

Kris Glenn Mayberry, Sawyer County Clerk
Sawyer County Courthouse
10610 Main Street, Suite 10; Hayward, Wisconsin 54843
email address – county.clerk@sawyercountygov.org
telephone numbers 715.634.4866 and toll free 877.699.4110



August 7, 2015

Agenda
Public Safety Committee meeting
August 11, 2015; 8:30 a.m.
Assembly Room, Sawyer County Courthouse

01. Meeting agenda
02. Minutes of July 7, 2015 meeting
03. Audience recognition
04. Judge's and Clerk of Court's Office report
05. Child Support Department report
06. District Attorney's Office report
07. Sheriff's Department report, including:
 - proposals for County ordinances to allow Sheriff's deputies to enforce State of Wisconsin vehicle requirements (Trans 305) and fireworks regulations
 - jail report
08. Animal Control report
09. Coroner's report
10. Emergency Management Department report
11. Ambulance Service Department report, including options for Ambulance Service Department facilities in southern Sawyer County
12. Monthly department expense vouchers
13. Other matters for discussion only

KM

Kris Mayberry
Sawyer County Clerk

minutes of the meeting of the Public Safety Committee
Sawyer County Board of Supervisors
July 7, 2015; 8:30 a.m.; Assembly Room; Sawyer County Courthouse

members present: Fred Zietlow (Chair), Bill Voight, Dale Thompson, Jim Bassett

Others present: County Board member Warren Johnson, Sheriff Mark Kelsey, Chief Deputy Sheriffs Brigette Kornbroke and Craig Faulstich, Jail Administrator Joe Sajdera, Animal Control Officer Sherrie Shelton, Emergency Management Department Director Pat Sanchez, Ambulance Service Department Director Eric Nilson, Frank Zufall (Sawyer County Record), Holly Kelsey-Henry (Sawyer County Gazette), Sawyer County Administrator Tom Hoff, County Clerk Kris Mayberry

Motion by Thompson, 2nd by Voight, to approve the agenda as presented. Motion carried.

Motion by Voight, 2nd by Bassett, to approve the June 9, 2015 meeting minutes. Motion carried.

Sheriff Mark Kelsey presented awards to Sawyer County Deputy Sheriff Jay Poplin and City of Hayward Patrolman Jim Marucha for their role in the apprehension of 2 suspects on March 11, 2015. Sheriff Kelsey also presented a plaque to Chief Deputy Sheriff Brigette Kornbroke recognizing her 13 years of service to the Sheriff's Department.

The Committee reviewed a written monthly department report provided by Child Support Department Director Sandy Okamoto.

✓
Admin
Comm
and
Co Bd
✓
Chief Deputy Sheriff Brigette Kornbroke, after consulting County Administrator Tom Hoff, presented a recommendation to pay an additional \$1 per hour to Sheriff's Department field training officers for the hours worked as field training officers. Motion by Thompson, 2nd by Voight, to recommend County Board approval of the recommendation. Motion carried.

✓
Admin
Comm
and
Co Bd
✓
Chief Deputy Sheriff Brigette Kornbroke, after consulting County Administrator Tom Hoff, presented a recommendation to pay part-time Sheriff's Department Patrol Deputies 80% of the current wage for full-time Patrol Deputies. Motion by Voight, 2nd by Thompson, to recommend County Board approval of the recommendation. Motion carried.

Sheriff's Department Jail Administrator Joe Sajdera presented and reviewed with the Committee a daily jail population report and advised the Committee that a State jail inspection found the jail in good condition.

Chief Deputy Sheriff Brigette Kornbroke advised the Committee that the Sheriff's Department prisoner transport van is not meeting the needs of the Department and that options for a different van are being explored.

Animal Control Officer Sherrie Shelton presented and reviewed with the Committee a written monthly department report (copy in meeting file) and requested approval for travel for a training in Wausau at the end of July. Motion by Voight, 2nd by Thompson, to approve the report and request for travel. Motion carried.

The Committee reviewed a written monthly department report (copy in meeting file) prepared by Sawyer County Coroner Dave Dokkestul. Motion by Thompson, 2nd by Zietlow, to approve the report. Motion carried.

Emergency Management Department Director Pat Sanchez presented and reviewed with the Committee a written monthly department report (copy in meeting file), including noting that a donation had been received from the Hayward Insurance Agency (Rob Novak) towards the purchase of a weather radio for the Emergency Management Department, that there had been an number of search and rescue calls, and that there are Americore (federal grant) positions available to assist in the Emergency Management Department.

✓
CoBd
The Committee reviewed the following resolution:

Sawyer County Resolution # -2015
Adopting the Sawyer County Hazard Mitigation Plan

WHEREAS, hazard mitigation planning is the process of developing a set of actions designed to reduce or eliminate long-term risk to people and property from hazards and their effects; and

WHEREAS, Sawyer County has worked through its Local Emergency Planning Committee and in cooperation with the Northwest Regional Planning Commission to develop the Sawyer County Hazard Mitigation Plan, to assess the magnitude of hazard risks, and to develop strategies for minimizing or reducing these risks; and

WHEREAS, Sawyer County Emergency Management provides emergency management planning, coordination, response, and recovery support on behalf of all communities of Sawyer County; and

WHEREAS, the planning meetings for this effort were open to the public, properly noticed in accordance with Wisconsin's Open Meeting's Law, and included a special Public Informational Meeting held on Sawyer ; and

WHEREAS, the Plan was reviewed and approved by Wisconsin Emergency Management and FEMA as meeting the requirements of the Federal Disaster Mitigation Act of 2000 and applicable Code of Federal Regulations; and,

WHEREAS, adoption of the Plan by the County Board will make all incorporated and unincorporated jurisdictions within Sawyer County eligible to apply for federal grant dollars for hazard mitigation projects.

THEREFORE, be it resolved the Sawyer County Board adopts the Sawyer County Hazard Mitigation Plan as the official all hazard mitigation plan for the County with the intent of implementing the plan recommendations as funding and resources allow.

Motion by Thompson, 2nd by Zietlow, to recommend County Board approval of the resolution. Motion carried.

The Committee reviewed a written monthly department report (copy in meeting file) prepared by contracted communications specialist John Kruk.

✓
CoBd
Ambulance Service Department Director Eric Nilson presented and reviewed with the Committee a written monthly department report (copy in meeting file). Director Nilson discussed with the Committee options being considered for the location of Ambulance Service Department facilities in southern Sawyer County and that the facilities now being used to house Ambulance Service Department employees in the former Radisson school building are not adequate to house those employees. Director Nilson reviewed the options for temporary facilities, including the option of renting 2 residential apartments in the Village of Radisson or the option of renovating a house taken by the County for non-payment of real estate taxes. Motion by Bassett, 2nd by Zietlow, to have Director Nilson work with Maintenance Department Director Tim Hagberg to obtain estimates for the renovation of the County-owned building, and to recommend that option to the County Board. Motion carried. Mr. Voight voted no.

Ambulance Service Department Director Eric Nilson advised the Committee that he will be meeting with the town board of towns located in Washburn County and served by the Sawyer County Ambulance Service concerning a contribution to the Sawyer County Ambulance Service for providing that service.

The Committee reviewed the monthly department vouchers. Motion by Thompson, 2nd by Bassett, to approve the vouchers. Motion carried.

Motion by Thompson, 2nd by Bassett, to adjourn the meeting. Motion carried.

minutes prepared by Sawyer County Clerk Kris Mayberry

CLERK OF CIRCUIT COURT

**SAWYER COUNTY
(715) 634-4887**

**CLAUDIA R BURGAN
CLERK OF COURT / Register in Probate**

Claudia R Burgan
10610 Main Suite 74
Hayward, WI 54843
(715) 634-4887

August 8, 2015

DEPUTY CLERKS

Michelle S Latz
Sari Torstenson
Shannon Krause

Jill C Tonn
Terri Roeske

July 2015

381 new cases filed this month. 241 cases were closed this month

Total receipts for Month 798 receipts totaling \$70,299.40

Interest of \$ 1,246.53 was collected

Tax Intercept in 2010 \$25756.76, 2011 \$34,398.08 2012 \$38,911.28
2013 \$43,977.79 2014 \$42,504.31 2015 \$34,079.60

Payplan fees collected \$379.05

Bail forfeiture collected \$ 1,128.86

Attorney fees \$ 1,051.13

GAL Fees \$ 1,426.36

Restitution Surcharges \$ 16.28

Accounts Receivable on books \$5,234,126.70

Jury trials

2012	138 trials scheduled	16 trials went	21 trial days	\$41,982.36
2013	193 trials scheduled	12 trials went	16 trial days	\$18,427.71
2014	121 trials scheduled	7 trials went	11 trial days	\$12,379.08
2015	123 trials scheduled	3 trials went	6 trial days	\$ 6,539.93

So far the request for a new homicide trial for Marvin Corbine has been denied – the last trial cost approx. \$10,000, the case is being appealed.

Jennifer Anderson resigned as of 7-31-15 and is going to work for Attorney Michael Kelsey. We are looking for a replacement. Michelle is helping to train staff.

We are having numerous computer problems and CCAP is sending patches and fixes on a regular basis.

Electronic filing has started and we continue to scan all files in preparation to become paperless by 2016. Now 6 or more attorney has started e filing.

We continue to monitor the Tracs program for missing citations, and officer not issuing PACs and refusals with their OWI's. We have discovered numerous problems with TRACS are still missing citations and are still missing officers reports on OWIs, refusals and PACS.

Clerk of Court has worked 327.23 of uncompensated hours over and above regular 35 hours per week and has not had any vacation time off for 2014 / 2015.

Judge Elect John Yackel took over on 8-3-14, we have reserve Judges in and are making the necessary adjustments for the new Judge. We are going paperless in the office for 2016. All current active files are now scanned.

We have temporarily stopped the following office duties:

- reviewing CCAP informational updates on system changes,
- auditing A/R for non-payments and issuing warrants
- staff taking breaks,
- tracking DOT citations that are not interfacing with DMV,
- Parent Education non-compliance,
- record management and return of exhibits,
- purging old files which goes hand and hand with scanning.

We have the JA (Judicial assistant) helping us: (When she is gone I have to cover both offices .)

- Calendar the Family Court Commissioner
- Calendar Court Reporters
- Working with jurors and the jury system

**City of Ladysmith, WI
Trans 305 Ordinance**

SEC. 10-1-2 STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED.

(a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code - Trans	Reciprocity - Nonresident Motor Carriers [Penalties of Wis. Stats. Sec. 341.04 apply]
Wis. Adm. Code - Trans	Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
Wis. Adm. Code - Trans 305	Standards for Motor Vehicle Equipment
Wis. Adm. Code - Trans 326	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code - Trans 326	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code - Trans	Protective Headgear Standards and Specifications
Wis. Adm. Code - Trans 304	Standards and Specifications - Design and Mounting SMV Emblem

(b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the City a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.

(c) **Owner's Liability.** Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Sec. 347.04, Wis. Stats., relating to nonapplicability of demerit points shall apply to owners convicted of a violation of this Section.

(d) **Safety Checks.**

(1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

(2) **Authority of Officer.** Any law enforcement officer of the City is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

(3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075 (5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

(e) **Penalty.** Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment.

SEC 10-1-50 PENALTIES.

(a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., and the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sec. 346.655 Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are satisfied, but not exceeding (90) days.

(b) Other Sanctions.

(1) By Court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu imprisonment.

(2) By Municipality. No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the City, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

(c) Forfeitures For Violation of Uniform Moving Traffic Regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, as prescribed in the Revised Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 348, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.

Chapter Trans 305

STANDARDS FOR VEHICLE EQUIPMENT

Subchapter I — General Provisions

Trans 305.01	Purpose and scope.
Trans 305.02	Applicability.
Trans 305.03	Enforcement.
Trans 305.04	Penalty.
Trans 305.05	Definitions.
Trans 305.06	Identification of vehicles.
Trans 305.065	Homemade, replica, street modified, reconstructed and off-road vehicles.

Subchapter II — Automobiles, Motor Homes and Light Trucks

Trans 305.07	Definitions.
Trans 305.075	Auxiliary lamps.
Trans 305.08	Back-up lamp.
Trans 305.09	Direction signal lamps.
Trans 305.10	Hazard warning lamps.
Trans 305.11	Headlamps.
Trans 305.12	Parking lamps.
Trans 305.13	Registration plate lamp.
Trans 305.14	Side marker lamps, clearance lamps and reflectors.
Trans 305.15	Stop lamps.
Trans 305.16	Tail lamps.
Trans 305.17	Brakes.
Trans 305.18	Bumpers.
Trans 305.19	Doors, hoods, locks, latches and door handles.
Trans 305.20	Exhaust and air pollution control systems.
Trans 305.21	Floor pan and firewall.
Trans 305.22	Fenders and projecting parts.
Trans 305.23	Frames.
Trans 305.24	Fuel systems.
Trans 305.25	Horn.
Trans 305.26	Mirrors.
Trans 305.27	Restraint devices and seats.
Trans 305.28	Speed indicator and odometer.

Trans 305.29	Steering and suspension.
Trans 305.30	Tires and rims.
Trans 305.31	Modifications affecting height of a vehicle.
Trans 305.32	Vent, side and rear windows.
Trans 305.33	Windshield defroster-defogger.
Trans 305.34	Windshields.
Trans 305.35	Windshield wipers.

Subchapter III — Motorcycles

Trans 305.37	Applicability of subch. II.
Trans 305.38	Brakes.
Trans 305.39	Exhaust system.
Trans 305.40	Fenders and bumpers.
Trans 305.41	Fuel system.
Trans 305.42	Horn.
Trans 305.43	Lighting.
Trans 305.44	Mirrors.
Trans 305.45	Sidescars.
Trans 305.46	Suspension system.
Trans 305.47	Tires, wheels and rims.

Subchapter IV — Heavy Trucks, Trailers and Semitrailers

Trans 305.48	Definitions.
Trans 305.485	Applicability of subch. II.
Trans 305.49	Axle control valves.
Trans 305.50	Bed and body on trailers and semitrailers.
Trans 305.51	Brakes on heavy trucks, trailers and semitrailers.
Trans 305.52	Coupling devices.
Trans 305.53	Fenders and mud guards.
Trans 305.54	Frames on heavy trucks, trailers and semi-trailers.
Trans 305.55	Lighting devices.
Trans 305.56	Rear end protection.
Trans 305.57	Suspension system on heavy trucks, trailers and semitrailers.
Trans 305.58	Wiring.

Note: Chapter MVD 5 as it existed on February 29, 1996 was repealed and a new chapter Trans 305 was created effective March 1, 1996.

Subchapter I — General Provisions

Trans 305.01 Purpose and scope. (1) The purpose of this chapter is to prescribe minimum equipment requirements for vehicles and standards for the equipment used on vehicles.

(2) This chapter includes equipment requirements for manufactured, homemade, street modified, replica and reconstructed vehicles and motor vehicles, including automobiles, light trucks, heavy trucks, motorcycles, motor homes, trailers and semi-trailers.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.02 Applicability. (1) This chapter does not apply to the following vehicles:

- (a) Farm tractors and self-propelled farm implements.
- (b) Implements of husbandry as defined in s. 340.01 (24), Stats.
- (c) Vehicles drawn by animals.
- (d) Road machinery.
- (e) Bicycles.
- (f) Motor bicycles or mopeds.
- (g) Golf carts operated in accordance with s. 349.18 (1) (b), Stats.
- (h) Homemade, street modified, replica or reconstructed motor vehicles owned by a nonresident that are domiciled and registered in a foreign jurisdiction and temporarily operated in Wisconsin.

(i) Homemade or reconstructed vehicles registered as homemade or reconstructed vehicles in Wisconsin before January 1, 1975.

(2) Except as provided in sub. (4):

- (a) Subchapter II applies to automobiles, light trucks and motor homes.
- (b) Subchapter III applies to motorcycles.
- (c) Subchapter IV applies to heavy trucks, trailers and semi-trailers.

(3) Homemade or reconstructed vehicles registered in Wisconsin on or after January 1, 1975, shall meet the vehicle equipment standards in subchs. II, III and IV applicable to vehicles of the same type which are manufactured in the year in which the homemade or reconstructed vehicle is first registered in Wisconsin except as specifically provided. When subchs. II, III and IV make equipment standards applicable to vehicles manufactured after a certain date, the standards apply to homemade and reconstructed vehicles first registered in Wisconsin after that date.

(4) Vehicles covered under subchs. II, III and IV that are street modified or replica vehicles shall meet the following vehicle equipment requirements:

- (a) The vehicle equipment requirements for a street modified vehicle shall be the same as the vehicle equipment requirements for a vehicle of the same type and model year that is not a street modified vehicle.
- (b) The vehicle equipment requirements for a replica vehicle shall be the same as the vehicle equipment requirements for a vehicle of the same type and model year as the vehicle used for purposes of the reproduction.

(5) No section of this chapter requires vehicles meeting equipment requirements established by Wisconsin or federal law for the

ORDINANCE NO. 312

AN ORDINANCE REGARDING FIREWORKS

SECTION I. PROVISIONS ADOPTED.

The Common Council of the City of Hayward, Wisconsin, do ordain as follows:

Regulation and Licensing of Fireworks

1. Regulation of Fireworks

SEC. ONE REGULATION OF FIREWORKS.

(a) **Definition.** In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (1) Fuel or a lubricant.
- (2) A firearm cartridge or shotgun shell.
- (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (5) A cap containing not more than one quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (6) A toy snake which contains no mercury.
- (7) A model rocket engine.
- (8) Tobacco and a tobacco product.
- (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
- (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
- (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
- (12) A device that emits smoke with no external flame and does not leave the ground.
- (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
- (14) A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.

(b) **Parental Liability.** A parent or legal guardian whose minor child uses fireworks is liable for damages caused by the minor's use of the fireworks.

(c) **Sale/Use/Possession.** No person shall use, explode, sell or give away within the City of Hayward any fireworks except a flare, cap, toy snake, sparkler or a device that emits smoke with no external flame and which does not leave the ground as defined in subsection (a) above, excepting for specific fireworks displays as authorized by the City Council for specific celebrations.

State Law Reference: Sec. 167.10, Wis. Stats.

SECTION II. CITATIONS.

- (a) With respect to this Ordinance, issuance of citations under Sec. 66.119, Wis. Stats., is hereby authorized.
- (b) The Clerk of Circuit Court, Sawyer County, Wisconsin, shall have the authority to accept cash deposits for forfeitures and/or bond pursuant to the schedule set below, or as ordered by the Circuit Court for Sawyer County:

USER OR POSSESSION

- (1) First Alleged Offense. Fifty Dollars (\$50.00) plus court costs, court assessments and costs of prosecution.
- (2) Second Alleged Offense (Within One Year). One Hundred Dollars (\$100.00) plus court costs, court assessments and costs of prosecution.
- (3) Third Alleged Offense and Subsequent Alleged Offenses (Within One Year). Three Hundred (\$300.00) plus court costs, court assessments, and costs of prosecution.

SELLER'S

- (1) First Alleged Offense. Two Hundred Dollars (\$200.00) plus court costs, court assessments and costs of prosecution.
 - (2) Second Alleged Offense (Within One Year). Four Hundred Dollars (\$400.00) plus court costs, court assessments and costs of prosecution.
 - (3) Third Alleged Offense (Within Three Years). One Thousand Dollars (\$1,000.00) plus court costs, court assessments and costs of prosecution.
- (c) In lieu of the filing of a cash bond and/or deposit as set forth under Sec. 66.119, Wis. Stats., the City shall have the right to detain the alleged violator to assure appearance of said alleged violator before the Circuit Court for Sawyer County.
 - (d) All of the provisions of Section 66.119, Wis. Stats. are hereby incorporated herein by reference and shall be considered to be part of this ordinance in total.

SECTION III. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 13th day of June, 1994.

CITY OF HAYWARD, WISCONSIN

Loyal W. Towne, Mayor

Lucy Gunther, City Clerk-Treasurer

Published and/or Posted: 6-22-94

CHAPTER 167

SAFEGUARDS OF PERSONS AND PROPERTY

- 167.07 Manufacture, storage and distribution of matches.
- 167.10 Regulation of fireworks.
- 167.12 Safety appliances.
- 167.13 Operation.
- 167.14 Sale regulated.
- 167.151 Unlawful operation of corn shredders.
- 167.18 Threshing machine joints to be covered.
- 167.19 Farm machinery storage.
- 167.20 Stairway guards.
- 167.21 Movable soccer goals.

- 167.22 Cigars not to be manufactured in basements.
- 167.25 Refrigerators and iceboxes.
- 167.26 Leaving unguarded ice holes.
- 167.27 Capping and filling wells or similar structures.
- 167.30 Use of firearms, etc., near park, etc.
- 167.31 Safe use and transportation of firearms and bows.
- 167.32 Safety at sporting events.
- 167.33 Snow sports.
- 167.35 Fire safety performance standards for cigarettes.

167.07 Manufacture, storage and distribution of matches. (1) No person may manufacture, store, offer for sale, sell, or otherwise dispose of or distribute, any of the following:

- (a) White phosphorus, single-dipped, strike-anywhere matches of the type popularly known as "parlor matches".
- (b) White phosphorus, double-dipped, strike-anywhere matches, or other type of double-dipped matches, unless the bulb or first dip of such match is composed of a so-called safety or inert composition, nonignitable on an abrasive surface.
- (c) Matches which, when packed in a carton of 500 approximate capacity and placed in an oven maintained at a constant temperature of 200 degrees Fahrenheit, will ignite in 8 hours.
- (d) Blazer, or so-called wind matches, whether of the so-called safety or strike-anywhere type.

(2) (a) No person may do any of the following:

- 1. Offer for sale, sell or otherwise dispose of or distribute any matches, unless the package or container in which such matches are packed bears plainly marked on the outside thereof the name of the manufacturer and the brand or trademark under which such matches are sold, disposed of or distributed.
- 2. Open more than one case of each brand of matches of any type or manufacture at any one time in a retail store where matches are sold or otherwise disposed of.
- 3. Keep loose boxes or paper-wrapped packages of matches on shelves or stored in a retail store at a height exceeding 5 feet from the floor.
- (b) All matches stored in warehouses, except manufacturers' warehouses at the place of manufacture, that contain automatic sprinkler equipment shall be subject to each of the following conditions:

- 1. The matches shall be kept only in properly secured cases.
- 2. The matches shall not be piled to a height exceeding 10 feet from the floor.
- 3. The matches shall not be stored within a horizontal distance of 10 feet from any boiler, furnace, stove or other similar heating apparatus.
- 4. The matches shall not be within a horizontal distance of 25 feet from any explosive material kept or stored on the same floor.

(c) All matches shall be packed in boxes or suitable packages, containing not more than 700 matches in any one box or package. If more than 300 matches are packed in any one box or package, the matches shall be arranged in 2 nearly equal portions, with the heads of the matches in the 2 portions placed in opposite directions. All boxes containing 350 or more matches shall have placed over the matches a center holding or protecting strip, made of chipboard, not less than 1.25 inches wide and the strip shall be flanged down to hold the matches in position when the box is nested into the shuck or withdrawn from it.

(3) All match boxes or packages shall be packed in strong shipping containers or cases; maximum number of match boxes or packages contained in any one shipping container or case, shall not exceed the following number:

Number of Boxes	Nominal Number of Matches per Box
One-half gross	700
One gross	500
Two gross	400
Three gross	300
Five gross	200
Twelve gross	100
Twenty gross	over fifty and under 100
Twenty-five gross	under 50

(4) No shipping container or case constructed of fiber board, corrugated fiber board, or wood, nailed or wirebound, shall exceed a weight, including its contents, of 75 pounds; and no lock-cornered wooden case containing matches shall have a weight, including its contents, exceeding 85 pounds; nor shall any other article or commodity be packed with matches in any such container or case; and all such containers and cases in which matches are packed shall have plainly marked on the outside of the container or case the words "Strike-Anywhere Matches" or "Strike-on-the-Box Matches".

(5) Any person, association or corporation violating this section shall be fined for the first offense not less than \$5 nor more than \$25, and for each subsequent violation not less than \$25.

History: 1997 a. 254.

167.10 Regulation of fireworks. (1) DEFINITION. In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco product.

(i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.

(j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.

(k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.

(L) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.

(m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(n) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(p) A novelty device that spins or moves on the ground.

(2) SALE. No person may sell or possess with intent to sell fireworks, unless any of the following apply:

(a) The person sells the fireworks, or possesses the fireworks with intent to sell them, to a person holding a permit under sub. (3) (c).

(b) The person sells the fireworks, or possesses the fireworks with intent to sell them, to a city, village or town.

(bg) The person sells the fireworks, or possesses the fireworks with intent to sell them, to a person who is not a resident of this state.

(c) The person sells the fireworks, or possesses the fireworks with intent to sell them, for a purpose specified under sub. (3) (b) 2. to 6.

(3) USE. (a) No person may possess or use fireworks without a user's permit from the mayor of the city, president of the village or chairperson of the town in which the possession or use is to occur or from a person designated by the mayor, president or chairperson to issue a user's permit. No person may use fireworks or a device listed under sub. (1) (e) to (g) or (i) to (n) while attending a fireworks display for which a permit has been issued to a person listed under par. (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

(b) Paragraph (a) does not apply to:

1. The city, village or town, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.

2. The possession or use of explosives in accordance with rules or general orders of the department of safety and professional services.

3. The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.

4. The possession or use of explosive or combustible materials in any manufacturing process.

5. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.

6. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.

7. Except as provided in par. (bm), the possession of fireworks in any city, town or village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance.

(bm) Paragraph (a) applies to a person transporting fireworks under par. (b) 7. if, in the course of transporting the fireworks through a city, town or village, the person remains in that city, town or village for a period of at least 12 hours.

(c) A permit under this subsection may be issued only to the following persons:

1. A public authority.
2. A fair association.
3. An amusement park.
4. A park board.
5. A civic organization.
6. Any individual or group of individuals.
7. An agricultural producer for the protection of crops from predatory birds or animals.

(d) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

(e) The person issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the city, village or town wherein the fireworks are to be used, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the clerk of the city, village or town.

(f) A permit under this subsection shall specify all of the following:

1. The name and address of the permit holder.
2. The date on and after which fireworks may be purchased.
3. The general kind and approximate quantity of fireworks which may be purchased.
4. The date and location of permitted use.
5. Other special conditions prescribed by ordinance.

(fm) If a city, village, or town requires that a user's permit be signed or stamped, a person who is authorized to issue the permit under par. (a) may sign or stamp the permit before the permit is issued rather than signing or stamping the permit at the time that it is issued.

(g) A copy of a permit under this subsection shall be given to the municipal fire or law enforcement official at least 2 days before the date of authorized use. This paragraph does not apply to a permit authorizing only the sale or possession of fireworks that are classified by the federal department of transportation as Division 1.4 explosives, as defined in 49 CFR 173.50.

(h) A permit under this subsection may not be issued to a minor.

(4) OUT-OF-STATE AND IN-STATE SHIPPING. This section does not prohibit a vendor from selling fireworks to a nonresident person or to a person or group granted a permit under sub. (3) (c) 1. to 7. A vendor that ships fireworks sold under this subsection shall package and ship the fireworks in accordance with applicable state and federal law.

(5) LOCAL REGULATION. (a) Subject to pars. (b) to (e), a city, village, town or county may enact an ordinance for any of the following:

1. Defining "fireworks" to include all items included under sub. (1) (intro.) and anything under sub. (1) (e), (f), (i), (j), (k), (L), (m) and (n).
2. Prohibiting the sale, possession or use, as defined by ordinance, of fireworks.
3. Regulating the sale, possession or use, as defined by ordinance, of fireworks.

(b) An ordinance under par. (a) may not be less restrictive in its coverage, prohibition or regulation than this section but may be more restrictive than this section.

(d) A county ordinance enacted under par. (a) does not apply and may not be enforced within any city, village or town that has enacted or enacts an ordinance under par. (a).

(e) Notwithstanding par. (a) or par. (b), no city, village, town or county may enact an ordinance that prohibits the possession of fireworks in that city, town, village or county while transporting the fireworks to a city, town, village or county where the possession of the fireworks is authorized by permit or ordinance.

(6) STORAGE AND HANDLING. (a) No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the fire official of the municipality where the premises are located.

(b) No person may smoke where fireworks are stored or handled.

(c) A person who stores or handles fireworks shall notify the fire official of the municipality in which the fireworks are stored or handled of the location of the fireworks.

(d) No wholesaler, dealer or jobber may store fireworks within 50 feet of a dwelling.

(e) No person may store fireworks within 50 feet of a public assemblage or place where gasoline or volatile liquid is dispensed in quantities exceeding one gallon.

(6m) LICENSING AND INSPECTING MANUFACTURERS. (a) No person may manufacture in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) without a fireworks manufacturing license issued by the department of safety and professional services under par. (d).

(b) No person may manufacture in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) unless the person complies with the rules of the department of safety and professional services promulgated under par. (e).

(c) Any person who manufactures in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) shall provide the department of safety and professional services with a copy of each federal license issued under 18 USC 843 to that person.

(d) The department of safety and professional services shall issue a license to manufacture fireworks or devices listed under sub. (1) (e), (f) or (i) to (n) to a person who complies with the rules of the department promulgated under par. (e). The department may not issue a license to a person who does not comply with the rules promulgated under par. (e). The department may revoke a license under this subsection for the refusal to permit an inspection at reasonable times by the department or for a continuing violation of the rules promulgated under par. (e).

(e) The department of safety and professional services shall promulgate rules to establish safety standards for the manufacture in this state of fireworks and devices listed under sub. (1) (e), (f) or (i) to (n).

(f) The department of safety and professional services may inspect at reasonable times the premises on which each person licensed under this subsection manufactures fireworks or devices listed under sub. (1) (e), (f) or (i) to (n).

(7) PARENTAL LIABILITY. A parent, foster parent, family-operated group home parent, or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(7m) MUNICIPAL LIABILITY. No city, village, or town, or committee, official, or employee of a city, village, or town, is civilly liable for damage to any person or property caused by fireworks for the sole reason that the city, village, or town issued a permit in accordance with the requirements of sub. (3) and any applicable requirements authorized under sub. (5), that authorized the purchase, possession, or use of the fireworks.

(8) ENFORCEMENT. (a) A city, village or town may petition the circuit court for an order enjoining violations of sub. (2), (3) or (6) or an ordinance adopted under sub. (5).

(b) Fireworks stored, handled, sold, possessed or used by a person who violates this section, an ordinance adopted under sub. (5) or a court order under par. (a) may be seized and held as evidence of the violation. Except as provided in s. 968.20 (4), only the fireworks that are the subject of a violation of this section, an ordinance adopted under sub. (5) or a court order under par. (a) may be destroyed after conviction for a violation. Except as provided in s. 968.20 (4), fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

(9) PENALTIES. (a) A person who violates a court order under sub. (8) (a) shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

(b) A person who violates sub. (2), (3) or (6) or an ordinance adopted under sub. (5) shall forfeit not more than \$1,000.

(c) A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1,000.

(g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated under sub. (6m) (e) is guilty of a Class G felony.

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 377; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27 ss. 4464 to 4469 and 9116 (5); 1995 a. 330; 1997 a. 3, 35, 283; 2001 a. 109; 2003 a. 298; 2007 a. 20; 2009 a. 28; 2011 a. 32.

NOTE: 2003 Wis. Act 298, which created sub. (7m), contains explanatory notes.

Cross-reference: See also ss. SPS 305.21, 307.50, and 307.51, Wis. adm. code.

Sub. (3) (b) lists those situations for which a permit is not needed to use or possess fireworks. *City of Wisconsin Dells v. Dells Fireworks, Inc.* 197 Wis. 2d 1, 539 N.W.2d 916 (Ct. App. 1995), 94-1999.

Fireworks permits issued to groups do not authorize sales of fireworks to group members for their individual use. *City of Wisconsin Dells v. Dells Fireworks, Inc.* 197 Wis. 2d 1, 539 N.W.2d 916 (Ct. App. 1995), 94-1999.

167.12 Safety appliances. Any person, firm, or corporation who shall sell, offer or expose for sale, or use any machine to be operated by steam, or other power, for the purpose of husking or shredding corn or corn stalks shall provide such machine with safety or automatic feeding devices for the protection from accident by the snapping rollers, husking rollers, and shredding knives of any person using or operating such machine in the discharge of their duty, and such machine shall be so guarded that the person feeding said machine shall be compelled to stand at a safe distance from the snapping rollers; and any person, firm, or corporation operating such machine shall maintain thereon such safety or automatic feeding devices. The duty to equip such machine with safety or automatic feeding devices, as well as the duty to maintain the same, shall be absolute; and the exercise of ordinary care on the part of such person, firm, or corporation operating such machine shall not be deemed a compliance with such duty; and in case any person in the employ of such person, firm, or corporation operating such machine continues in such employment when such device has not been installed and maintained, as above provided, such employee shall not be deemed guilty of a want of ordinary care, on account of so continuing in such employment.

167.13 Operation. No person, firm or corporation shall use, operate or permit to be used or operated any such machine purchased prior to June 12, 1909, unless during all the time such machine shall be used and operated it shall be in charge of a competent person whose sole duty shall be to oversee and attend to the operation and use of the same; nor use, operate or permit to be used or operated any such machine whatever while the safety devices or guards are detached.

167.14 Sale regulated. No such machine shall be sold or offered or exposed for sale unless the said machine shall have plainly marked upon it the name and location of the person, firm or corporation manufacturing the same.

167.151 Unlawful operation of corn shredders. Any person, firm or corporation who shall violate any of the provisions

The following are complaints addressed by the Sawyer County Animal Control Officer 07/07/2015 thru 08/10/2015

Animal At Large(Aggressive): V Winter, Round Lk, C Hayward (3)

Animal At Large: V Radisson, Sand Lk, T Winter, T Couderay, Spider Lk, Edgewater, V Winter, C Hayward, Spider Lk, C Hayward (10)

Dog Bite/Exposure: Round Lk, T Hayward, C Hayward, C Hayward (4)

Cat Bite/Exposure:

Dog Locked In A Car: T Hayward, T Hayward, C Hayward (3)

Barking Dog(Public Nuisance): C Hayward, T Hayward (2)

Companion Pet Neglect/Abuse:

Livestock Neglect/Abuse: Sand Lk – horse, T Hayward – horse (2)

Inadequate/No Shelter: C Hayward, T Hayward, Round Lk (3)

Abandoned Animal:

Dead Animal : T Hayward (1)

Puppy Mill:

Lost Dogs: C Hayward, T Hayward, Lenroot, Spider Lk, T Hayward, Round Lk, Spider Lk, T Winter, Round Lk, Round Lk (10)

Found Dogs: T Couderay, Sand Lk, Spider Lk, T Hayward, C Hayward, C Hayward (6)

Lost Cats: Bass Lk, C Hayward, T Hayward, C Hayward(4)

Found Cats: Bass Lk, C Hayward(2)

Impounded: 6

Citations:2

Other: Dog taken during execution of search warrant(owner surrendered to ACO-#650), people upset after surrendering their dog to NHS, assisted bear hunter recover his dog that was lost for a month(located w/broken leg - grateful owner had leg fixed), dog jumped through screened window-at large in traffic-growling(returned to home w/City PD's assistance), raccoon in dumpster(Spider Lk),abandoned cats(30+ -/inside and out) V Cable - Bayfield) tot Humane Officer Bayfield Co, stray found G and 77(Washburn Co),

Missed from last report – cat in a tree-T Hayward-#650 assisted by T Hayward FD w/ladder along w/several others-cat taken to NHS

Year to year license comparison:

Revenues generated

<i>12/15/2013 thru 08/06/2014</i>	<i>\$26,414.00</i>	<i>(2525 licenses sold)</i>
<i>12/15/2014 thru 08/06/2015</i>	<i>\$24,495.00</i>	<i>(2438 licenses sold)</i>

The following are complaints addressed by the Sawyer County Animal Control Officer

	01/06-02/09/15	02/10-03/09	03/10-04/13	04/14-05/11	05/12-06/09	06/10-07/06	07/07-08/10
<i>Animal At Large(Agressive):</i>		2	2	1		1	3
<i>Animal At Large:</i>	8	5	15	15		18	10
<i>Dog Bite/Exposure:</i>	3	1	2	1		1	4
<i>Cat Bite/Exposure:</i>							
<i>Dog Locked In A Car:</i>		1	1	3		4	3
<i>Barking Dog(Public Nuisance):</i>	1	1	1	2			2
<i>Companion Pet Neglect/Abuse:</i>	2		2			1	
<i>Livestock Neglect/Abuse:</i>	1	2		2		1	2
<i>Inadequate/No Shelter:</i>	1	2	2	1		3	3
<i>Abandoned Animal:</i>	1			1			
<i>Dead Animal :</i>			1				1
<i>Puppy Mill:</i>							
<i>Lost Dogs:</i>	4	9	7	5		12	10
<i>Found Dogs:</i>	1	6	7	6		6	6
<i>Lost Cats:</i>	3	2	4	3		3	4
<i>Found Cats:</i>	3	1	2	3		2	2
<i>Impounded:</i>	8	6	8	6		6	6
<i>Citations:</i>			1			1	2
<i>Other:</i>	6	1	6	6			7

MOST CALLS REQUIRED AT LEAST ONE FOLLOW-UP (LICENSING OR CONDITIONS REQUIRING IMPROVEMENT)

Monthly Coroners Report

2014

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD - Total
Death Investigations	6	4	8	6	2	7	4	3	3	6	10	6	65
Natural	4	4	7	5	1	7	3	1	2	5	5	4	48
Accidental	2		1		1		1	1	1	1	2	2	12
Suicide				1				1			3		5
Homicide													0
Pending											0		0
All Cremation Authorizations	15	15	15	17	13	19	17	8	7	11	15	9	161
Posts	1	1	2	0	0	0	0	0	1	1	1	0	7
Hospice	3	3	5	5	4	5	11	5	5	5	4	4	59

2015

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD - Total
Death Investigations	4	4	7	7	11	9	6						48
Natural	4	3	5	5	6	7	4						34
Accidental	0	1	2	0	2	2	0						7
Suicide	0	0	1	2	1	0	0						4
Homicide	0	0	0	0	2	0	0						2
Pending	0	0	0	0	0	0	2						2
All Cremation Authorizations	10	9	13	14	13	14	13						86
Posts	0	0	1	0	4	1	0						6
Hospice	4	3	4	4	4	5	5						29

August 11 , 2015 Public Safety Committee Report

Emergency Government

- Working on and researching grants for radio
- Still waiting to hear on AFG grant
- Recruitment for the ICS/EOC class August 20-21 **NEED JUST 3 MORE TO HOLD CLASS!**
- Americorps Member recruitment closed. LEPC will interview.
- Continue to work on September Hazmat Functional Exercise
- Hazmat Training August 20th
- Completed PIO Training
- Completed 24 hr FEMA Com L class
- 2015-2016 POW with state

Radio Update

- See John Kruk's Report (will be sent later)

Search and Rescue (funded by donations/grants, staffed by volunteers)

- LETS K9 Training Sept 23-27th

Submitted: Pat Sanchez, EM