) if the former officer resides in Wisconsin or a certification issued by the state where the former officer resides if the certification meets certain criteria. *Wis. Stat. 941.23(2)(c) and (3)(b)2a and 2b.*

The other type of photo ID, and **one which allows CCW without any other certification**, must be issued by the law enforcement agency from which the former officer separated from service and must indicate that within the 12 months preceding the date the on which the former officer is carrying concealed, that he or she was tested or otherwise found by that law enforcement agency to meet the standards for qualification in firearms training that the agency sets for active duty officers to carry a firearm of the same type being carried by the former officer. *Wis. Stat. 941.23(2)(c) and (3)(b)1.*

If an officer leaves employment from a law enforcement agency do they have to give up any photo ID card?

No. If a Wisconsin law enforcement agency issues photographic identification cards to its officers, it may not require an officer to relinquish his or her card when the officer separates from service with the Wisconsin law enforcement agency unless one of the following applies:

- (a) The officer may not lawfully possess a firearm under federal law.
- (b) The officer did not separate from service in good standing as a law enforcement officer with the agency.

- (c) The officer served as a law enforcement officer for an aggregate of less than 10 years. This paragraph does not apply if the officer, after completing any applicable probationary period of service with the agency, separated from service with the agency due to a service-connected disability, as determined by the agency.
- (d) Either of the following applies:
 - 1. A qualified medical professional employed by the law enforcement agency has found the officer to be unqualified to be a law enforcement officer for reasons related to the officer's mental health.
 - 2. The officer has entered into an agreement with the law enforcement agency from which he or she is separating from service in which the officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to the officer's mental health and in which the officer declines the photographic identification for that reason.

Wis. Stat. § 175.48(2).

What if the law enforcement agency does not issue photo ID cards?

Unless one of the above factors exist, if a Wisconsin law enforcement agency does not issue photographic identification cards to its officers, it shall issue such a card to an officer who separates from service with that agency upon the separating officer's request and at his or her expense. *Wis. Stat. § 175.48(3).*

Does a law enforcement identification card authorize concealed carry?

Yes, if the card indicates that within the 12 months preceding the date the on which the former officer is carrying concealed, he or she was tested or otherwise found by the law enforcement agency to meet the standards for qualification in firearms training that the agency sets for active duty officers to carry a firearm of the same type being carried by the former officer. *Wis. Stat. 941.23(2)(c) and (3)(b)1.*

If the card does not contain that information then the former officer must also obtain and possess a certification card in order to carry concealed. *Wis. Stat. § 941.23(2)(c) and (3)(b)2a and 2b.*

6. **CCW Certification cards**

Does a CCW certification allow concealed carry of any firearm?

No. A certification card for a former law enforcement officer does not authorize the concealed carry of a machine gun, a firearms silencer or a destructive device as defined under federal law. *Wis. Stat. § 175.49(2)(a).*

The CCW statute also prohibits a former officer from carrying a machine gun, a firearms silencer, or a destructive device. *Wis. Stat. § 941.23(2)(b).*

The law also states that the former officer may only carry a firearm of the type he or she has received training on by his or her former agency or, for former federal law enforcement officers, by DOJ. *Wis. Stat. § 941.23(3)(b)1 and 175.49(2)(a)1.*

Who creates and issues the certification cards?

DOJ creates and issues [certification cards](#) for former federal law enforcement officers.

State and local law enforcement agencies in Wisconsin create the certification cards they issue to former Wisconsin law enforcement officers. *Wis. Stat. § 175.49(4).*

Persons who formerly were law enforcement officers in another state must obtain the requisite identification or certification from the state in which the former officer separated from service.

How much does a CCW certification cost?

The statute does not set forth any specific fee for local law enforcement agencies. DOJ will charge a \$25 fee for issuing or renewing a certification for a former federal officer. *Wis. Stat. § 175.49(5m).* The cost of a photo ID or certification from another state is up to that state.

What information does the certification card contain?

- Full name, date of birth, and residence address. *Wis. Stat. § 175.49(4)(b)1.*
- Photograph and physical description including sex, height and eye color. *Wis. Stat. § 175.49(4)(b)2.*
- The name of this state. *Wis. Stat. § 175.49(4)(b)3.*
- A statement that the card does not confer any law enforcement authority and does not make the card holder an employee or agent of the certifying agency or DOJ. *Wis. Stat. § 175.49(4)(c).*
- The card may not contain the holder's social security number. *Wis. Stat. § 175.49(4)(d).*

What is required in an out-of-state certification?

The certification must indicate that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, the former officer has been found to meet the standards established by his or her state of residence for qualification in firearms training for active law enforcement officers to carry a firearm of the type the former officer is carrying. If the former officer's state of residence does not establish such a standard, then the applicable standard is that established for the same purpose by any law enforcement agency in the former officer's state of residence. The finding of qualification must be made by the state in which the former officer resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active law enforcement officers in that state. *Wis. Stat. § 941.23(2)(c)1a and 941.23(3)(b)2.*

Does a certification card confer any law enforcement powers or authority?

No. The card is also required to contain a statement that the card does not confer any law enforcement authority and does not make the card holder an employee or agent of the certifying agency or DOJ. *Wis. Stat. § 175.49(4)(c)*.

How long is a certification valid?

1 year.

What is the renewal process for a certification card?

Upon request before the expiration date if the issuing agency verifies that the former officer is not disqualified. *Wis. Stat. § 175.49(5)*.

The renewal is valid for 1 year. *Wis. Stat. § 175.49(5)*.

The statute does not set forth any specific fee for renewal of Wisconsin certifications by local agencies. DOJ will charge a \$25 fee for renewing a former federal law enforcement officers certification card. *Wis. Stat. § 175.49(5m)*. The cost of a photo ID or certification from another state is up to that state.

Is the information regarding the certification included in the statewide CCW database maintained by DOJ?

Information on certifications issued by DOJ to former federal law enforcement officers is included in the database. Information from certifications issued by state law enforcement agencies is not included in the database.

Are law enforcement agencies and DOJ immune from liability relating to the issuance of CCW certifications?

Generally yes. *Wis. Stat. 175.49(6)* provides criminal and civil immunity for DOJ and its employees and a law enforcement agency and its employees for any act or omission when acting in good faith.

Does the certification process restrict or limit the right to open carry?

No. *Wis. Stat. § 175.49(7)*.

OUT-OF-STATE LICENSES

Do I need a Wisconsin license if I already have a CCW license from another state?

Yes, if you are a Wisconsin resident. An out-of-state licensee is defined as an individual with an out-of-state CCW license who is 21 years of age or over, and **who is not a Wisconsin resident.** *Wis. Stat. § 175.60(1)(g)*. Therefore, if you currently reside in Wisconsin and have a CCW license or permit issued by another state, your out-of-state license is not legally sufficient to carry in Wisconsin and you must qualify for and obtain a Wisconsin CCW license in order to carry concealed in Wisconsin.

However, training obtained under the training requirement of another state may be sufficient to meet Wisconsin's firearms training requirement.

If I am visiting Wisconsin from another state and I have a CCW license from that state, is it okay for me to carry in Wisconsin?

Maybe. DOJ has established a [list of states](#) that issue a CCW license or permit that either requires or designates that the holder of the license or permit chose to submit to a background check that is comparable to the check conducted under Wisconsin law. *Wis. Stat. § 165.25(12)*. A person who possesses a CCW license or permit from one of the states designated in the DOJ rule may carry concealed in Wisconsin. *Wis. Stat. § 15.60(1)(f) and (2g)(a)*.

What type of out-of-state license is acceptable?

It must be a valid permit, license, approval or other authorization issued by another state if all of the following apply:

- If the permit, license, approval or other authorization is for the carrying of a concealed weapon. *Wis. Stat. § 175.60(1)(f)1*.
- The state is [listed by rule](#) promulgated by DOJ under *Wis. Stat. § 165.25(12)*. *Wis. Stat. § 175.60(1)(f)2; 165.25(12)*.
- The holder must be over the age of 21. *Wis. Stat. § 175.60(1)(g)*.
- The holder must not be a Wisconsin resident. *Wis. Stat. § 175.60(1)(g)*.

If I am not a Wisconsin resident can I get a Wisconsin license?

No. Only Wisconsin residents may get a Wisconsin CCW license. *Wis. Stat. § 175.60(3)(g)*. However, as noted above, a person who has a CCW license from another state that is recognized by Wisconsin may be allowed to carry concealed in Wisconsin.

What rules on carrying must a CCW licensee from another state follow?

If the out-of-state CCW licensee is from a state that issues CCW licenses or permits recognized by Wisconsin and thus legally able to carry concealed in Wisconsin, the person must comply with all Wisconsin legal requirements.

That includes, while carrying a concealed weapon, also carrying the out-of-state license or permit as well as a driver's license or state ID card that is substantially equivalent to Wisconsin licenses or cards. *Wis. Stat. § 175.60(1)(h)*.

Does a Wisconsin license allow me to carry concealed in another state?

Maybe. Whether another state will recognize a Wisconsin CCW license is governed by the law of the other state. If the statutes of another state recognize Wisconsin CCW licenses, then a Wisconsin CCW license holder may carry in that state. In addition, DOJ may enter into reciprocity agreements with other states as to matters relating to licenses or other authorization to carry concealed weapons. *Wis. Stat. § 175.60(18)*. If such agreements are created, then a Wisconsin CCW licensee holder may carry in that state. Now that the permanent rules are approved, the DOJ will be able to contact other states regarding reciprocity. As this information is developed, it will be updated on the

DOJ website. However, a Wisconsin CCW licensee should always contact the particular state where they wish to carry concealed for information on the laws of that state.

REVOCATION, SUSPENSION AND RENEWAL OF CCW LICENSE

What happens if a check used to pay for the CCW license application is returned for insufficient funds?

The applicant will be assessed a \$20 insufficient funds fee. If a license has not yet been issued the application will be deemed incomplete. If the license has been issued it will be cancelled. *Wis. Stat. § 20.905(2)*.

Are there situations where a license can be revoked?

Yes. A license can be [revoked](#) if the license holder is no longer legally eligible to possess a concealed weapon. For example, where a person becomes unable to possess a firearm due a felony conviction, the person becomes subject to an injunction prohibited weapons possession, etc., the person is no longer a Wisconsin resident, or if the person has not provided proof of training as described under § 175.60(4)(a). (See **Training requirement** above for the description of acceptable proof of training). *Wis. Stat. § 175.60(14)(a)*. **NOTE: It is unlawful to possess a firearm if you are prohibited from doing so by law (e.g. a felony conviction) even if your CCW license has not been formally revoked.**

Are there situations where a license can be suspended?

Yes. A license can be [suspended](#) if a court has prohibited a license holder from possessing a dangerous weapon as a condition of bail. *Wis. Stat. § 175.60(14)(am)*. In such a case the license is restored within 5 business days of notification that the bail condition no longer applies. If you cease to be subject to this prohibition, you may submit authenticated documentation establishing that fact to the above address along with a check payable to the Wisconsin Department of Justice in the amount of \$10 to conduct a new background check pursuant to Jus 17.07(2)(b) and 17.12(2). **NOTE: It is unlawful to possess a firearm if you are prohibited from doing so by law (e.g. condition of bail) even if your CCW license has not been formally suspended.**

When do suspensions or revocations take effect?

DOJ is required to send by mail notice of the revocation or suspension to the licensee within one day after the revocation or a suspension. § 175.60(14)(b)1. A suspension or revocation takes effect when the individual receives that notice. *Wis. Stat. § 175.60(14)(b)2*.

What must a person do when they received a notice of suspension or revocation?

The person must, within 7 days of receiving notice that their license has been suspended or revoked, do one of the following: 1) deliver the license personally or by certified mail to DOJ, or 2) mail a signed statement to DOJ stating that he or she no longer has possession of the license and stating the reasons why he or she no longer has possession. *Wis. Stat. § 175.60(14)(b)3*.

An intentional failure to do so may result in a fine of not more than \$500 and imprisonment for not more than 30 days or both. *Wis. Stat. § 175.60(17)(b)*.

Is there an appeal process for a revocation or suspension?

Yes. DOJ has promulgated rules that provide for the administrative review of any action by DOJ that denies a license application or suspends or revokes a license. *Wis. Stat. § 175.60(14g)*.

A person whose license has been denied, suspended or revoked by DOJ may also appeal directly to the circuit court of the county in which the individual resides without regard to whether the individual has sought review under DOJ's review process. *Wis. Stat. § 175.60(14m)(a) and (b)*.

A court appeal must be initiated by filing a petition for review within 30 days of receiving notice of the denial, revocation, or suspension. *Wis. Stat. § 175.60(14m)(b)*.

How do I renew a CCW license?

Most licenses will expire after five years. *Wis. Stat. § 175.60(15)(a)*. (Emergency licenses and licenses issued to members of the U.S. armed forces or national guard who are deployed overseas have different rules.). At least 90 days before the expiration date of a license, DOJ must mail to the licensee a notice of expiration form and a form for renewing the license. *Wis. Stat. § 175.60(15)(b)*.

DOJ must renew the license if, no later than 90 days after the expiration date of the license, the licensee does all of the following:

1. Submits a renewal application on the form provided by DOJ.
2. Submits a statement reporting that the information provided on the application form is true and complete to the best of his or her knowledge and that he or she is not disqualified under § 175.60(3).
3. Pays a renewal fee in an amount to be determined by DOJ, but not to exceed \$12.
4. Pays a fee for a background check that is equal to the fee under § 175.35(2i). [Currently, this fee is \$10.]

Wis. Stat. § 175.60(15)(b).

DOJ shall issue a renewal license within 21 days of receiving the renewal application, statement and fees. *Wis. Stat. § 175.60(15)(d)*.

LICENSED CCW REQUIREMENTS*What type of weapons can I carry with a CCW license?*

The license is for a "weapon", which is defined as a handgun, an electric weapon as defined in § 941.295(1c)(a), a knife other than a switchblade knife under § 941.24, or a billy club. *Wis. Stat. § 175.60(1)(j)*.

A handgun does not include a machine gun, a short barreled rifle or a short barreled shotgun. *Wis. Stat. 175.60(1)(bm)*.

Do I need to carry my license with me at all times?

Yes, a licensee or an out-of-state licensee who is carrying a concealed weapon must have with him or her their license document **and** photographic identification card unless the concealed weapon is being carried in the licensee's dwelling or place of business or on land that they owns lease, or legally occupy. *Wis. Stat. § 175.60(2g)(b)*.

What kind of photo ID is required?

A photo ID means either a current and valid Wisconsin drivers license or a current and valid driver's license from another state (for out-of-state licensees) that is substantially equivalent to a Wisconsin driver's license. *Wis. Stat. § 175.60(1)(h)1 and 2*.

OR

a current and valid Wisconsin state identification card or a current and valid identification card issued by another state that is substantially equivalent to a Wisconsin identification card. *Wis. Stat. § 175.60(1)(h)1 and 2 and (i)*.

A license or ID card is current and valid if it is not expired, cancelled, denied, surrendered, or voided, and the holder is still a resident of the state. However, a license or ID card may be considered current and valid even if the holder's motor vehicle operating privilege is revoked, suspended, or disqualified, as long as the card is not expired, cancelled, denied, surrendered, or voided, and the holder is still a resident of the state.

Do I have to show anyone my CCW license?

A licensee or out-of-state licensee who is carrying a concealed weapon must display the license and photo identification to a **law enforcement officer upon the request of the law enforcement officer** while the law enforcement officer is acting in an official capacity and with lawful authority. *Wis. Stat. § 175.60(2g)(c)*.

Failure to display the license to a law enforcement officer is a \$25 forfeiture. *Wis. Stat. § 175.60(17)(a)*.

What is the penalty for not carrying or displaying a CCW license and photo ID?

A person who does not carry or display a CCW license and photo ID as required may be ordered to forfeit not more than \$25 except that the a person is exempt from this penalty if he or she presents, within 48 hours of the request, his or her license document and photographic identification to the law enforcement agency who employs the officer who lawfully requested the documents. *Wis. Stat. § 175.60(17)(a)*.

What should I do if I have a CCW license and I have contact with a law enforcement officer while in possession of a concealed weapon?

While the law does not impose any specific requirements other than displaying a photo ID and CCW license upon request of a law enforcement officer, there are some recommended actions you should take when you have contact with a law enforcement officer. Contact can include a traffic or other stop and situations where you contact an officer or when an officer approaches you for information or otherwise. If you have a CCW license and you have contact with a law enforcement officer while carrying a concealed weapon, you should do the following:

1. Immediately tell the officer that you're carrying a concealed weapon and where it's located.
2. Keep your hands where the officer can see them.
3. Cooperate fully with the officer.
4. Don't make any quick movements, especially toward the weapon.
5. If you're in a vehicle:
 - Roll down your window and place your hands in plain view on the steering wheel
 - If it is at night, turn on the vehicle's dome light.
 - Calmly tell the officer you have a CCW license and that you have a weapon with you. Ask the officer if they have particular instructions concerning the weapon.
 - Do not touch or attempt to touch the weapon unless specifically told to do so by the officer.
 - Do not leave your vehicle unless specifically told to do so by the officer.

In certain circumstances, a law enforcement officer may ask to take temporary possession of the weapon or may seize the weapon during interaction with the individual to ensure the safety of the officer and others or to secure the weapon as evidence. The officer will return the weapon at the end of the stop unless the individual is placed under arrest for a violation of the law that allows the weapon to be seized.

USE OF A WEAPON BY A PERSON HOLDING A CCW PERMIT

Does having a CCW license give me a greater right to defend myself or others than anyone else?

No. A CCW license does not give anyone any new or additional rights to exercise self defense or defense of others as provided for by law.

A brief summary of Wisconsin law is as follows:

A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself. *Wis. Stat. § 939.48(1).*

A person who provokes an attack, whether by lawful or unlawful conduct, with intent to use such attack as an excuse to cause death or great bodily harm to his or her assailant is not entitled to claim the privilege of self-defense. *Wis. Stat. § 939.48(2)(c).*

A person is privileged to defend a 3rd person from real or apparent unlawful interference by another under the same conditions and by the same means as those under and by which the person is privileged to defend himself or herself from real or apparent unlawful interference, provided that the person reasonably believes that the facts are such that the 3rd person would be privileged to act in self-defense and that the person's intervention is necessary for the protection of the 3rd person. *Wis. Stat. § 939.48(4).*

There is both a subjective component to self-defense-that is, the defendant must actually believe he or she was preventing or terminating an unlawful interference; and an objective threshold component-that is, the belief must be reasonable. *State v. Hampton*, 207 Wis.2d 367, 380-81, 558 N.W.2d 884 (Ct. App. 1996). The reasonableness of the belief is judged from the position of a person of ordinary intelligence and prudence' in the same situation as the defendant, not of a person identical to the defendant placed in the same situation as the defendant. *Hampton*, 207 Wis. 2d at 381.

There is no privilege to resist an unlawful arrest. That former common law privilege has been abrogated. *State v. Hobson*, 218 Wis. 2d 350, 380-81, 577 N.W.2d 825 (1997).

Are laws that prohibit the discharge of firearms in a city, village or town still valid?

Yes. Under current law, a city, village, or town exercising village powers may, by ordinance or resolution, restrict the discharge of a firearm. Current law also prohibits discharging a firearm near certain parks, from a vehicle, from or across a highway, or in or from an aircraft.

However, **such ordinances do not apply if** the person's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense of privilege in the Criminal Code (e.g., was under circumstances of coercion or necessity or was in self-defense). *Wis. Stat. § 66.0409(3)(b)*.

CCW AND OPEN CARRY

If I get a CCW license does that affect my ability to openly carry a firearm?

No. Unless expressly provided, the licensure statute does not limit an individual's right to carry a firearm that is not concealed. *Wis. Stat. § 175.60(2)(c)*.

If I do not get a CCW license can I carry a firearm openly?

Unless expressly provided, the licensure statute does not limit an individual's right to carry a firearm that is not concealed. *Wis. Stat. § 175.60(2)(c)*.

Are there any locations where it is illegal to openly carry a firearm or any weapon?

Yes. It is unlawful for anyone (except for law enforcement), including persons with a CCW license, to knowingly carry an unconcealed weapon (firearm, electric weapon, a knife or a billy club) in the following locations:

- Any portion of a building that is a police station, sheriff's office, state patrol station, or the office of a Division of Criminal Investigation special agent of DOJ.
- Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.
- The Sand Ridge Secure Treatment Center, the Wisconsin Resource Center, or any secured unit or secured portion of a mental health institution, including a facility designated as the Maximum Security Facility at the Mendota Mental Health Institute.
- Any portion of a building that is a county, state, or federal courthouse.
- Any portion of a building that is a municipal courtroom if court is in session.
- A place beyond a security checkpoint in an airport.

Wis. Stat. § 175.60(16)(a).

- School grounds and premises:

No one, including a CCW licensee may carry a firearm in or on the grounds of a school unless another specific statutory exception applies. *Wis. Stat. § 948.605(2)(b)1r.*

No one, including a CCW licensee may carry any other dangerous weapon on school premises unless a specific statutory exception applies. *Wis. Stat. § 948.61(2) and (3).*

Also see: [POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY.](#)

- Persons who do not have a CCW permit may not carry a handgun in a tavern and those persons with a CCW license may carry a concealed handgun in a tavern only if NOT consuming alcohol. *Wis. Stat. § 941.237(3)(cx).*
- **Federal law applies to the possession of firearms and weapons on US government property.**

Are there some weapons that cannot be carried openly?

Yes, illegal weapons such as a **switchblade** (*Wis. Stat. § 941.24*) and a **short barreled rifle or shotgun** (*Wis. Stat. § 941.28*) (unless a specific possession exception under the statute applies).

It is also unlawful for a person who does not have a CCW license to openly carry an **electric weapon**.

It is illegal for a person who does not possess a CCW license from possessing a **handgun in a tavern**. *Wis. Stat. § 941.237(2).*

Does the open or concealed carry of a firearm constitute disorderly conduct?

Generally no. Unless the facts and circumstances indicate a malicious or criminal intent, a person may not be charged with an ordinance or criminal offense of disorderly conduct for going armed with a concealed or openly carried firearm. *Wis. Stat. §§ 947.01(2) and 66.0409(6).*

Can I carry a firearm, concealed or open, in a tavern?

A tavern is any establishment, other than a private or fraternal organization, in which alcohol beverages are sold for consumption on the premises. *Wis. Stat. § 941.237(1)(fm) and (3)(cx).*

No one may possess a handgun in a tavern unless they are a law enforcement officer, a correctional officer in the line of duty, a member of the US armed forces or national guard in the line of duty, a private security person meeting certain criteria, the tavern licensee, owner or manager or their authorized employee or agent, or have a CCW license or valid out of state license. *Wis. Stat. § 941.237(2) and (3)(a)-(cx).*

A peace officer, a Wisconsin CCW licensee, a qualified out-of-state licensee, a qualified out-of-state law enforcement officer and a former law enforcement officer **can carry a concealed handgun** in a tavern and a CCW licensee and authorized out-of-state CCW licensee can carry a concealed handgun in a tavern **only if they are not consuming alcohol on the premises**. *Wis. Stat. § 941.237(3)(cr), (ct), and (cx).*

It is illegal for a person who does not possess a CCW license to carry a concealed handgun in a tavern. *Wis. Stat. § 941.237(2)*. This prohibition does not apply to an unloaded and encased handgun in a vehicle in a parking lot, a private or public gun or sportsmen's range or club or if possession of a handgun is authorized by the owner or manager of a Class B license or permit premises for a specific event of a limited duration. *Wis. Stat. § 941.237(3)(e) to (j)*.

However, it is a class A misdemeanor (punishable by 9 months jail and/or \$10,000 fine) **for anyone to go armed with a firearm while under the influence of an intoxicant.** *Wis. Stat. § 941.20(1)(b)*. "Under the Influence has been defined as materially impairing the ability to handle a firearm which is further explained as consuming an amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand necessary to handle a firearm. *WI Jury Instruction-CRIMINAL 1321*.

In addition, a tavern owner may prohibit anyone from carrying a firearm in their business. See [RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS](#).

ELECTRIC WEAPONS (STUN GUNS) AND CCW

Has the law changed regarding electric weapons?

Yes. Prior law made it a felony for anyone, other than law enforcement, correctional officers and military personnel acting in the line of duty from possessing an electric weapon. Under the CCW laws, the prohibition against possessing or going armed with an electric weapon does not apply to any of the following:

- A CCW licensee or an out-of-state licensee.
- An individual who goes armed with an electric weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

Wis. Stat. § 941.295(2g).

The prohibition against transporting an electric weapon does not apply to any of the following:

- A licensee or an out-of-state licensee.
- An individual who is not a licensee or out-of-state licensee who transports an electric weapon if the electric weapon is enclosed within a carrying case.

Wis. Stat. § 941.295(2r).

Can I carry an electric weapon concealed if I have a CCW license?

Yes. See above.

Are there other persons who can legally carry an electric weapon?

Yes. In addition to licensees and out-of-state licensees, peace officers, correctional officers and armed forces/national guard personnel while on official duty, manufacturers and sellers to authorized persons and a common carrier may also carry electric weapons. *Wis. Stat. § 941.295(2)(a) to (e)*.

Can I carry an electric weapon concealed if I do not have a CCW license?

If you are not specifically allowed to carry an electric weapon (see above) you are only allowed to carry an electric weapon in your own dwelling or place of business or on land that you own, lease, or legally occupy. *Wis. Stat. § 941.295(2g)*. You may also transport the weapon if it is enclosed within a carrying case. *Wis. Stat. § 941.295(2r)*. The possession or carrying of an electric weapon in any other situations is a felony. *Wis. Stat. § 941.295(1m)*.

Can a qualified out-of-state law enforcement officer or former law enforcement officer carry an electric weapon?

No. The statute does not provide an exception for an out-of-state law enforcement officer or former law enforcement officer. However, the exceptions for possessing on a dwelling or place of business or on land that such a person owns, leases, or legally occupies apply as does the exception for transporting (see below).

Can I transport an electric weapon if I do not have a CCW permit?

Yes, if enclosed within a carrying case. *Wis. Stat. § 941.295(2r)*.

Can I purchase an electric weapon if I do not have a CCW license or am not otherwise a person permitted to carry an electric weapon?

The law allows a person who does not have a CCW license to possess an electric weapon in their own dwelling or place of business or on land that they own, lease, or legally occupy (*Wis. Stat. § 941.295(2g)*), and to transport within a carrying case (*Wis. Stat. § 941.295(2r)*). However, as noted below, it is unlawful for anyone to sell an electric weapon to someone who does not have a CCW license.

Is it unlawful to sell or manufacture electric weapons in Wisconsin?

A person may manufacture and sell electric weapons to authorized persons which includes a peace officer, armed forces or national guard personnel while on official duty or a person with a Wisconsin CCW license or out-of-state CCW licensee. In other words, electric weapons cannot be sold to persons in Wisconsin who are not law enforcement, armed forces on official duty or persons without a recognized out-of-state CCW license or a Wisconsin CCW license. *Wis. Stat. § 941.295(2)(d)*. A violation of this statute is a felony. *Wis. Stat. § 941.295(1m)*.

RESTRICTIONS BY EMPLOYERS

Can an employer prohibit employees from carrying concealed weapons on the job?

Yes. An employer may prohibit an employee from carrying a concealed weapon or a particular type of concealed weapon in the course of the employee's employment or during any part of the course of the employee's employment. *Wis. Stat. § 175.60(15m)(a)*.

Does that prohibition apply to my car or the employer's parking lot?

No. An employer may not prohibit a person with a CCW license, as a condition of employment, from carrying a concealed weapon, a particular type of concealed weapon, or ammunition or from storing a weapon, a particular type of weapon, or ammunition in the licensee's own motor vehicle, regardless of whether the motor vehicle is used in the

course of employment or whether the motor vehicle is driven or parked on property used by the employer. *Wis. Stat. § 175.60(15m)(b)*.

If an employer allows the carrying of concealed weapons and someone is injured or killed as a result of a license holder using the weapon, is the employer legally liable?

Generally no. However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

The law provides:

- A person who does not prohibit an individual from carrying a concealed weapon on property that the person owns or occupies is immune from any liability arising from his or her decision. *Wis. Stat. § 175.60(21)(b)*.
- An employer who does not prohibit one or more employees from carrying a concealed weapon is immune from any liability arising from that decision. *Wis. Stat. § 175.60(21)(c)*.
- A person providing a firearms training course in good faith is immune from liability from any act or omission related to the course if the course is one of the courses listed in statute. *Wis. Stat. § 175.60(21)(d)*.

RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS

Can a business or property owner limit or prohibit the carrying of concealed weapons on its premises?

Yes. The law permits certain owners and occupants of property to prohibit persons from carrying a concealed firearm in or on the property. A person may be subject to a **Class B forfeiture** if he or she carries a firearm on the property after being notified not to remain on the property or remain with a specific type of firearm. In the latter case, a property owner can prohibit a person from possessing a specific type of firearm on their property or any firearm. *Wis. Stat. § 943.13(1m)(b)*.

In addition, property owners generally possess the right to exclude others from their property. While the specific provisions below only reference prohibiting the possession of firearms, property owners may also prohibit or restrict the possession of other weapons on their property. Violations of such restrictions may also constitute a Class B forfeiture under *Wis. Stat. § 943.13(1m)(b)*. **Therefore, the language quoted below, while only mentioning firearms, applies with equal force to other weapons.**

Also see **NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED** for details on the type of notice required.

Residences:

It is unlawful for anyone to enter or remain at a residence that the person does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence, has notified the person not to enter or remain at the residence while carrying a firearm or with that type of firearm. Residence with respect to a single-family residence includes the residence building and the parcel of land upon which the residence building is located. If a residence is not a single-family residence, residence does not include any common area of the building in which the residence is located or any common areas on the rest of the parcel of land upon which the residence building is located. *Wis. Stat. § 943.13(1m)(c)1*.

Condos/Apartments:

It is unlawful for anyone to enter or remain in the common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence and if the owner of the residence has notified the actor not to remain in the common area or on the grounds while carrying a firearm or with that type of firearm. This provision does not apply to a part of the grounds that is used for parking if the firearm is in a vehicle driven or parked in that part. *Wis. Stat. § 943.13(1m)(c)1m.*

Nonresidential building and grounds of a nonresidential building

It is unlawful for any person to enter or remain in any part of a nonresidential building, grounds of a nonresidential building, or land that the person does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the person not to enter or remain in that part of the building, grounds, or land while carrying a firearm. This provision does **not** apply to a part of a building, grounds, or land occupied by the state or by a local unit of government; to a privately or publicly owned building on the grounds of a university or college; or to the grounds of or land owned or occupied by a university or college. In addition, if the firearm is in a vehicle driven or parked in a parking facility, this provision does not apply to any part of a building, grounds, or land used as a parking facility. The law specifies that nonresidential building includes a nursing home, a community-based residential facility, a residential care apartment complex, an adult family home, and a hospice. *Wis. Stat. § 943.13(1m)(c)2 and § 943.13(1e)(cm).*

Land:

It is unlawful for any person to enter or remain in any part of land that the person does not own or occupy after the owner of the land, if that part of the land has not been leased to another person, or the occupant of that part of the land has notified the person not to enter or remain in that part of the land while carrying a firearm. This provision does **not** apply to a part of land occupied by the state or by a local unit of government; to a privately or publicly owned building on the grounds of a university or college; or to the grounds of or land owned or occupied by a university or college. In addition, if the firearm is in a vehicle driven or parked in a parking facility, this provision does not apply to any part of land used as a parking facility. *Wis. Stat. § 943.13(1m)(c)2 and § 943.13(1e)(cm).*

Special events (e.g. sporting events, concerts, etc):

It is unlawful for any person to enter or remain at a special event **if** the organizers of the special event have notified the actor not to remain at the special event while carrying a firearm or with that type of firearm. The provision does not apply if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building that is used as a parking facility. The law defines special event as an event that is open to the public, is for a duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission. *Wis. Stat. § 943.13(1m)(c)3.*

Private university or college:

It is unlawful for any person to enter or remain in any **privately or publicly owned** buildings on the grounds of a university or college, **if** the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. The provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility. In order to give notice under the above provisions, other than the provision relating to single family residences, an owner or occupant must post a sign notifying persons of the restriction. If an owner or occupant of a building or part of a building is permitted to post a sign to notify that

carrying of firearms is prohibited in the building or part of the building, the owner or occupant must post a sign that is located in a prominent place near all of the entrances of the part of the building to which the restriction applies and it must be posted so that any individual entering the building must be reasonably expected to see the sign. If grounds of a building or land are posted, as described above, the owner or occupant must post a sign that is located in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign. Finally, organizers of a special event may post the special event by posting a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign. *Wis. Stat. § 943.13(1m)(c)5.*

If a private business or property owner allows the carrying of concealed weapons and someone is injured or killed as a result of a license holder using the weapon, is the employer or property owner legally liable?

Generally no. However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

The law provides:

- A person who does not prohibit an individual from carrying a concealed weapon on property that the person owns or occupies is immune from any liability arising from his or her decision. *Wis. Stat. § 175.60(21)(b).*
- An employer who does not prohibit one or more employees from carrying a concealed weapon is immune from any liability arising from that decision. *Wis. Stat. § 175.60(21)(c).*
- A person providing a firearms training course in good faith is immune from liability from any act or omission related to the course if the course is one of the courses listed in statute. *Wis. Stat. § 175.60(21)(d).*

RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES

Are there restrictions on carrying in state and local government buildings?

Yes. In some locations the carrying of concealed weapons is **absolutely prohibited** (see section entitled [LOCATIONS WHERE CCW IS PROHIBITED](#) below).

In other places government entities and agencies **MAY** prohibit CCW if appropriate notice is given.

*NOTE: The law permits certain owners and occupants of property to prohibit persons from carrying a concealed firearm in or on the property. A person may be subject to a **Class B forfeiture** if he or she, while carrying a firearm, carries a firearm on the property after being notified not to remain on the property or remain with a specific type of firearm. In the latter case, a property owner can prohibit a person from possessing a specific type of firearm on their property or any firearm. *Wis. Stat. § 943.13(1m)(b).**

*In addition, property owners generally possess the right to exclude others from their property. While the specific provisions below only reference prohibiting the possession of firearms, property owners may also prohibit or restrict the possession of other weapons on their property. Violations of such restrictions may also constitute a Class B forfeiture under *Wis. Stat. § 943.13(1m)(b).* **Therefore, the language quoted below, while only mentioning firearms, applies with equal force to other weapons.***

Also see [NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED](#) for details on the type of notice required.

State or local government buildings:

It is unlawful for any person to enter or remain in **any part of a building that is owned, occupied, or controlled by the state or any local governmental unit** if the state or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or a type of firearm. This provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in a parking facility, to any part of a building used as a parking facility. *Wis. Stat. § 943.13(1m)(c)4.*

NOTE: FEDERAL LAW APPLIES TO THE CARRYING OF FIREARMS ON FEDERAL PROPERTY.

Are there restrictions on carrying on public colleges or universities?

State university or college:

It is unlawful for any person to enter or remain in any privately or **publicly owned** buildings on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. The provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility. *Wis. Stat. § 943.13(1m)(c)5.*

Also see **NOTE** to preceding question and answer.

Can government prohibit the carrying of a concealed weapon in parks or other public lands?

No. The restrictions above only apply to government buildings. Persons with a CCW license may carry concealed on public lands. *Wis. Stat. § 943.13(1m)(c)2 and § 943.13(1e)(cm).* **Note that federal law applies to federal property.**

Several existing prohibitions on carrying firearms on public lands (wildlife refuges, state parks and fish hatcheries) have also been changed.

- The law prohibiting the possession of a firearm unless it is unloaded or encased in a **state wildlife refuge** does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. §§ 29.091(1) and (2); 29.621(4).* **Note that federal law applies to federal property.**
- The law prohibiting the possession or under one's control a firearm on land located in **state parks or state fish hatcheries** unless the firearm is unloaded and in a carrying case does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. § 29.089(2)(a)-(d).* **Note that federal law applies to federal property.**
- As of February 22, 2010, it became legal for persons to carry firearms in any unit of the National Park System or the National Wildlife Refuge System IF

- (1) the individual is not otherwise prohibited by law from possessing the firearm;
and

- (2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

16 USC § 1a-7b.

However, federal law also prohibits firearms in certain facilities in parks and Wildlife refuges (such as visitor centers, government offices, etc.). The law also does not allow the concealed carry of other weapons. Persons wishing to carry firearms or other weapons on federal lands should contact the appropriate federal agency for information on federal law.

What about publicly sponsored music or sporting events?

Special Events (e.g. sporting events, concerts, etc):

It is unlawful for any person to enter or remain at a special event **if** the organizers of the special event have notified the actor not to remain at the special event while carrying a firearm or with that type of firearm. The provision does not apply if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building that is used as a parking facility. The law defines special event as an event that is open to the public, is for a duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission. *Wis. Stat. § 943.13(1m)(c)3.*

POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY

The new CCW statute repeals or restates portions of prior law regarding possessing a firearm in a school zone. The statute also differentiates between possession of a firearm in or on school grounds and possession within 1,000 feet of school grounds.

A. Firearms

Are there restrictions on carrying a firearm on school property?

Yes. It is a **felony** for a person to knowingly **possess a firearm** (concealed or otherwise) on the **grounds** of a school. *Wis. Stat. § 948.605(2)(a).*

It is a **forfeiture** for a person to knowingly possess a firearm (concealed or otherwise) at a place that the person knows or has reasonable cause to believe is **within 1,000 feet of the grounds** of a school. *Wis. Stat. § 948.605(2)(a).*

What are the exceptions?

There are a number of exceptions to the restrictions on possessing a firearm in or on school grounds or within 1,000 feet of school grounds.

It is lawful to possess a firearm **in or on the grounds of a school or within 1,000 feet of the grounds of a school** as follows:

- On private property that is not part of school grounds. *Wis. Stat. § 948.605(2)(b)1m and 18 USC 922(q)(2)(B)(i).*
- For use in a program approved by a school in the school zone. *Wis. Stat. § 948.605(2)(b)1m and 18 USC 922(q)(2)(B)(iv).*

- In accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual. *Wis. Stat. § 948.605(2)(b)1m* and 18 USC 922(q)(2)(B)(v).
- By a law enforcement officer acting in his or her official capacity. *Wis. Stat. § 948.605(2)(b)1m* and 18 USC 922(q)(2)(B)(vi).
- The firearm is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on the school premises is authorized by school authorities. *Wis. Stat. § 948.605(2)(b)1m* and 18 USC 922(q)(2)(B)(vii).
- The firearm is not loaded and is encased or in a locked firearms rack that is on a motor vehicle. *Wis. Stat. § 948.605(2)(b)3a* and *b*.
- By a state-certified commission warden acting in his or her official capacity. *Wis. Stat. § 948.605(2)(b)2m*.
- By a person legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest. *Wis. Stat. § 948.605(2)(b)3m*.
- **A person who is a CCW licensee or out-of-state CCW licensee may possess a firearm within 1,000 feet of the grounds of a school, but not in or on school grounds.** *Wis. Stat. § 948.605(2)(b)1r*.

Can a person with a CCW license or out-of-state CCW license carry a concealed weapon in or on school grounds?

As noted above, no. The law does not allow a CCW licensee to carry a firearm, concealed or openly displayed, in or on school grounds unless one of the other statutory exceptions listed above exists and then only when in compliance with those exceptions. *Wis. Stat. § 948.605(2)(b)1r*.

What is the definition of a school?

School is defined as a public school, parochial or private school, or tribal school, as defined in s. 115.001(15m), which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school. *Wis. Stat. §§ 948.605(1)(b), 948.61(1)(b)*.

What are the rules for public and private colleges and universities?

See: [RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES and RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS.](#)

Are there any other limits on firearms in school zones?

Yes. It remains a felony for any who knowingly, or with reckless disregard for the safety of others, to discharge or attempt to discharge a firearm at a place the person knows is in or on or within 1,000 feet of school grounds unless:

- On private property not part of school grounds
- For use in a program approved by a school in the school zone by an individual participating in the program.
- By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual.

- By a law enforcement officer or state certified commission warden acting in his or her official capacity.

Wis. Stat. 948.605(3)(a) and (b).

B. Other weapons

Are there limits on possessing other weapons on school premises?

Yes. It is a crime to possess a dangerous weapon (other than a firearm or BB or pellet gun) on or in any school building, school grounds, recreation area, athletic field or any other property owned, used or operated for school administration. *Wis. Stat. § 948.61.*

School is defined as a public, parochial or private, or tribal school that provides educational programs for one or more grades between grades 1 and 12 (elementary, middle, junior high and high school). *Wis. Stat. 948.61(1)(b).*

What are the exceptions?

The following are **exceptions** to the prohibition on possessing dangerous weapons on school premises by the following persons:

- A person who uses a weapon solely for school sanctioned purposes. *Wis. Stat. § 948.61(3)(a).*
- A person who engages in military activities sponsored by the federal or state government when acting in the discharge of his or her official duties. *Wis. Stat. § 948.61(3)(b).*
- A person who is a law enforcement officer or state certified commission warden acting in the discharge of his or her official duties. *Wis. Stat. § 948.61(3)(c).*
- A person who is participating in a convocation authorized by school authorities in which weapons of collectors or instructors are handled or displayed. *Wis. Stat. § 948.61(3)(d).*
- A person who drives a motor vehicle in which a dangerous weapon is located onto school premises for school sanctioned purposes or for the purpose of delivering or picking up passengers or property if the weapon is not removed from the vehicle or used in any way. *Wis. Stat. § 948.61(3)(e).*
- A person who possesses or uses a bow and arrow or knife while legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest. *Wis. Stat. § 948.61(3)(f).*

Can a person with a CCW license carry a concealed weapon other than a firearm on school premises?

Generally no, unless the licensee falls within one of the exceptions listed above. *Wis. Stat. § 948.61(2) and (3).*

NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED

While the specific statutory sections of the new law as noted above, only reference notices regarding firearms, property owners possess the general right to limit or condition access to their

property. This would include prohibitions or limits on possessing dangerous weapons other than firearms. Therefore, the sign requirements discussed below can provide a reasonable basis for providing notice to persons of any weapons restrictions.

What kind of notice must be given to a CCW license holder regarding any prohibitions on carrying concealed weapons?

Notice of statutorily prohibited locations is provided by statute and to the licensee on the license application and no other notice or sign is required for those locations.

Notice for other locations can be provided **verbally or in writing or if the land is posted by a sign** meeting certain criteria. *Wis. Stat. § 943.13(2)(am)*

Where are signs required?

For non single family residences (e.g. apartment, condos, etc): A sign must be located in a prominent place near all of the entrances to the part of the building to which the restriction applies **or** near all probable access points to the grounds to which the regulation applies and the individual entering the building or grounds can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.a.*

For non-residential buildings, state or governmental property or university or college: A sign must be posted in a prominent place near all of the entrances to the part of the building to which the restriction applies and any individual entering the building can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.b.*

For the grounds of a nonresidential building or land: A sign must be posted in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.am.*

For special events: A sign must be posted in a prominent place near all of the entrances to the special event and the individual attending the special event can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.c.*

For posting land: A sign must be posted that is located in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2b.*

How big of a sign must be used?

A sign must be at least five inches by seven inches that states the restriction on carrying a firearm. *Wis. Stat. § 943.13(2)(bm)1.*

What must the sign say?

In regard to posting land, the law only provides that the sign must provide an appropriate notice and the name of the person giving the notice (listing self as either the owner of occupant). *Wis. Stats. § 943.13(2)am1.* In regard to other locations the sign must simply state the restriction imposed. *Wis. Stats. § 943.13(2)(bm)1.* At a minimum the sign must inform people that weapons or firearms are prohibited. There are a number of messages that would meet the standard and the ultimate purpose of the sign is to put individuals on notice of the prohibition or limitation.

LOCATIONS WHERE CCW IS PROHIBITED

Are there places I may carry a concealed weapon even without a CCW license?

Yes. A person may carry a concealed weapon, including an electric weapon, in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, with or without a CCW license. *Wis. Stat. § 941.23(2)(e); Wis. Stat. § 941.295(2)(d)2.*

Can I carry a concealed weapon anywhere if I have a license?

A person with a CCW license or an approved out-of-state CCW license may carry concealed anywhere in the state except where prohibited. *Wis. Stat. § 175.60(2g)(a).*

175.60 (2g) CARRYING A CONCEALED WEAPON; POSSESSION AND DISPLAY OF LICENSE DOCUMENT OR AUTHORIZATION.(a) A licensee or an out-of-state licensee may carry a concealed weapon anywhere in this state except as provided under subs. (15m) and (16) and ss. 943.13 (1m) (c) and 948.605 (2) (b) 1r.

By statute there are various locations where the carrying of any weapon is prohibited. *See questions below.*

Federal law applies to US Government land and property and a Wisconsin CCW license does not necessarily authorize the open or concealed carry of a firearm or other weapons on US government land or property.

As of February 22, 2010, it became legal for persons to carry firearms in any unit of the National Park System or the National Wildlife Refuge System IF

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

16 USC § 1a-7b.

However, federal law also prohibits firearms in certain facilities in parks and Wildlife refuges (such as visitor centers, government offices, etc.). The law also does not allow the concealed carry of other weapons.

The possession of firearms and other weapons is also prohibited or restricted at other federal government property. Persons wishing to possess firearms on federal land or buildings should check with the appropriate federal agency authority for the applicable law.

There are other locations where carrying may be prohibited if the owner provides notice that carrying is not allowed. See: [RESTRICTIONS BY EMPLOYERS, RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS, RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES and POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY.](#)

May anyone carry a handgun in state parks, wildlife refuges, and fish hatcheries?

No. Only a CCW licensee, out of state licensee, a law enforcement officer, a person employed as a law enforcement officer by a public agency in Wisconsin, a qualified out-of-state law enforcement officer, or a former officer may carry a handgun in these locations.

- The law prohibiting the possession of a firearm unless it is unloaded or encased in a **state wildlife refuge** does not apply to a licensee or an out-of state licensee **if the firearm is a handgun**, or to a law enforcement officer, a person employed as a law enforcement officer by a public agency in Wisconsin, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. §§ 29.091(1) and (2); 29.621(4)(a) to (d)*. **Note that federal law applies to federal property.**
- The law prohibiting the possession or under one's control a firearm on land located in **state parks or state fish hatcheries** unless the firearm is unloaded and in a carrying case does not apply to a licensee or an out-of state licensee **if the firearm is a handgun**, or to a law enforcement officer, a person employed as a law enforcement officer by a public agency in Wisconsin, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. § 29.089(2)(a)-(d); 29.091(1) and (2)*. **Note that federal law applies to federal property.**

Where is a licensee prohibited from carrying a concealed weapon?

A licensee or an authorized out-of-state licensee may not carry a weapon (knife, stun gun or electric weapon, a knife, or club, or a machinegun), either concealed or unconcealed, in the following locations:

- Any portion of a building that is a police station, sheriff's office, state patrol station, or the office of a Division of Criminal Investigation special agent of DOJ.
- Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.
- The Sand Ridge Secure Treatment Center, the Wisconsin Resource Center, or any secured unit or secured portion of a mental health institution, including a facility designated as the Maximum Security Facility at the Mendota Mental Health Institute.
- Any portion of a building that is a county, state, or federal courthouse.
- Any portion of a building that is a municipal courtroom if court is in session.
- A place beyond a security checkpoint in an airport.

Wis. Stat. § 175.60(16)(a).

- **Note that federal law applies to US Government land and property.**

Are there exceptions to the prohibitions on possessing in certain public locations?

The above prohibitions do not apply to any of the following:

- A weapon in a vehicle driven or parked in a parking facility located in a building that is used as, or any portion of which is used as, a location described above.
- A weapon in a courthouse if a judge who is a licensee is carrying the weapon, or if another licensee or out-of-state licensee, whom a judge has permitted in writing to carry a weapon, is carrying the weapon.
- A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee is carrying the weapon.

Wis. Stat. § 175.60(16)(b).

Are there any restrictions for carrying in or on school property?

A licensee may not carry a firearm in or on the grounds of a school unless another specific statutory exception applies. *Wis. Stat. § 948.605(2)(b)1r.*

A licensee may not carry any other dangerous weapon on school premises unless a specific statutory exception applies. *Wis. Stat. § 948.61(2) and (3).*

Also see: [POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY.](#)

Are there any restrictions for carrying in a tavern?

A tavern is any establishment, other than a private or fraternal organization, in which alcohol beverages are sold for consumption on the premises. *Wis. Stat. § 941.237(1)(fm) and (3)(cx).*

No one may possess a handgun in a tavern unless they are a law enforcement officer, a correctional officer in the line of duty, a member of the US armed forces or national guard in the line of duty, a private security person meeting certain criteria, the tavern licensee, owner or manager or their authorized employee or agent, or have a CCW license. *Wis. Stat. § 941.237(2) and (3)(a)-(cx).*

The above prohibitions do not apply to an unloaded and encased handgun in a vehicle in a parking lot, a private or public gun or sportsmen's range or club or if possession of a handgun is authorized by the owner or manager of a Class B license or permit premises for a specific event of a limited duration. *Wis. Stat. § 941.237(3)(e) to (j).*

A licensee or out of state licensee may carry a concealed weapon in a tavern only if they are not consuming alcohol on the premises. *Wis. Stat. § 941.237(3)(cx).*

A qualified out-of-state law enforcement officer and a former law enforcement officer can carry a concealed handgun in a tavern and a licensee and an authorized out-of-state licensee can carry a concealed handgun in a tavern if they are not consuming alcohol on the premises. *Wis. Stat. § 941.237(3)(cr), (ct), and (cx).*

However, it is a class A **misdemeanor** (9 months jail and/or \$10,000 fine) **for any person, whether or not they are a licensee, to go armed with a firearm while under the influence of an intoxicant.** *Wis. Stat. § 941.20(1)(b).* "Under the Influence has been defined as materially impairing the ability to handle a firearm which is further explained as consuming an amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand necessary to handle a firearm. *WI Jury Instruction-CRIMINAL 1321.*

In addition, a tavern owner may prohibit anyone from carrying a firearm in their business. See [RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS](#) above.

What about other locations such as private residences, condos and apartments, other property, government buildings, schools, universities and colleges and entertainment and sporting events?

See discussion above regarding carrying on private property. Also See [POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY and RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES.](#)

PROHIBITED CONDUCT FOR ANYONE POSSESSING A WEAPON

The CCW statutes do not, except where noted elsewhere, change any other existing laws governing the conduct of individuals and the use of weapons. For example, the following conduct is still prohibited:

Disorderly conduct. Where the facts and circumstances indicate a malicious or illegal intent a person may be prosecuted for loading, carrying, or going armed with a firearm. *Wis. Stat. § 947.01(1) and (2).*

Carrying a concealed firearm while intoxicated. It is a class A misdemeanor (9 months jail and/or \$10,000 fine) for someone to go armed while under the influence of an intoxicant. *Wis. Stat. § 941.20(1)(b).* "Under the Influence has been defined as materially impairing the ability to handle a firearm which is further explained as consuming an amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand necessary to handle a firearm. *WI Jury Instruction-CRIMINAL 1321.*

Carry a firearm while unlawfully using controlled substances. It is a class A Misdemeanor (9 months jail and/or \$10,000 fine) to go armed with a firearm with a detectable amount of a restricted controlled substance in their blood without proof of a valid prescription. *Wis. Stat. § 941.20(1)(bm).*

Intentionally point a firearm at another unless such conduct is privileged. *Wis. Stat. § 941.20(1)(c).*

Intentionally point a firearm at a law enforcement officer, fire fighter, EMT, first responder, ambulance driver or commission warden acting in their official capacity. *Wis. Stat. § 941.20(1m).*

Intentionally discharge a firearm into a vehicle or building under circumstances in which the person should realize there might be a human being present unless privileged. *Wis. Stat. § 941.20(2).*

Intentionally discharges a firearm from a vehicle while on a highway or in a parking lot unless justified or privileged. *Wis. Stat. § 941.20(3), 167.30(2);*

Possess, purchase, sell, offers to sell, manufacture, or go armed with a switchblade knife. *Wis. Stat. § 941.24 (9 months jail and/or \$10,000 fine).*

Possess tear gas, mace or similar substance except for pepper spray. *Wis. Stat. § 941.26(1)(b) and (4).*

Use tear gas or similar substances or pepper spray against a law enforcement officer or during a crime. *Wis. Stat. s 941.26(2) and (4).*

Possess, purchase, sell, transport or use a machinegun unless authorized by law. *Wis. Stat. § 941.26(1m) and (3).*

Possess, purchase, sell, transport or use a short-barreled shotgun or rifle (shotgun with a barrel length of less than 18 inches or an overall length of less than 26 inches and a rifle with a barrel length of less than 16 inches or an overall length of less than 26 inches) unless specifically allowed by the statute to possess, sell, transport or use (military in the line of duty, any peace officer of the United States or political subdivision thereof, and anyone who has complied with federal registration and licensing requirements. *Wis. Stat. § 941.28.*

Sell or distribute an imitation firearm. *Wis. Stat. § 941.297.*

Carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person. Wis. Stat. § 941.2965.

Possess, sell or deliver a firearm silencer unless specifically allowed by law. Wis. Stat. § 941.298.

Endanger the safety of another by the negligent operation of handling of a dangerous weapon. Wis. Stat. § 941.20(1)(a) (9 months jail and/or \$10,000 fine).

Recklessly endanger the safety of another person. Wis. Stat. § 941.30.

Homicide by negligent handling of a dangerous weapon. Wis. Stat. §

940.08. Homicide by intoxicated use of a firearm. Wis. Stat. 940.09.

TRANSPORTING WEAPONS

If I have a CCW license can I transport the weapon on my person in a vehicle?

Yes. Current law generally requires that **firearms other than handguns** being transported in or on a vehicle, or placed inside a vehicle be unloaded, and not hidden or concealed when within reach of any occupants of the vehicle. In regard to other weapons not authorized under a CCW license, they could not be carried concealed and within reach.

Under the new CCW law, **a person with a CCW license may carry a concealed weapon** (handgun, knife, electric weapon or billy club) in a vehicle.

However, **long guns** are still subject to the requirement of being unloaded and not hidden when within reach.

If I do not have a CCW license how do I transport weapons in a vehicle?

A. Handguns

The law now allows a person who can legally possess a handgun to do the following **without a CCW permit**:

- **place, possess, or transport a handgun** in a vehicle without being unloaded or encased. *Wis. Stats. § 167.31(2)(b).*
- **load a handgun** in a vehicle. *Wis. Stats. § 167.31(2)(c).*
- **operate an all-terrain vehicle (ATV)** with a loaded uncased handgun in the operator's possession. *Wis. Stat. § 23.33(3)(a).*
- place, possess, or transport a handgun **in or on a motorboat** with the motor running without being unloaded or encased. *Wis. Stats. § 167.31(2)(a), (b), (c).*
- place, possess, or transport a loaded uncased handgun **in or on a noncommercial aircraft.**

IMPORTANT NOTE: *Persons who do not have a CCW license may still not carry weapons concealed. In a vehicle this means that the firearm cannot be hidden or concealed and within reach.*

B. Long Guns

The law has been changed regarding hand guns but the requirements for transporting long guns still remains. A long gun being placed within or

transported in or on a vehicle, boat, or non-commercial aircraft simply must be unloaded and not hidden/concealed from view when within reach. Long guns do not need to be cased unless within certain areas of the state where other laws require firearms (other than handguns possessed by a CCW license holder) be encased, such as school zones and state parks. *Wis. Stat. § 167.31(2)(a), (b)*

C. Other weapons

As a general rule, persons without a CCW permit may not carry concealed weapons in a vehicle. This means that the weapon cannot be hidden and within reach.

D. Electric weapons

A CCW licensee may transport an electric weapon without restrictions.

A person who is not a licensee may only transport an electric weapon if it is enclosed within a carrying case. *Wis. Stat. § 941.295(2r)*.

Also see: [ELECTRIC WEAPONS \(STUN GUNS\) AND CCW](#).

Can I transport weapons on public or private buses, transport vehicles or cabs?

The same rules as discussed above regarding transporting in vehicles apply. In addition, public and private entities may prohibit or restrict the possession and transport of weapons.

Also See: [RESTRICTIONS BY EMPLOYERS, RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS, RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES, and NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED](#).

What about transporting in a state park, wildlife refuge or fish hatchery?

- As a general rule the law prohibits the possession of a firearm in a **state wildlife refuge** unless it is unloaded or encased. This restriction does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. §§ 29.091(1) and (2); 29.621(4)*. **Note that federal law applies to federal property.**
- As a general rule the law prohibits a person from having in his or her possession or under their control a firearm on land located in **state parks or state fish hatcheries** unless the firearm is unloaded and in a carrying case. The law does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. § 29.089(2)(a)-(d)*. **Note that federal law applies to federal property.**

What is the law regarding transporting firearms on a commercial airplane?

Any firearm, handgun or long gun must be unloaded and encased. *Wis. Stat. § 167.31(3)(a)1*.

Under federal law firearms may not be carried in carry on baggage and can only be placed in checked baggage. Airlines may also have additional requirements.

Check with the Federal Traffic Safety Administration (TSA) for further information: TSA-laws and requirements for firearms

ACCESS TO CCW LICENSE INFORMATION

Will there be a list of persons who have CCW licenses?

Yes. The law requires DOJ to maintain a computerized record listing the names of and specified information (including but not limited to dates of birth, sex and the identification number of the CCW license) concerning all individuals who have been issued a license and former federal law enforcement officers (but not former state law enforcement officers) who have been issued certification cards. *Wis. Stat. § 175.60(12)(a)*.

Is the information regarding CCW licenses available to the public?

No. The information regarding CCW licenses is not considered a public record and the DOJ, Department of Transportation (DOT), or any employee of DOJ or DOT, cannot make it available to the public except in the context of a prosecution for an offense in which the person's status as a licensee or holder of a certification card is relevant or through DOJ's annual report to the Legislature and the Governor. *Wis. Stat. § 175.60(12)(c)*.

Does DOJ issue any reports regarding CCW licenses?

DOJ is required to submit a statistical report to the Legislature and the Governor annually by March 1 of each year. The report must indicate the number of licenses applied for, issued, denied, suspended, and revoked during the previous calendar year. For the licenses denied, the report must indicate the reasons for the denials and the part of the application process in which the reasons for denial were discovered. For licenses suspended or revoked, the report must indicate the reasons for the suspensions and revocations. DOJ may not include in the report any information that may be used to identify an applicant or a licensee, including but not limited to a name, address, birth date, or Social Security number. *Wis. Stat. § 175.60(19)*.

To whom can DOJ release information on CCW licenses?

Law enforcement agencies upon proper request and reports to the governor and legislature. Proper requests from law enforcement include: 1) to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid; 2) if an individual claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification card; and 3) to investigate whether a person submitted an intentionally false statement in a license application or renewal.

Wis. Stat. §§ 175.60(12g)(a) and (19).

Is the information regarding CCW licenses available to a law enforcement agency?

Yes, in limited circumstances. A law enforcement officer may not request or be provided information from such computerized record concerning a specific individual except for specified purposes including to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid or, if an individual does not have his or her license document or certification card with him or her, to confirm that the individual holds a valid license or certification card or to investigate whether the person

made false statements in their license application or renewal. *Wis. Stat. § 175.60(12)(b) and (12g)(b).*

How can law enforcement agencies use CCW license information?

To confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid. *Wis. Stat. § 175.60(12)(b)1a.*

If an individual claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification card. *Wis. Stat. § 175.60(12)(b)1b.*

To investigate whether a person submitted an intentionally false statement in a license application or renewal. *Wis. Stat. § 175.60(12)(b)1c.*

To investigate whether a person complied with the requirements governing the return of revoked or suspended CCW licenses. *Wis. Stat. § 175.60(12)(b)1d.*

Is information available to law enforcement agencies outside of Wisconsin?

Yes: 1) information to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid; or, 2) if an individual claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification. *Wis. Stat. § 175.60(12)(b) 2.*

Are there some things a law enforcement agency cannot do with license information?

Neither a law enforcement agency nor any of its employees may store or maintain information regarding an individual that was obtained from DOJ based on the individual's status as a licensee or holder of a certificate card. *Wis. Stat. § 175.60(12g)(b).*

In addition, neither a law enforcement agency nor any of its employees may sort or access information regarding vehicle stops, investigations, civil or criminal offenses, or other activities involving the agency based on the status as licensees or holders of certification cards of any individuals involved. *Wis. Stat. § 175.60(12g)(b)2-3.*

CRIMES AND OFFENSES RELATED TO CCW

Making false statements on a CCW license application:

DOJ is authorized to enforce the offense of false swearing with respect to false statements submitted or made in an application for a license or an application to renew a license.

False swearing: *Wis. Stat. § 946.32.*

Firearms instructor intentionally submitting false documentation indicating that a person has met the CCW training requirements.

May be prosecuted under *Wis. Stat. § 946.32 (false swearing).* *Wis. Stat. § 175.60(17)(c).*

Failure to provide updated address to DOJ

For a first violation the department must issue the licensee a warning. *Wis. Stat. § 175.60(11)(b)2.* For a second violation a forfeiture of \$50. *Wis. Stat. § 175.60(17)(ac).*

If the person's license is suspended or revoked, or they fail to submit a timely change of address, the individual is subject to a forfeiture of \$50. *Wis. Stat. §§ 175.60(11)(b)3 and 175.60(17)(ac).*

A licensee may not be charged with a violation if the department learns of the violation when the licensee informs the department of the address change *Wis. Stat. § 175.60(11)(b)4.*

Intentional failure to return a CCW license after revocation or suspension or signed statement that the holder no longer possess the license.

Shall be fined not more than \$500 or imprisoned for not more than 30 days in jail or both. *Wis. Stat. § 175.60(17)(e).*

Carrying a concealed weapon by a licensee without carrying or displaying as required the license and photo ID.

A person who does not carry or display a CCW license and photo ID as required may be required to forfeit not more than \$25 except that the a person is exempt from this penalty if, within 48 hours of the request, he or she presents their license document and photographic identification to the law enforcement agency that employs the law enforcement officer who lawfully requested the documents. *Wis. Stat. § 175.60(17)(a) and (ac).*

Carrying a concealed weapon with a permit in a prohibited location:

May be fined not more than \$500 or jailed for not more than 30 days jail or both. *Wis. Stat. § 175.60(17)(c).*

Unlawful Use of a License

A person who is issued a license and who does any of the following is guilty of a Class A misdemeanor (punishable by 9 months jail and/or \$10,000 fine): *Wis. Stat. § 946.71(2).*

- Intentionally represents as valid any revoked, suspended, fictitious, or fraudulently altered license.
- Intentionally sells or lends the license to any other individual or knowingly permits another individual to use the license.
- Intentionally represents as one's own any license not issued to him or her.
- Intentionally permits any unlawful use of that license.
- Intentionally reproduces by any means a copy of a license for a purpose that is prohibited.
- Intentionally defaces or intentionally alters a license.

Carrying a concealed weapon without a permit

A class A misdemeanor (9 months jail and/or \$10,000 fine). This would apply to any concealed weapon including a firearm, electric weapon, knife, billy club, etc.

QUESTIONS AND ANSWERS FOR PERSONS WITHOUT A CCW LICENSE

What is the penalty for carrying a concealed weapon without a CCW license?

It is a Class A misdemeanor punishable by jail not to exceed 9 months and/or a fine not to exceed \$10,000. *Wis. Stat. § 941.23(2).*

What is the penalty for carrying a firearm, openly or concealed, if I am prohibited from possessing a firearm?

It is a Class G felony punishable by imprisonment not to exceed 10 years and/or a fine not to exceed \$25,000. *Wis. Stat. § 941.29(2).*

If I do not get a CCW license can I carry a firearm openly?

Unless expressly provided, the licensure statute does not limit an individual's right to carry a firearm that is not concealed. *Wis. Stat. § 175.60(2)(c).*

How do I transport weapons if I do not have a CCW license?

See the section above entitled [TRANSPORTING WEAPONS](#).

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

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PAUL E. ALEXY
JULIE A. AQUAVIA
R. VALJON ANDERSON

July 20, 2011

Village Board
Village of Richfield
4128 Hubertus Road
Richfield, WI 53033

Re: Concealed Carry Law
Municipal Impacts

Ladies and Gentlemen:

As you are no doubt aware, on July 8, 2011, Governor Walker signed into law legislation to allow concealed carry of firearms. I know that many members of governing bodies and municipal clerks are interested to know the impacts that these changes may have on their municipal affairs. I am writing to provide you some initial thoughts in this regard, and I will be happy to consider these issues further on your behalf, as they relate to particular issues in your community, on request. I note the following:

1. Effective Date. For the most part, the relevant provisions of this new law will take effect on November 1, 2011.
2. Partial Preemption Concerning Discharge. Now local ordinances or resolutions that restrict the discharge of a firearm do not apply and cannot be enforced if the "conduct is justified" or the discharge was privileged, i.e., it was in self-defense or in defense of persons or property or under coercion, etc. (New Section 66.0409(3)(b), Stats.)
3. Partial Preemption Regarding Disorderly Conduct. Now you cannot enforce against disorderly conduct due to the carrying, loading, or going armed with a firearm. (New Section 66.0409(6), Stats.)
4. Law Enforcement Identification Cards. Wisconsin Statutes Section 175.48 has been created regarding law enforcement officer identification cards, and Wisconsin Statutes Section 175.49 has been created regarding former law enforcement officers seeking to carry concealed weapons.

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

Village Board
July 20, 2011
Page 2

5. Concealed Carry Prohibited. Concealed weapons cannot be carried into any portion of a building that is a police station, or any portion of a building that is a municipal court room if court is in session. (New Section 175.60(16)(a)(1) and (7), Stats.)
6. Trespass. It is trespass to carry a firearm into a municipal building if the local governmental unit has notified the actor not to enter or remain in the building while carrying a firearm, per newly created Section 943.13(1m)(c)(4). The notification must be made by a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies, such that any individual entering the building can be reasonably expected to see the sign. The sign must be at least five inches by seven inches in size. (New Section 943.13(2)(bm), Stats.)
7. Parks. There is no ability to create a general prohibition against firearms within public parks, under the new law.
8. Summaries. I am enclosing summaries of the law that have been prepared by the Wisconsin Legislative Council that may help in further consideration of the new law.

You are likely to encounter additional questions or concerns. Your local ordinances may need to be amended as a result of this new law. I will be happy to carefully consider any questions or concerns you may have in this regard on request.

Thank you for allowing me to be of service in this regard.

Yours very truly,
ARENZ, MOLTER, MACY & RIFFLE, S.C.

John P. Macy

John P. Macy

JPM/bes
Enclosure

Jim Healy

From: Matthew Stevens <mstevens.public@gmail.com>
Sent: Friday, October 23, 2015 8:54 PM
To: Jim Healy
Cc: John Jeffords; KateLynn Schmitt
Subject: Re: richfield ordinance 270-2 subsection E

Thank you for responding so quickly. It is greatly appreciated.

-Matt

On Friday, October 23, 2015, Jim Healy <administrator@richfieldwi.gov> wrote:
Dear Matthew,

Thank you very much for this information. Staff will research this matter further and if referred by the Board, it will be placed on an agenda in the reasonably near future.

Sincerely,

Jim Healy
Village Administrator

Please excuse my brevity, this email is being sent from my iPhone.

On Oct 23, 2015, at 7:01 PM, John Jeffords <villagepresident@richfieldwi.gov> wrote:

Hi Matthew,

Thank you for bringing this issue to my attention. The Village Administrator will review the applicable ordinance for compliance with State law and the Board will make changes if necessary. Thanks again. John

John Jeffords
President
Village of Richfield, WI
www.richfieldwi.gov

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personal messages express views solely of the sender, which are not attributed to the municipality I represent and may not be copied or distributed without this disclaimer. If you have received this message in error, please notify me immediately.

From: Matthew Stevens <mstevens.public@gmail.com>
Sent: Thursday, October 22, 2015 1:25 PM
To: John Jeffords; Dan Neu; Rock Brandner; Sandy Voss; Bill Collins
Subject: richfield ordinance 270-2 subsection E

Hello and good afternoon!

My name is Matt Stevens, I reside at 430 Preserve Way, Colgate, WI within the village of Richfield. I recently discovered a section of the Village Ordinances which appears to be in contradiction of Wisconsin State Law. The Richfield Village ordinance regarding Parks and Recreation, Prohibited acts 270-2 subsection E indicates it is against village ordinance to carry a firearm.

The state's law regarding parks and public grounds, statute 29.089 was revised by act 168 to no longer regulate or prohibit the carrying of firearms in parks, and there is no state law restricting the carrying of firearms on public grounds. According to the state's preemption law regarding the regulation of firearms 66.0409, subsection 1b and subsection 2: no political subdivision may enact an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.

I believe that Richfield's ordinance 270-2(E) is not in accordance with the state law. I would politely request that the board modify 270-2(E) to remove the portion that restricts the carrying of firearms on public grounds within the Village of Richfield. Thank you for your time!

-Matt Stevens

ORDINANCE 2015-11-04

AN ORDINANCE TO AMEND SECTION 270-2 OF THE VILLAGE CODE
REGARDING 'PROHIBITED ACTS' IN OR UPON
PUBLIC GROUNDS IN THE VILLAGE

WHEREAS, the Village Board was contacted by a local resident regarding an inconsistency believed to be in the Village's Code of Ordinances; and

WHEREAS, upon review of the pertinent section of the Village Code, the Village Staff contacted the Wisconsin Department of Justice for clarification; and

WHEREAS, legal counsel for the Village on July 20, 2011 also advised the Village regarding the changes in the law regarding the enactment of Wisconsin Act 35 or commonly referred to as the 'Concealed Carry Weapons law'; and

WHEREAS, the Village Board of the Village of Richfield having carefully reviewed the recommendation of the Wisconsin Department of Justice and the Village Attorney, being fully informed and advised, having determined that all procedural requirements and notice requirements have been satisfied;

NOW, THEREFORE, the Village Board of the Village of Richfield, Washington County Wisconsin DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 270-2 of the Village of Richfield municipal code is hereby amended as follows:

Insert the following to read as follows:

270-2, Prohibited Acts. *"Except for those instances which are exempted, preempted or allowed by State and/or Federal Law, it shall be unlawful for any person to commit any of the following acts in or upon any public grounds in the Village:"*

Section 4. Severability. 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 ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 5. Effective Date. This ordinance shall become effective upon passage and publication/posting.

Adopted this 19th day of November, 2015.

Attest:

John Jeffords, Village President

Jim Healy, Village Clerk/Administrator